§ 1270-a. Metropolitan transportation authority special assistance fund. 1. The authority shall create and establish a fund to be known as the "metropolitan transportation authority special assistance fund" which shall be kept separate from and shall not be commingled with any other moneys of the authority. The special assistance fund shall consist of three separate accounts: (i) the "transit account", (ii) the "commuter railroad account" and (iii) the "corporate transportation account".

The authority shall make deposits in the transit account and the commuter railroad account of the moneys received by it pursuant to the provisions of subdivision one of section two hundred sixty-one of the tax law in accordance with the provisions thereof, and shall make deposits in the corporate transportation account of the moneys received by it pursuant to the provisions of subdivision two of section two hundred sixty-one of the tax law and section ninety-two-ff of the state finance law. The comptroller shall deposit, without appropriation, into the corporate transportation account the revenue fees, taxes, interest and penalties collected in accordance with paragraph (b-1) of subdivision two of section five hundred three of the vehicle and traffic law, paragraph (c-3) of subdivision two of section five hundred three of the vehicle and traffic law, article seventeen-C of the vehicle and traffic law, article twenty-nine-A of the tax law and section eleven hundred sixty-six-a of the tax law.

2. Moneys in the transit account may be pledged to the Triborough bridge and tunnel authority to secure bonds and notes and, if so pledged, shall be paid to the Triborough bridge and tunnel authority in such amounts and at such times as necessary to pay or to reimburse that authority for its payment of debt service and reserve requirements on that portion of special Triborough bridge and tunnel authority bonds and notes issued by that authority pursuant to section five hundred fifty-three-d of this chapter for transit projects undertaken for the New York city transit authority and its subsidiaries. Subject to the provisions of such pledge, any excess monies, or in the event there is no such pledge, any moneys in such account shall, at the direction of the metropolitan transportation authority, be (a) deposited into one or

more funds or accounts and used as contemplated by section twelve hundred seventy-d of this title or (b) used for the payment of operating and capital costs of the New York city transit authority and its subsidiaries and the Staten Island rapid transit operating authority.

3. The authority shall transfer in nineteen hundred eighty-seven up to twenty million dollars of the moneys in the commuter railroad account to the suburban transportation fund in accordance with the terms of an agreement between the authority and the department of transportation with respect thereto, established herein, and pursuant to section eighty-eight-b of the state finance law. In subsequent years the authority shall transfer twenty million dollars of the moneys in the commuter railroad account to the suburban transportation fund in accordance with the terms of an agreement between the authority and the department of transportation with respect thereto, established herein, and pursuant to section eighty-eight-b of the state finance law.

In the event the transfer to the suburban transportation fund provided pursuant to this subdivision results in an operating deficit, as certified by the director of the division of the budget, in consultation with the authority, that portion of the deficit attributable to such transfer shall be appropriated from the general fund to the authority for commuter railroad operating purposes, provided, however, that such appropriation shall not exceed twenty million dollars.

The remaining moneys in the commuter railroad account may be pledged to the Triborough bridge and tunnel authority to secure bonds and notes and, if so pledged, shall be paid to the Triborough bridge and tunnel authority in such amounts and at such times as necessary to pay or to reimburse that authority for its payment of debt service and reserve requirements on that portion of special Triborough bridge and tunnel authority bonds and notes issued by that authority pursuant to section five hundred fifty-three-d of this chapter for transportation facilities undertaken for the authority and its subsidiaries. Subject to the provisions of any such pledge, any excess monies, or in the event there is no such pledge, any moneys in such account shall, at the direction of the metropolitan transportation authority, be (a) deposited into one or

more funds or accounts and used as contemplated by section twelve hundred seventy-d of this title or, (b) used for payment of operating and capital costs of the Long Island Rail Road company and the Metro-North commuter railroad company.

4. (a) Moneys in the corporate transportation account shall first be used for payments to the metropolitan transportation authority Dutchess, Orange and Rockland fund established by section twelve hundred seventy-b of this title. The remaining moneys in the corporate transportation account may be pledged by the authority, or pledged to the Triborough bridge and tunnel authority, to secure bonds, notes or other obligations of the authority or the Triborough bridge and tunnel authority, as the case may be, and, if so pledged to the Triborough bridge and tunnel authority, shall be paid to the Triborough bridge and tunnel authority in such amounts and at such times as necessary to pay or to reimburse that authority for its payment of debt service and reserve requirements, if any, on that portion of special Triborough bridge and tunnel authority bonds and notes issued by that authority pursuant to section five hundred fifty-three-d of this chapter. Subject to the provisions of any such pledge, or in the event there is no such pledge, any excess moneys in the corporate transportation account may be used by the authority for payment of operating costs of, and capital costs, including debt service and reserve requirements, if any, of or for the authority, the New York city transit authority and their subsidiaries as the authority shall determine.

(b) Commencing in calendar year nineteen hundred eighty-nine, and in each subsequent year thereafter, the authority shall transfer in four equal quarterly amounts from the corporate transportation account to the metropolitan transportation authority Dutchess, Orange and Rockland fund created by section twelve hundred seventy-b of this title the following amounts: to the Dutchess account of such fund the sum of one million five hundred thousand dollars; to the Orange account of such fund the sum of one million five hundred thousand dollars; and to the Rockland account of such fund the sum of two million dollars.

(c) Commencing in calendar year nineteen hundred ninety, and each year thereafter, the authority shall transfer from the corporate transportation account to the Dutchess account, the Orange account and

the Rockland account, respectively, an amount equal to the percent by which such county's payments to the authority in the preceding calendar year pursuant to the provisions of subdivisions one and two of section two hundred sixty-one of the tax law increased over such payments in nineteen hundred eighty-nine times one million five hundred thousand dollars for Dutchess county, one million five hundred thousand dollars for Orange county and two million dollars for Rockland county; provided, however, that in no event shall such amount reduce the amount that each county would receive pursuant to paragraph (b) of this subdivision be reduced by operation of this paragraph, and provided further, however, for purposes of calculating the percent by which such county's payments to the authority in the preceding calendar year pursuant to the provisions of subdivisions one and two of section two hundred sixty-one of the tax law increased over such payments in nineteen hundred eighty-nine, there shall be excluded the amount by which the payments in each such year increased as a result of the recording tax imposed pursuant to the provisions of subdivision one of section two hundred sixty-one of the tax law being in excess of twenty-five cents for each one hundred dollars.

(d) (1) In the event the county of Dutchess, the county of Orange or the county of Rockland withdraws from the metropolitan transportation district, the authority shall not transfer from the corporate transportation account to the metropolitan transportation authority Dutchess, Orange and Rockland fund that portion of the moneys that would otherwise be transferred from such account to such fund to the credit of such withdrawing county or counties.

(2) For purposes of this subdivision, a county is deemed to have withdrawn if a resolution is adopted and filed by the county legislature of such county providing a public transportation plan pursuant to section twelve hundred seventy-nine-b of this title.

(e) Notwithstanding the foregoing provisions of this subdivision, any moneys in the corporate transportation account that are received by the authority: (i) without appropriation pursuant to subdivision one of this section, or (ii) pursuant to the provisions of section ninety-two-ff of the state finance law may be pledged by the authority, or pledged to the Triborough bridge and tunnel authority, to secure bonds, notes or other obligations of the authority or the Triborough bridge and tunnel

authority, as the case may be, and, if so pledged to the Triborough bridge and tunnel authority, shall be paid to the Triborough bridge and tunnel authority in such amounts and at such times as necessary to pay or to reimburse that authority for its payment of debt service and reserve requirements, if any, on that portion of special Triborough bridge and tunnel authority bonds and notes issued by that authority pursuant to section five hundred fifty-three-d of this chapter. Subject to the provisions of any such pledge, or in the event there is no such pledge, any moneys in the corporate transportation account received by the authority: (i) without appropriation pursuant to subdivision one of this section, or (ii) pursuant to the provisions of section ninety-two-ff of the state finance law may be used by the authority for payment of operating costs of, and capital costs, including debt service and reserve requirements, if any, of or for the authority, the New York city transit authority and their subsidiaries as the authority shall determine. No moneys in the corporate transportation account that are reserved by the authority: (i) without appropriation pursuant to subdivision one of this section; or (ii) pursuant to the provisions of section ninety-two-ff of the state finance law may be used for making any payment to the Dutchess, Orange and Rockland fund created by section twelve hundred seventy-b of this title or considered in calculating the amounts required to be paid into such fund.