§ 98. Operation and maintenance of railroad passenger stations in certain municipalities. 1. For the purposes of this section only, "municipality" means (i) a county not wholly contained within a city, (ii) a city having a population of more than twenty-five thousand but less than one million inhabitants according to the most recent federal decennial census, and (iii) a town of the first class.

2. Each municipality may from time to time contract with a railroad corporation providing passenger service by rail to or from any passenger station within the municipality for the operation and maintenance of one or more such stations owned or used by such railroad, including the buildings, appurtenances, platforms, land and approaches incidental or adjacent thereto, provided, however, that such contract shall contain provisions pursuant to which:

a. The railroad agrees for the term of such contract not to discontinue all passenger or all freight service, or petition any regulatory agency having jurisdiction in respect thereof for permission to discontinue all passenger or all freight service, to or from such stations without the consent of the municipality;

b. The railroad agrees for the term of such contract to continue the operation and maintenance of such existing facilities or portions thereof as may be required in the public interest for the sale of passenger tickets and the handling of baggage, mail and freight at such stations;

c. The railroad shall continue responsible for all railroad operations and the maintenance and upkeep of all tracks, rights-of-way, yard facilities, signalling devices, automatic protective devices, third rail and catenary systems, electric power transmission and distribution facilities, bridges, tunnels and other roadway structures and facilities used by such railroad in its railroad operations;

d. With respect to the portion of any such station which is not required by the railroad for the sale of passenger tickets, the handling of baggage, mail and freight or its railroad operations, the

municipality or, if the contracting municipality is a county, the city, town or village within which such station is located, with the consent of such county, or if the contracting municipality is a town, the village within which such station is located, with the consent of such town, may use the same for public purposes, or may lease the same to others for uses generally available to or serving the general public, including but not limited to access to the railroad and related services, facilities for the convenience and comfort of the general public, the parking of vehicles, public assembly, recreation, cultural activities, shelter, and terminal facilities for other modes of transportation; and

e. Such contract shall expire not later than the first day of July next succeeding its effective date.

Any contract made pursuant to this subdivision may contain such other terms and conditions, not inconsistent with the foregoing, as the municipality and the railroad may agree.

3. The municipality may provide the operation and maintenance required under such contract through its own employees or agents, or may, in its discretion, arrange for the performance of such operation and maintenance by the contracting railroad or, if the contracting municipality is a county, by the city, town or village within which such station is located, or, if the contracting municipality is a town, by the village within which such station is located. The county, and any city, town or village performing such operation and maintenance, are hereby authorized to repair, reconstruct, refurbish, paint, alter and otherwise maintain such station subject, however, to the provisions of the contract entered into between the contracting municipality and such railroad pursuant to this section.

4. The maintenance and operation of such stations are hereby declared county, city and town purposes. The cost of any part thereof shall be a county, city or town charge, as the case may be, and shall be paid from funds of the municipality appropriated, raised and expended in the manner provided by law for general county, city or town purposes. Such

funds shall be appropriated or made available in accordance with applicable law (a) in the budget of the municipality or in any amendment or modification thereof, (b) by supplemental or emergency appropriation, (c) by transfer of appropriations, or (d) from a contingent fund, the unexpended balance of any appropriation, unanticipated revenues, any unappropriated unreserved fund balance, as defined in section six-e of this chapter, or similar source.

5. All action authorized to be taken hereunder by a municipality shall be taken by its governing board by local law, ordinance or resolution and, in the case of a county, upon the recommendation of or with the separate approval of its county executive, and any such local law, ordinance or resolution may be amended from time to time.

6. No contract entered into by a municipality pursuant to this section shall be effective until the terms and conditions thereof shall have been approved by the public service commission and the state commissioner of transportation.