§ 1193-a. Actions against the authority. 1. In every action or special proceeding against the authority founded upon tort for damages to real or personal property, or for the destruction thereof, or for personal injuries or death, a notice of claim shall be required to be served upon a member of the authority, its general manager or secretary as a condition precedent to the commencement of an action or special proceeding against the authority or any officer, appointee or employee thereof, and the provisions of section fifty-e of the general municipal law shall govern the giving of such notice.

2. Wherever a notice of claim is filed against the authority examination of said claimant may be had by the authority in accordance with the provisions of section fifty-h of the general municipal law.

3. The authority shall be liable for, and shall assume the liability to the extent that it shall save harmless any duly appointed officer or employee of the authority for the negligence of such officer or employee, in the operation of a vehicle or other facility of transportation under the jurisdiction and control of the authority, upon the public streets, highways or railroads within the city, in the discharge of a duty imposed upon such officer or employee at the time of the accident, injury or damages complained of, while acting in the performance of his duties and within the scope of his employment.

4. Except in an action for wrongful death, no action or special proceeding against the authority founded on tort shall be commenced later than one year and ninety days after the happening of the event or events upon which the claim is based; nor unless it shall appear by and as an allegation in the complaint that at least thirty days have elapsed since the service of such notice of claim as required by subdivision one of this section and that the authority has neglected or refused to make an adjustment or payment of the claim for thirty days after the service of such notice. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

5. The rate of interest to be paid by the authority, or by its

officers or employees whose liability has been assumed by the authority pursuant to subdivision three of this section, upon any judgment or accrued claim against the authority or such officer or employee, shall be the rate of interest provided for in section three-a of the general municipal law.

6. The venue of any action or proceeding against the authority of whatever nature shall be laid in the county of Erie.