

MTA Legislation

NY CLS Pub A § 550

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 550. Short title

This title may be cited as the “Triborough bridge and tunnel authority act”.

History

Add, L 1939, ch 870; amd, L 1946, ch 954, eff Apr 22, 1946.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 551. Definitions

As used or referred to in this title, unless a different meaning clearly appears from the context,

1. The term “authority” shall mean the Triborough bridge and tunnel authority, the corporation organized pursuant to section five hundred fifty-two of this chapter as consolidated pursuant to section five hundred fifty-two-a of this chapter;
2. The term “city” shall mean the city of New York;
3. The term “bonds” shall mean bonds issued by the authority pursuant to this title or by authorities consolidated with the authority;
4. The term “board” shall mean the members of the authority;
5. The term “comptroller” shall mean the comptroller of the city;
6. The term “the project” shall mean any project or one or more or all of the projects described in subdivision nine of section five hundred fifty-three or in section five hundred fifty-three-a of this chapter;
7. The term “parkway” shall include elevated, surface or subsurface parkways and parking fields and other facilities connected therewith, and any bridge, viaduct, embankment or other structure that is part thereof or crosses the same;
8. The term “highway” shall mean any road, street, avenue or boulevard, whether elevated, surface or subsurface, and includes any parking fields and other facilities connected therewith and any bridge, viaduct, embankment or other structure that is a part thereof or crosses the same.
9. The term “metropolitan transportation authority” shall mean the corporation created by section twelve hundred sixty-three of this chapter.
10. The term “New York city transit authority” shall mean the corporation created by section twelve hundred one of this chapter.

History

Add, L 1939, ch 870; amd, L 1939, ch 874; L 1940, ch 6; L 1946, ch 954, eff Apr 22, 1946; L 1955, ch 806, § 1, eff Apr 28, 1955; L 1967, ch 717, § 61, eff March 1, 1968.

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§ 552. Triborough bridge and tunnel authority

1. A board, to be known as “Triborough bridge and tunnel authority” is hereby created. Such board shall be a body corporate and politic constituting a public benefit corporation. It shall consist of seventeen members, all serving ex officio. Those members shall be the persons who from time to time shall hold the offices of chairman and members of metropolitan transportation authority. The chairman of such board shall be the chairman of metropolitan transportation authority, serving ex officio, and, provided that there is an executive director of the metropolitan transportation authority, the executive director of the authority shall be the executive director of the metropolitan transportation authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman and executive director, if any, each shall be empowered to delegate his or her functions and powers to the executive officer of the Triborough bridge and tunnel authority or to such person as may succeed to the powers and duties of said executive officer. The chairman and other members of the board hereby created, and the executive director, if any, shall not be entitled to compensation for their services hereunder but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

2. A majority of the whole number of members of the authority then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the authority. Except as otherwise specified in this title for the transaction of any business or the exercise of any power of the authority, the authority shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance and except further, that in the event of a tie vote the chairman shall cast one additional vote. For the purposes of the voting and quorum requirements of this subdivision, the voting and quorum requirements set forth in subdivision three of section twelve hundred sixty-three of this chapter and in any by-law of the metropolitan transportation authority adopted pursuant to the provisions of such subdivision shall be applicable hereto. Such board and its corporate existence shall continue only for a period of five years and thereafter until all its liabilities have been met and its bonds, notes and other obligations have been paid in full or such liabilities or bonds, notes or other obligations have otherwise been discharged, including bonds, notes or other obligations issued by the metropolitan transportation authority that are payable in whole or in part by revenues of the authority. When all liabilities incurred by the authority of every kind and character have been met and all its bonds, notes and other obligations have been paid in full, including bonds, notes or other obligations issued by the metropolitan transportation authority that are payable in whole or in part by revenues of the authority, or such liabilities or bonds, notes or other obligations have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the city, except those rights and properties held by it relating to the convention center which shall pass to and be vested in the state. The authority shall retain full jurisdiction and control over all its projects, with the right and duty, subject to the limitations of subdivision nine of section five hundred fifty-two-a of this title, to charge tolls and collect revenues therefrom, for the benefit of the holders of any of its bonds, notes or other obligations or other liabilities, even if not issued or incurred in connection with the project. Upon the authority's ceasing to exist all its remaining rights and properties shall pass to the city, except those rights and properties held by it relating to the convention center which shall pass to the state.

§ 552. Triborough bridge and tunnel authority

3. Notwithstanding any inconsistent provisions of this or any other law, general, special or local, no officer or employee of the state or of any public corporation as defined in the general corporation law shall be deemed to have forfeited or shall forfeit his office or employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of being a member or the chairman of the authority.

History

Add, L 1939, ch 870; amd, L 1946, ch 954; L 1957, ch 547, eff Apr 15, 1957; L 1967, ch 717, § 62, eff March 1, 1968; L 1979, ch 35, § 10, ch 727, § 5, ch 735, § 11; L 1979, ch 275, § 2, ch 727, § 4; L 1981, ch 314, § 4, eff June 29, 1981; L 1983, ch 531, § 1, eff July 19, 1983; L 1986, ch 929, § 15, eff Dec 31, 1986, 16, eff Dec 31, 1986; L 2000, ch 61, § 1 (Part O), eff May 15, 2000; L 2005, ch 766, § 5, eff Jan 13, 2006; L 2009, ch 25, § 7 (Part H); L 2009, ch 506, § 25, eff March 1, 2010.

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§ 552-a. Consolidation

1.

(a) Triborough bridge authority, the corporation created pursuant to section five hundred fifty-two of this chapter, as originally enacted, and the New York city parkway authority, the corporation created by section two hundred seventy-seven* of this chapter, are hereby consolidated into a single corporation to be known as Triborough bridge authority, which shall be a continuance of the corporate existence of the authorities so consolidated.

(b) Triborough bridge authority, the corporation as consolidated pursuant to paragraph one-a of this section, and New York city tunnel authority, the corporation created pursuant to section six hundred twenty-seven* of this chapter, are hereby consolidated into a single corporation to be known as Triborough bridge and tunnel authority, which shall be a continuance of the corporate existence of the authorities so consolidated.

2. In this section the words “original authorities” refer to authorities which are consolidated pursuant to subsection one of this section before their consolidation, and the words “consolidated authority” refer to the single authority resulting from consolidation.

3. The board created by section five hundred fifty-two of this chapter shall be the board of the consolidated authority and all powers of the consolidated authority shall be vested in and exercised by said board.

4. All property, rights and powers of each of the original authorities are hereby vested in and shall be exercised by the consolidated authority, subject, however, to all pledges, covenants, agreements and trusts made or created by the original authorities, respectively.

5. All debts, liabilities, obligations, agreements and covenants of the original authorities are hereby imposed upon the consolidated authority.

6. All bondholders and other creditors of the original authorities and persons having claims against or contracts with the original authorities of any kind or character may enforce such debts, claims and contracts against the consolidated authority in the same manner as they might have against the original authorities respectively, and the rights and remedies of such bondholders, creditors and persons having claims or contracts shall not be limited or restricted in any manner by this title.

7. In continuing the functions and carrying out the contracts, obligations and duties of any of the original authorities, the consolidated authority is hereby authorized to act in its own name or in the name of the original authorities as may be convenient or advisable.

8. All employees of the original authorities shall become employees of the consolidated authority. Nothing in this title shall affect the civil service status of such employees or their rights, privileges, obligations or status with respect to any pension or retirement system.

9. The foregoing provisions of this section and of all other sections of this title are subject to the following limitation: that the consolidated authority, after the consolidation effected by subdivision one-b of this

* Repealed by L 1956, ch 557, §§ 4, 7.

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section, shall not apply any tolls or revenues derived from projects which before such consolidation were under control of one of the original authorities to the payment of bonds, or interest thereon, either issued, or for the issuance of which a contract has been made, before such consolidation by the other of the original authorities, or to the payment of any certificate of indebtedness issued, at any time, for unpaid interest on such bonds; but this shall not limit the application of tolls or revenues from any project to the payment of bonds (including refunding bonds) authorized by the consolidated authority after consolidation.

History

Add, L 1940, ch 6; amd, L 1946, ch 954, eff Apr 22, 1946; L 1967, ch 717, § 63, eff March 1, 1968.

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§ 553. Powers of the authority.

The authority shall have power

1. to sue and be sued;
2. To have a seal and alter the same at pleasure;
3. [Eff until June 30, 2028] To acquire, hold and dispose of personal property for its corporate purposes, including, the power to dispose of personal property with a value of five hundred thousand dollars or less by public auction in accordance with guidelines adopted by the authority pursuant to title five-A of article nine of this chapter. The board shall adopt guidelines that shall provide for advertising and such other safeguards as the authority may deem appropriate in the public interest.
3. [Eff June 30, 2028] To acquire, hold and dispose of personal property for its corporate purposes;
4. To acquire, in the name of the city, by purchase or condemnation real property or rights or easements therein necessary or convenient for its corporate purposes, and, except as may otherwise be provided herein, to use the same so long as its corporate existence shall continue;
 - 4-a. Whenever any real property is determined by the authority to be unnecessary for its corporate purpose.
 - (a) to surrender such real property to the board of estimate of the city for other public use or purpose of such city, or
 - (b) to sell and convey or lease in behalf of such city any real property acquired by the city at the expense of the authority. The proceeds of any such sale or lease shall be paid to the authority and applied to its corporate purpose. Any such lease shall run for a term not to exceed ten years, and a renewal thereof for a term not to exceed ten years.
 - 4-b. To apply for and receive and accept grants of property, money and services and other assistance offered or made available to it by any person, government or agency whatever, which it may use to meet capital or operating expenses and for any other use within the scope of its powers, and to negotiate for the same upon such terms and conditions as the authority may determine to be necessary, convenient or desirable. Subject to the rights of the holders of any outstanding bonds, notes or other obligations of the authority, metropolitan transportation authority, and New York city transit authority, and to facilitate the efficient financial management of the authority, metropolitan transportation authority, its subsidiary corporations, and New York city transit authority and its subsidiary corporations (the "affiliated entities"), the authority may, and may permit and direct any affiliated entity to, transfer revenues, subsidies and other monies or securities to one or more funds or accounts of another affiliated entity for use by such other affiliated entity, provided at the time of such transfer it is reasonably anticipated that the monies and securities so transferred will be reimbursed, repaid or otherwise provided for by the end of the next succeeding calendar year if reimbursement or repayment is required by law or by any agreement to which any of the affected affiliated entities is subject. Any revenues of an affiliated entity that are transferred to another affiliated entity, which transfer was not authorized by a provision of law other than this subdivision, shall be considered to be

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required to be repaid to the affiliated entity which was the source of such revenues by the end of the next succeeding calendar year following such transfer.

5. To make by-laws for the management and regulation of its affairs, and subject to agreements with bondholders, rules and regulations for the regulation of the use of the project and the establishment and collection of tolls thereon. Violation of such rules and regulations shall be a misdemeanor punishable by a fine of not exceeding fifty dollars or by imprisonment for not longer than thirty days, or both, except that violation of any rule or regulation governing or regulating traffic on the projects of the authority shall be a traffic infraction as the same is defined in the vehicle and traffic law and shall be punishable as such;

6. With the consent of the city to use agents, employees and facilities of the city, paying its proper proportion of the compensation or cost, and to use the corporation counsel as legal adviser;

7. To appoint officers, agents and employees and fix their compensation; subject, however, to the provisions of the civil service law, as hereinafter provided;

7-a. Notwithstanding any inconsistent provision of law, the bridge and tunnel officers employed by the authority shall have the power to issue simplified traffic informations for traffic infractions as defined in section one hundred fifty-five of the vehicle and traffic law, committed on the sites owned, operated and maintained by the triborough bridge and tunnel authority, such informations to be administered pursuant to the provisions of title A of chapter forty of the administrative code of the city of New York or article two-A of the vehicle and traffic law, as applicable and also shall have the power to issue notices of violation for transit infractions committed in and about any or all of the facilities, equipment or real property owned, occupied or operated by the metropolitan transportation authority or its subsidiaries and the New York city transit authority and its subsidiaries, as provided and in accordance with section twelve hundred nine-a of this chapter. Nothing set forth in this subdivision shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements, or impact or change an employee's membership in a bargaining unit.

7-b. [Repealed]

8. To make contracts, and to execute all instruments necessary or convenient;

9. To acquire, design, construct, maintain, operate, improve and reconstruct, so long as its corporate existence shall continue, the following projects,

(a) a bridge heretofore constructed, known as Robert F. Kennedy bridge, over the East river from the borough of Queens to the boroughs of Manhattan and the Bronx, over and across Ward's island and Randall's island in said river, together with such incidental bridges and structures as shall be necessary or convenient in order to give access from the bridge to both of said islands, together with approaches to said bridges (herein collectively referred to as the "Robert F. Kennedy bridge project"); and

(b) a bridge heretofore constructed, known as Bronx-Whitestone bridge, over the East river from a point at or near Whitestone in the borough of Queens to the borough of the Bronx, together with approaches to such bridge (herein collectively referred to as the "Whitestone bridge project"); and

(c) a bridge heretofore constructed, known as Henry Hudson bridge, across the Harlem river ship canal together with approaches to such bridge and together with so much of the parkway known as Henry Hudson parkway as extends southerly from said bridge through Inwood Hill park to the northerly end of Riverside drive, (as it was before the construction of said parkway) (herein collectively referred to as the "Henry Hudson bridge project"); and

(d) a bridge heretofore constructed, known as Marine parkway bridge, to be known hereafter as the Marine parkway—Gil Hodges memorial bridge, from the borough of Brooklyn across the waters of Rockaway inlet to Jacob Riis park in the borough of Queens, together with the approaches to such bridge and together with the parkway of which said bridge is a part, (and the parking field connected therewith), from and including the toll plaza north of said bridge extending eastwardly

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from said bridge to the easterly boundary of Jacob Riis park (herein collectively referred to as the "Marine parkway bridge project"); and

(e) a bridge heretofore constructed known as Cross Bay parkway bridge, to be known hereafter as the Cross Bay Veterans Memorial bridge, from Big Egg marsh in Jamaica bay in the borough of Queens across the waters of Beach channel to Rockaway peninsula in said borough, together with the parkway known as Cross Bay parkway, of which said bridge is a part, from and including the toll plaza north of said bridge southerly to the right of way of the Long Island railroad on Rockaway peninsula (herein collectively referred to as the "Cross Bay parkway bridge project"); and

(f) a vehicular tunnel or tunnels heretofore constructed, known as Queens Midtown tunnel, under the East river from the borough of Manhattan to the borough of Queens, together with such incidental bridges and tunnels, including but not limited to, a tunnel or tunnels or bridge across Newtown creek from the borough of Queens to the borough of Brooklyn and such other structures, appurtenances, facilities and approaches as shall be necessary or convenient; and

(g) a vehicular tunnel or tunnels under construction, known as tunnel, under the East river from the southerly end of the borough of Manhattan to the general vicinity of Hamilton avenue in the borough of Brooklyn, together with such incidental tunnels and such other structures, appurtenances, facilities and approaches as shall be necessary or convenient; and

(h) a vehicular tunnel or tunnels or bridge, herein called the Brooklyn Richmond project, under or across New York bay from the borough of Richmond to the borough of Brooklyn, together with such incidental tunnels, bridges and such other structures, appurtenances, facilities and approaches as shall be necessary or convenient; and

(i) a vehicular tunnel or tunnels or arterial highway across the borough of Manhattan connecting the Queens Midtown tunnel with the Lincoln (Midtown Hudson) tunnel, together with such incidental tunnels and such other structures, appurtenances, facilities and approaches as shall be necessary or convenient; and

(j) Bus stations or terminals or automobile parking garages at or in the vicinity of the Columbus circle in the borough of Manhattan and of the Manhattan plazas of the Queens Midtown and Hugh L. Carey tunnels. Any such project may, subject to zoning restrictions, include space and facilities for any or all of the following: public recreation, business, trade and other exhibitions, sporting and athletic events, public meetings, conventions and all kinds of assemblages, and in order to obtain additional revenues, space and facilities for business and commercial purposes. Whenever the authority deems it to be in the public interest, the authority may lease any such project or any part or parts thereof or contract for the management and operation thereof or of any part or parts thereof. Any such lease or contract may be for a period of not exceeding ten years, or, if any of the revenues therefrom are or are to be pledged to secure bonds then such lease or contract may be for a period extending not later by more than one year than the last maturity of such bonds.

(k) Subject to and in accordance with all contract provisions with respect to any bonds and the rights of the holders of bonds, a vehicular bridge across the East river between the boroughs of the Bronx and Queens, east of the Bronx-Whitestone bridge, together with such incidental bridges and other structures, appurtenances, facilities and approaches as shall be necessary or convenient (herein collectively referred to as the "Throgs Neck bridge project"). With the consent of the United States of America, the Throgs Neck bridge project or a portion thereof, if deemed necessary or convenient by the authority, may be constructed upon or pass over any part of the military reservation known as Fort Schuyler and owned by the United States of America. No lands, easements or rights in land shall be acquired by the authority for the purposes of this paragraph without the prior consent of the board of estimate of the city.

(l) Subject to section five hundred fifty-three-b of this title, a convention and exhibition center, including facilities ancillary or functionally related thereto, to be built in New York county at a

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location generally bounded by thirty-ninth street on the north, thirtieth street on the south, eleventh avenue on the east and twelfth avenue on the west (herein referred to as the convention center).

(m) Subject to section five hundred fifty-three-c of this title, the acquisition of new rapid transit cars and the transfer of the same to the New York city transit authority for a nominal consideration. The authority shall have no obligation to operate, repair, maintain or reconstruct such cars subsequent to their acquisition and transfer nor shall it be liable to the New York city transit authority by reason of any warranty, express or implied, in respect to such cars. Manufacturers or other warranties furnished to the authority in connection with the purchase of such cars shall be assigned to the New York city transit authority for enforcement.

(n) Subject to section five hundred fifty-three-c of this title, the rehabilitation of existing rapid transit cars of the New York city transit authority upon such terms and conditions as shall be agreed to by the parties. The authority shall have no obligation to operate, repair, maintain or reconstruct such cars subsequent to the rehabilitation and transfer back to the New York city transit authority nor shall it be liable to the New York city transit authority by reason of any warranty, express or implied, in respect to such cars. Manufacturers or other warranties furnished to the authority in connection with the purchase of parts or materials for such cars shall be assigned to the New York city transit authority for enforcement.

(o) Subject to section five hundred fifty-three-c of this title, the acquisition of new diesel self-propelled railroad passenger cars and the transfer of the same to the metropolitan transportation authority, for a nominal consideration, for use on commuter railroads owned or controlled by the metropolitan transportation authority. The authority shall have no obligation to operate, repair, maintain or reconstruct such cars subsequent to their acquisition and transfer, nor shall it be liable to the metropolitan transportation authority by reason of any warranty, express or implied, in respect of such cars. Manufacturers or other warranties furnished to the authority in connection with the purchase of such cars shall be assigned to the metropolitan transportation authority for enforcement.

(p) Subject to section five hundred fifty-three-c of this title, the acquisition of land in the name of the authority in the vicinity of Penn Station in the city of New York and/or the improvement of such land for the benefit of the Long Island Rail Road for a lay-up yard and other railroad purposes and the transfer of the said land and any improvements thereon to the metropolitan transportation authority, parent corporation of the said railroad, for a nominal consideration. The authority shall have no obligation to operate, repair, maintain or reconstruct such land or its improvements subsequent to such transfer.

(q) [Repealed]

(r) In its discretion and subject to and in accordance with all contract provisions with respect to any bonds and the rights of the holders of bonds, at the request of the New York city transit authority or the metropolitan transportation authority, (i) the planning for and the design, acquisition, construction, improvement, reconstruction or rehabilitation, in the name of the authority, of any capital asset, whether in the nature of personal or real property (or any interest therein) which is used or useful for a transit or transportation purpose other than a marine or aviation purpose of the requesting authority or its designated subsidiary (and in the case of such assets then owned, operated by or under lease to the requesting authority or its designated subsidiary, the receipt by the authority of the use, occupancy, control or possession of such assets for the purpose of planning, designing, constructing, improving, reconstructing or rehabilitating the same) and the transfer or transfer back of such asset to the requesting authority, its designated subsidiary or other designee for a nominal consideration upon its acquisition or upon the completion of such improvement, construction, reconstruction or rehabilitation; or, alternatively or in combination with the foregoing, (ii) the making of capital grants to the requesting authority or its designated subsidiary to permit it to undertake and to finance such planning, design, acquisition, improvement, construction, reconstruction or rehabilitation, or, alternatively or in combination with the foregoing,

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(iii) the financing of all or any part of the costs to the authority or to any other person or entity, public or private, of such planning, design, acquisition, construction, improvement, reconstruction or rehabilitation of any such capital asset through or accompanied by a leasing of the asset by such person or entity to the authority or through or accompanied by a sale by the authority to any such person or entity and leaseback to the authority, in each case for subleasing to the requesting authority, its designated subsidiary or other designee for a nominal rental, except that such leasing or leaseback from such person or entity may be directly to the requesting authority or its designated subsidiary or other designee, for consideration, with the consent and at the expense of the authority. The foregoing authorization shall extend to and include the continuation of projects enumerated in paragraphs (m), (n), (o) and (p) of this subdivision without regard to any limitations set forth in section five hundred fifty-three-c of this title. The authority shall have no obligation to operate or, except as may otherwise be provided in any lease to which it may be a party as aforesaid, repair or maintain any capital asset after its acquisition, construction, improvement, reconstruction or rehabilitation and subsequent transfer, lease or sublease, nor shall it be liable to the transferee, lessee or sublessee by reason of any warranty, express or implied, in respect thereof. Warranties furnished in connection with such acquisition, improvement, construction, reconstruction or rehabilitation shall be assignable and assigned as directed by the requesting authority and approved by the authority.

The word "approaches" shall include all structures necessary or convenient to give access to the project from connecting streets and roads;

(s) The central business district tolling program to the extent specified in article forty-four-C of the vehicle and traffic law and in this title.

10. In its discretion

(a) in the case of the Robert F. Kennedy bridge project and the Whitestone bridge project to pay to the city not exceeding thirty-five per centum of the cost (including awards for damages and expenses) of the acquisition of land for the widening of existing roads, streets, parkways or avenues and for new roads, streets, parkways or avenues, connecting with the approaches.

(b) to purchase from the persons, partnerships, associations or corporations who were the owners of any land acquired for the widening of existing roads, streets, parkways or avenues or for new roads, streets, parkways or avenues connecting with the approaches or of any interest in such land at the date title to such land was vested in the city in any proceeding heretofore or hereafter instituted for the acquisition thereof by condemnation, or from their successors in interest or legal representatives, their right, title, interest and/or claim in and to the award or awards or any part thereof to be made in such proceeding after the date of such purchase, and to take an assignment thereof to the authority, provided, however, that in the case of the Robert F. Kennedy bridge project and the Whitestone bridge project the aggregate amount expended by the authority on account of all such purchases together with the aggregate amount paid to the city in accordance with paragraph (a) of this subdivision, shall not exceed thirty-five per centum of the cost (including awards for damages and expenses) of the acquisition of land for the widening of existing roads, streets, parkways or avenues, and for new roads, streets, parkways or avenues, connecting with the approaches,

(c) to construct, in whole or in part, an elevated parkway in the borough of Brooklyn from the southerly terminus of the Gowanus creek bridge project to a point at or near Owls Head park connecting with the Gowanus creek bridge project, and

(d) with the consent of the city to construct and develop for the purpose of public parks so much of the area of lands, selected as in this title provided, or otherwise acquired or to be acquired and used in connection with the project and with new or existing roads, streets, parkways or avenues connecting with such projects, and so much of the area of lands now owned by the city to be used in connection with such projects or with new or existing roads, streets, parkways or avenues connecting with such projects, as shall be agreed upon under a contract or contracts hereby

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authorized to be entered into between the authority and the city, at the sole expense of the authority and done under construction contracts let and supervised by the authority, pursuant to plans and specifications prepared by the authority, the commissioner of parks and recreation of the city or other agency.

The city shall maintain such connecting roads, streets, parkways and avenues as provided by law. The public parks and the parkways herein referred to as connecting with the approaches, any part of the cost of which is paid by the authority, shall be under the jurisdiction of the department of parks and recreation of the city and shall be maintained by that department. Service roads appurtenant to said parkways shall be under the jurisdiction of the city commissioner of transportation and shall be maintained by him;

11. To design and with the consent of the city, to construct new parks, parkways or highways or improvements to existing parks, parkways or highways either connecting directly or indirectly with the project or for the purpose of attracting or facilitating traffic or improving approaches to and connections with the project. The authority shall have no jurisdiction or control over any new parks, parkways or highways constructed by it pursuant to the provisions of this paragraph eleven after the completion of the construction thereof. The general powers conferred in this subdivision eleven shall include the power heretofore conferred on the parkway authority to construct a northerly extension of Cross Bay parkway in the borough of Queens, as authorized in sections two hundred seventy-eight, two hundred eighty-two-a and two hundred eighty-two-b of this chapter, and such general powers shall not be construed to be limited by the provisions of this act granting the power to construct any particular improvement, but shall be construed as an extension of the powers of the authority.

12. To charge tolls, fees or rentals for the use of the project, subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided. The toll rates charged for the use of either the Triborough or Whitestone bridge project shall, however, never be less than the toll rates charged for the use of the other, and this clause shall be deemed an obligation to the holders of any and all bonds at any time issued secured by the revenues of said projects. Subject to contracts with bondholders, all tolls and other revenues derived from any project shall be applied to the payment of operating, administration and other necessary expenses of the authority properly chargeable to such project and thereafter to the payment of interest or principal of bonds or for making sinking fund payments for bonds, not otherwise adequately provided for, whether issued in connection with such project or any other project. It is the intention hereof that surplus funds from any project remaining after providing for the payment of all operating, administration and other necessary expenses of the authority and all contract provisions with respect to any bonds, may be used to meet obligations incurred for other projects and if not so used or reserved for such use shall, at the discretion of metropolitan transportation authority, be transferred to metropolitan transportation authority or New York city transit authority pursuant to section five hundred sixty-nine-c of this title. Subject to contracts with bondholders, the authority may treat one or more projects as a single enterprise in respect of revenues, expenses, the issuance of bonds, maintenance, operation or other purposes;

12-a. To establish and charge variable tolls, fees and other charges for vehicles entering or remaining within the central business district and to make rules and regulations for the collection of such tolls, fees and other charges, subject to and in accordance with such agreement with bondholders and applicable federal law as may be made as hereinafter provided. Subject to agreements with bondholders and applicable federal law, all tolls, fees and other revenues derived from the central business district tolling program shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly allocable to such program, including the capital costs of such program, and to the payment of interest or principal of bonds, notes or other obligations of the authority or the metropolitan transportation authority issued for transit and commuter projects as provided in section five hundred fifty-three-j of this title, and shall not be subject to distribution under section five hundred sixty-nine-c of this title or section twelve hundred nineteen-a of this chapter. The provisions of section twenty-eight hundred four of this chapter shall not be applicable to the tolls and fees established by the authority pursuant to this subdivision. Any such fares, tolls, and other charges

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shall be established and changed only if approved by resolution of the authority adopted by not less than a majority vote of the whole number of members of the authority then in office, with the chairman having one additional vote in the event of a tie vote, and only after a public hearing.

13. To construct and maintain over, under, along or across the project telephone, telegraph, or electric wires and cables, gas mains, water mains and other mechanical equipment not inconsistent with the appropriate use of the project, to contract for such construction and to lease the right to construct and/or use the same on such terms and for such considerations as it shall determine, provided, however, that no lease shall be made except with the approval of the board of estimate of the city, or for a period of more than twenty years from the date when it is made;

14. To construct and maintain facilities for the public, not inconsistent with the use of the project, to contract for such construction, and to lease the right to construct and/or use such facilities on such terms and for such considerations as it shall determine, provided, however, that no lease shall be made for a period of more than five years from the date when it is made except with the approval of the board of estimate of the city;

15. To issue negotiable bonds and to provide for the rights of the holders thereof;

16. To enter on any lands, waters, and premises for the purpose of making surveys, soundings and examinations;

16-a. With the consent of the city and notwithstanding any other provision of law, whenever real property having dwellings or other structures thereon has been acquired by the authority or the city for the purpose of constructing any project authorized by this title, (a) to acquire real property by purchase, gift, devise or condemnation in the manner provided in this title, and as the agent of the city, for the purpose of providing new sites on which such dwellings or other structures may be relocated; (b) to sell such dwellings or other structures or to provide for the removal, relocation and improvement of such dwellings or other structures on new foundations at such new sites by contract or by its own labor force or by a combination of methods; (c) to contract for the installation of water, sewer, gas and electrical facilities and other necessary appurtenances required for the completion and restoration of such dwellings or other structures; (d) to landscape such new sites; (e) to contract with any person, firm or corporation or with the city for the improvement or installation of streets, sewers, water lines or other facilities in connection with the relocation of such dwellings or other structures and to pay the cost thereof; (f) to contract with the several owners of such property for the conveyance of the new sites with improvements thereon to such owner in settlement in part or in whole of the compensation and damage to which they are entitled; and (g) to sell such sites with or without dwellings or other structures and improvements thereon.

The authority may agree with the owners of property acquired, in settlement in part or in whole of the damages to which they are entitled, to compensate such owners for the cost of acquiring new sites, removing dwellings thereto on new foundations, the installation of water, sewer, gas and electrical facilities and other necessary appurtenances required for the complete restoration of such dwellings or other structures and landscaping of the new site.

For the purposes of this subdivision, the term "structures" shall mean and include buildings used as and for hospitals, schools, community and religious institutions, cultural and recreational and other neighborhood and community facilities, but shall exclude retail stores, factories and commercial and industrial establishments of any kind.

17. To do all things necessary or convenient to carry out the powers expressly given in this title and to assist and cooperate with the metropolitan transportation authority to carry out the powers of the metropolitan transportation authority in furtherance of the purposes and powers of the authority as provided in this article, including, without limitation, the transactions described in sections twelve hundred sixty-six-c, twelve hundred sixty-nine, and twelve hundred seventy-d of this chapter.

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18. A copy of any report submitted by the authority pursuant to sections twenty-eight hundred, twenty-eight hundred one and twenty-eight hundred two of this chapter shall be submitted contemporaneously to the mayor of the city.

19. To acquire in its own name certain real or personal property, or any interest therein, including leasehold interests, air and subsurface rights, easements and lands under water at a site located in New York county and generally bounded by thirty-third street on the north, thirtieth street on the south, tenth avenue on the east and eleventh avenue on the west, such property or any interest therein to be acquired for railroad or other corporate purposes, and in the event such real or personal property or any interest therein is determined by the authority to be unnecessary for railroad or other corporate purposes, to sell, convey or lease in its own name such real or personal property or any interest therein.

20. Prior to the adoption after January first, nineteen hundred eighty-seven by the authority of a general resolution pursuant to which it is authorized to issue any general or special obligation bonds or notes to finance a project pursuant to the authorization contained in paragraph (r) of subdivision nine of this section, not including any series resolution or resolutions, and prior to the adoption of any amendment to a general resolution, whenever adopted, pursuant to which it is authorized to issue any general or special obligation bonds or notes for such purpose, not including a series resolution or resolutions, the authority shall submit a copy of such proposed resolution to the metropolitan transportation authority capital program review board (hereinafter referred to as the "board"). Within fifteen days of such submission, the board may notify the authority of its unanimous approval of the same by the members entitled to vote thereon, or if the resolution is not approved and no individual member of the board who is entitled to vote on such resolution has notified the authority in writing of his disapproval, the resolution shall be deemed to have been approved. Neither the board nor any member thereof shall disapprove a proposed resolution by reason of any covenant requiring the authority to charge and fix tolls, rentals and other charges sufficient to pay its operating expenses and the debt service, including the funding of requisite reserves, on the bonds and notes authorized by such resolution. If the board or any member thereof entitled to vote thereon shall disapprove a proposed resolution, the authority may, at any time, resubmit a reformulated resolution. Within ten days of the submission of such reformulated resolution the board may notify the authority of its unanimous approval of the same by the members entitled to vote thereon, or, if the reformulated resolution is not approved and no individual member of the board who is entitled to vote thereon has notified the authority in writing of his disapproval within such period, the reformulated resolution shall have been deemed to have been approved. Any individual member of the board who votes against a resolution or a reformulated resolution or who notifies the authority of his disapproval shall state his reasons therefor. The member appointed on the recommendation of the mayor of the city of New York shall participate in the action of the board with respect to any resolution of the authority submitted pursuant to this subdivision. The authority shall not adopt a resolution or any amendment to a resolution disapproved by the board as herein provided.

21. To invest any funds, accounts or other monies not required for immediate use or disbursement, at the discretion of the authority, in any of the investments in which the metropolitan transportation authority is permitted to invest its monies pursuant to subdivision four of section twelve hundred sixty-five of this chapter.

22. [Expires and repealed June 30, 2028] Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided that (i) a contract for services in the actual or estimated amount of less than one hundred thousand dollars shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for services in the actual or estimated amount of one hundred thousand dollars or more shall require approval by the board of the authority regardless of the length of the period over which the services are rendered unless such a contract is awarded to the lowest responsible bidder after obtaining sealed bids and (ii) the board of the authority may by resolution adopt guidelines that

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authorize the award of contracts to small business concerns, to service disabled veteran owned businesses certified pursuant to article seventeen-b of the executive law, or minority or women-owned business enterprises certified pursuant to article fifteen-a of the executive law, or purchases of goods or technology that are recycled or remanufactured, in an amount not to exceed four hundred thousand dollars without a formal competitive process and without further board approval. The board of the authority shall adopt guidelines which shall be made publicly available for the awarding of such contract without a formal competitive process.

History

Add, L 1939, ch 870, eff June 15, 1939; amd, L 1939, ch 874; L 1940, ch 6; L 1946, ch 954, eff April 22, 1946; L 1948, ch 854, eff April 6, 1948; L 1955, ch 806, § 2, eff April 28, 1955; L 1957, ch 619, eff Apr 17, 1957; L 1963, ch 626, eff April 23, 1963; L 1964, ch 576; L 1967, ch 717, §§ 64–66, eff March 1, 1968; L 1969, ch 407, §§ 72, 73; L 1970, ch 775; L 1970, ch 1033, eff Sept 1, 1970; L 1973, ch 769, eff Sept 1, 1973; L 1973, ch 1032; L 1974, ch 281, eff May 31, 1974; L 1978, ch 28, eff April 4, 1978; L 1978, ch 655, § 76, eff July 25, 1978; L 1979, ch 35, § 8, eff April 3, 1979; L 1979, ch 369, §§ 9, 10 effective upon approval by the people at the general election held Nov 6, 1979; L 1979, ch 560, § 1, eff July 10, 1979; L 1979, ch 735, § 9; L 1981, ch 314, §§ 3, 5, eff June 29, 1981; L 1983, ch 838, § 4, eff Aug 3, 1983; L 1986, ch 929, § 17, eff Dec 31, 1986; L 2000, ch 61, §§ 2–5 (Part O), eff May 15, 2000; L 2008, ch 453, §§ 2, 3, eff Aug 5, 2008; L 2010, ch 558, §§ 2, 3, eff Dec 10, 2010; L 2016, ch 54, §§ 7, 12 (Part OO), effective April 4, 2016; L 2019, ch 59, §§ 3, 4 (Part ZZZ, Subpart A), effective April 12, 2019; L 2019, ch 59, § 7 (Part ZZZ, Subpart B), effective April 12, 2019.

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§ 553-a. Additional powers in relation to Brooklyn Richmond project

1. If and when the Port of New York authority (herein called the “port authority”) is authorized to make agreements with the authority relating to the construction, ownership, maintenance and operation of the Brooklyn Richmond project as a bridge (herein sometimes collectively referred to as the “Narrows bridge project”) and to acquire land, easements and rights in land necessary or convenient therefor, the authority shall have power, in its discretion and subject to and in accordance with all contract provisions with respect to any bonds and the rights of the holders of bonds to make such agreements with the port authority on such terms and conditions and with such payments and considerations as the authority and the port authority shall deem in the public interest, as to any one or more of the following:

- (a) the acquisition of such land, easements and rights in land for, and the design, construction and financing of, the Narrows bridge project by the port authority, including the payment therefor by the authority and the transfer of title thereto and the right of possession and use thereof, provided, however, that the agreement shall contain provisions as to the land, easements and rights in land to be acquired, and that such provisions of such agreement shall be subject to the approval of the mayor of the city, and provided further that such agreement shall provide that no other land, easements or rights in land will be acquired for Narrows bridge purposes by the port authority,
- (b) the construction, with the consent of the city, either by the authority or the port authority, of new parks, parkways, highways, or improvements to existing parks, parkways or highways, either connecting directly or indirectly with the Narrows bridge project, for the purpose of attracting or facilitating traffic or improving approaches to and connections with such project, and the acquisition of land, easements and rights in land therefor,
- (c) leasing the Narrows bridge project, in whole or in part, by the authority from the port authority and the payment by the authority of rents or other payments therefor, and for the operation, maintenance, construction and reconstruction thereof by the authority pursuant to and to the extent provided by the terms of such agreement for leasing,
- (d) charging and fixing tolls, fees and rentals for the use of such project, sufficient to provide for the payment by the authority of the costs of construction, maintenance and operation thereof and all rents and other payments under any such agreement for leasing, for the payment of the principal of and interest on any bonds or other obligations to be issued by the authority to pay the cost of such project and all other payments to be made by the authority including reserves and sinking funds therefor, in accordance with any such agreement for leasing or other agreement made between the port authority and the authority in connection with such project,
- (e) securing the payment of rents and other payments under any such agreement for leasing, or other agreement made between the port authority and the authority in connection with such project, by pledging such tolls, fees, rentals and revenues of such project and providing for the use and disposition of such tolls, fees, rentals and revenues, and for the setting aside of reserves or sinking funds and the regulation and disposition thereof, and, subject to and in accordance with all contract provisions with respect to any bonds, by pledging for such security tolls, fees, rentals and revenues of any or all of the projects,

§ 553-a. Additional powers in relation to Brooklyn Richmond project

- (f) limiting the construction by the authority of vehicular crossings between Brooklyn and Richmond,
 - (g) acquiring from the port authority all or any part of the right, title and interest of the port authority in such project and the lands, easements and rights in land acquired for such project by the port authority,
 - (h) defining events of default under such agreement, fixing periods of grace and providing rights and remedies of the parties in case of default thereunder including the right to terminate and fix the terms and conditions for the termination of the same, and
 - (i) any other matters of like or different character for the protection of the interest of the port authority or the authority or the respective holders of bonds thereof or the public with respect to the acquisition, construction, reconstruction, improvement, operation or maintenance of the Narrows bridge project.
2. The authority shall have power to do any acts or things, transfer such rights or interests and execute and deliver such papers as the authority may deem necessary or desirable to carry out any of the foregoing.
 3. The authority, so long as its corporate existence shall continue, shall have power to operate, maintain, construct, improve and reconstruct the Narrows bridge project and to exercise all of the powers herein granted to the authority with respect to the Narrows bridge project in connection with any agreements between the port authority and the authority or otherwise, and subject to any such agreements shall have the use and occupancy of any lands, easements or rights in land acquired in the name of the city for such project. The powers conferred in this section shall be in addition to and shall not limit the other powers conferred in this title.

History

Add, L 1955, ch 806, § 3, eff Apr 28, 1955; amd, L 1964, ch 576, § 65, eff Apr 16, 1964.

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§ 553-b. Additional powers and provisions in relation to convention center

1. In relation to the convention center and for the purpose of effectuating the development of the same, the authority shall have power, in its discretion and subject to and in accordance with all contract provisions with respect to any bonds and the rights of the holders of bonds, to:

- (a) Finance all or any part of the costs of and incidental to studies, the site acquisition, planning, design, construction and development of the convention center, through the issuance of its negotiable notes or bonds or other obligations;
- (b) Lease in its own name the convention center from the subsidiary of New York state urban development corporation (such subsidiary being herein referred to as the development corporation) created pursuant to a chapter of the laws of nineteen hundred seventy-nine for studies, site acquisition, planning, design, construction and development of the convention center, and sublease its interest therein to the state (acting by and through the commissioner of general services), each of such lease and sublease to be upon such terms and conditions as the parties thereto shall agree, provided that (i) such lease shall (a) provide for an initial lump-sum rental in the amount of the aggregate of those costs of and incidental to the studies, site acquisition, planning, design, construction and development of the convention center theretofore temporarily financed by the State and for a nominal rental thereafter, (b) provide to the lessee the option to purchase for a nominal price the leased property in its own name at the expiration or earlier termination of the term of the lease, and (c) relieve the development corporation of any obligation to operate, repair, maintain or reconstruct the convention center, and (ii) such sublease shall (a) provide for rental payments equal to the amount needed to pay debt service on said notes, bonds or other obligations as the same becomes due, (b) provide that the obligations of the state to make such rental payments shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys made available to the state, and that no liability on account thereof shall be incurred by the state beyond the moneys available for the purpose thereof, (c) provide to the sublessee the option to purchase for a nominal price any interest of the authority in the subleased property at the expiration or earlier termination of the term of the sublease, and (d) relieve the authority of any obligation to operate, repair, maintain or reconstruct the convention center;
- (c) Agree with the development corporation (in the lease referred to in paragraph (b) above or by separate agreement) to make payments to the development corporation from the proceeds of the sale of the obligations referred to in paragraph (a) above upon requisition therefor by the development corporation, in an aggregate amount equal to the costs of and incidental to the studies, site acquisition, planning, design, construction and development of the convention center less the amount theretofore paid to the development corporation as rentals under the lease referred to in paragraph (b) above; and
- (d) Additionally participate in the site acquisition, planning, design, construction and development of the convention center through representation on the board of directors of the development corporation.

2. Bonds, notes or other obligations issued for the purposes enumerated in paragraph (a) of subdivision one of this section shall be issued in the manner provided in section five hundred sixty-one of this chapter, subject only to the following limitations:

§ 553-b. Additional powers and provisions in relation to convention center

(a) The aggregate principal amount of such bonds, notes or other obligations shall not exceed three hundred seventy-five million dollars (\$375,000,000), excluding bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued for such purposes; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than three hundred seventy-five million dollars (\$375,000,000) only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof; and

(b) Bonds issued for such purposes may be issued as a single issue or in series from time to time provided that (i) such issue or each such series shall be scheduled to mature over a term of not less than twenty and not more than forty years, (ii) with respect to bonds issued prior to the date of completion of the convention center, as estimated by the authority, any principal payments or principal installments to be made or provided for shall commence not later than two years following the estimated date of such completion, (iii) with respect to bonds issued on or after the date of completion of the convention center, as certified by the authority, any principal payments or principal installments to be made or provided for shall commence not later than one year following the date of issue of such bonds, and (iv) the aggregate amount of principal and interest or principal installments and interest payable in each year during which such principal payments or installments are made or provided for shall, (1) with respect to such issue, or (2) with respect to each such series or the aggregate of all such series, as the authority shall elect, be as nearly equal as practicable.

3. The authority shall have power to enter into such other agreements with the city, the state, New York state urban development corporation and the development corporation to effectuate the provisions of this article, and to perform any act or thing, transfer such rights or interests and execute and deliver such instruments, documents or papers as it may deem necessary, convenient or desirable to carry out any of the foregoing. The powers conferred in this section shall be in addition to and not in limitation of the other powers conferred in this title.

History

Add, L 1979, ch 35, § 9, eff Apr 3, 1979; amd, L 1985, ch 249, § 1, eff June 20, 1985.

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§ 553-c. Additional powers and provisions in relation to railroad and rapid transit projects

1. The authority shall have the power to finance all or any part of the costs of railroad and rapid transit costs enumerated in paragraphs m, n, o and p of subdivision nine of section five hundred fifty-three of this article through the issuance of its negotiable bonds, notes or other obligations in the manner provided in section five hundred sixty-one of this chapter subject only to the following limitations:

(a) The aggregate principal amount of such bonds, notes or other obligations shall not exceed three hundred million dollars (\$300,000,000) excluding (i) bonds issued to fund any reasonably required debt service reserve fund, and (ii) bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued for any of the purposes set forth in this subdivision, and

(b) Bonds issued for such purposes may be issued as a single issue or in series from time to time provided that (i) such issue or each such series shall be scheduled to mature over a term of not less than twenty and not more than thirty years, (ii) the aggregate amount of principal and interest or principal installments and interest payable in each year during which such principal payments or installments are made or provided for shall not exceed twenty-six million dollars, and (1) with respect to such issue, or (2) with respect to each such series or the aggregate of all such series, as the authority shall elect, be as nearly equal as practicable.

2. Moneys expended pursuant to subdivision one of this section shall be utilized insofar as practical to: (a) purchase at least one hundred twenty-four new subway cars for the New York city transit authority, (b) rehabilitate at least two hundred eighty existing subway cars for the New York city transit authority, (c) acquire at least fifteen new diesel self-propelled railroad passenger cars for the metropolitan transportation authority commuter service area and (d) provide a passenger car lay-up yard and other facilities for the Long Island Rail Road in Manhattan. The authority shall either apply for or make reasonable effort to secure federal assistance in support of each of the programs herein authorized and to the extent such federal assistance is forthcoming and/or other cost savings are realized with respect to any such program shall have the power to expand the size of that or any of the foregoing programs.

History

Add, L 1979, ch 369, § 11, effective upon approval by the people at the general election held Nov 6, 1979; amd, L 1980, ch 273, § 1, eff June 18, 1980.

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§ 553-d. Special Triborough bridge and tunnel authority special obligation bonds and notes

In addition to the powers contained elsewhere in this title with respect to the projects authorized by paragraphs (m), (n), (o), (p) and (r) of subdivision nine of section five hundred fifty-three of this title, and subject to the application of the revenues and other monies and assets of the authority pursuant to section twelve hundred seventy-d of this chapter, the authority may issue its bonds and notes to finance such projects payable from and secured by all or any part of the moneys received by the authority from the metropolitan transportation authority special assistance fund established under section twelve hundred seventy-a of this chapter, provided however that such bonds and notes may also be payable from and secured by any other moneys, securities and funds designated by the authority as additional security therefor. Debt service on bonds and notes issued by the authority pursuant to this section which is paid or reimbursed from moneys received by the authority from the metropolitan transportation authority special assistance fund shall not be deemed to constitute debt service incurred by the authority for purposes of subdivision three of section twelve hundred nineteen-a of this chapter. Such bonds or notes shall be issued in the manner provided in section five hundred sixty-one of this title.

History

Add, L 1986, ch 929, § 18; amd, L 1987, ch 13, § 1, eff Mar 31, 1987; L 2000, ch 61, § 6 (Part O), eff May 15, 2000.

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§ 553-e. Laws applicable to certain activities

1.

(a) In its performance of any project authorized by paragraph (m), (n), (o), (p) or (r) of subdivision nine of section five hundred fifty-three of this title, the authority shall not be deemed the agent or instrumentality of any other public benefit or municipal corporation notwithstanding the fact that title to any real or personal property (or any interest therein) which is the subject of or is a part of such project is held by, or upon completion of such project is to be transferred to, any such entity, and the provisions of section five hundred fifty-nine of this title shall not be applicable with respect to any such project. In its performance of any such project for the New York city transit authority, however, the provisions of section twelve hundred nine of this chapter shall apply to the authority as if it were the “authority” referred to therein.

(b) Neither the provisions of section one hundred ninety-seven-c of the New York city charter, relating to a uniform land use review procedure, nor the provisions of any other local law of the city of New York of like or similar tenor or import shall apply (i) to the acquisition of any real property (or any interest therein) for the purposes of any such project by the city or by the New York city transit authority or any of its subsidiaries; (ii) to the subsequent transfer of any real property (or interest therein) so acquired to the authority or its designee for the purposes of such project or to the transfer to the authority or its designee for such purposes of any real property (or interest therein) then owned by the city or by the New York city transit authority or any such subsidiary; nor (iii) to the transfer to the authority or its designee for such purposes of the right of use, occupancy, control or possession of any real property (or interest therein), whether presently owned or hereafter acquired by the city or by the New York city transit authority or any such subsidiary; provided in each such case, however, that if at the time of such proposed acquisition or transfer the real property which is the subject of such acquisition or transfer is not then being utilized for a transit or transportation purpose or is not an insubstantial addition to such property contiguous thereto; (a) the authority proposing to acquire or receive such property shall, unless a submission with respect to such property has previously been made and approved as herein provided, submit to the community board for the community district in which such property is located, data with respect to the proposed use of such property and to the design of any facility proposed to be constructed thereon; (b) such community board shall inform the board of estimate of the city of New York, with copies to the city planning commission of the city of New York and the proposing authority, of its views and recommendations with respect thereto within forty-five days of such submission, and if the community board shall fail to so inform the board of estimate within such period it shall be deemed to have recommended the proposal; and (c) the board of estimate shall, within forty-five days of the recommendation of the community board, approve or disapprove such acquisition or transfer, and if the board of estimate shall fail to act within such period it shall be deemed to have approved the same.

2. After the transfer, transfer back, lease or sublease by the authority of any such project or part thereof, actions for damages to real or personal property or for the destruction thereof, or for personal injuries or death, based upon the use, condition or state of such project or part thereof may not be instituted against the authority, which shall have no liability or responsibility to the transferee, lessee or sublessee or to third parties therefor.

§ 553-e. Laws applicable to certain activities

- 3.** If any property, real or personal (or any interest therein), needed or useful for or in connection with any such project is owned by any municipal corporation, such corporation may transfer the same, with or without consideration, to the authority for such purpose, and if such property is owned by the city of New York, such transfer may be by action of its mayor alone.
- 4.** The authority, upon suitable notice to and an offer to consult with an officer designated by the city of New York, may occupy the streets of the city of New York for the purpose of doing any work over or under the same in connection with any such project without the consent of or payment to the city of New York.
- 5.** The providing of any such project for the use or benefit of the New York city transit authority or any of its subsidiaries shall not relieve the city of its obligations under law or by lease to pay the capital costs of the said authority or of its subsidiaries.
- 6.** Except as the authority shall otherwise agree, title to any such project or any part thereof or interest therein which shall have been transferred, leased or subleased to the New York city transit authority or its designated subsidiary, shall remain in such transferee, lessee or sublessee, any provisions of title nine of article five of this chapter or of any lease or other agreement entered into under the provisions of that title to the contrary notwithstanding.
- 7.** The metropolitan transportation authority, the New York city transit authority and the designated subsidiaries of each of them are each hereby authorized (i) to request the authority to undertake any such project; (ii) to acquire in its own name by gift, purchase or condemnation, and, additionally, in the case of the metropolitan transportation authority, by appropriation pursuant to section twelve hundred sixty-seven-a of this chapter, any real or personal property (or any interest therein), which is needed or useful for or in connection with such project, the provisions of any lease or other agreement with the city to the contrary notwithstanding, and to surrender the use, occupancy, control or possession of or to transfer the same, or of any other such real or personal property (or any interest therein) which it owns, leases, operates or controls, to the authority; (iii) to accept a transfer, transfer back, lease or sublease of any such project or part thereof upon its completion; (iv) to undertake any such project itself, or to finance, through loans, leases or otherwise, any other person or entity, public or private, to do so, in each case using funds granted by the authority to pay all or any part of the costs thereof (such undertaking, in the case of the New York city transit authority and its subsidiary, the Manhattan and Bronx surface transit operating authority, being free of any restriction set forth in subparagraph (ii) of paragraph b of subdivision one of section twelve hundred three or in paragraph (c) of subdivision five of section twelve hundred three-a of this chapter); and (v) to make its agents, employees and facilities available to the authority in connection therewith.
- 8.** No such project to be constructed upon real property theretofore used for a transit or transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a material respect the general character of such prior transit or transportation use, nor any acts or activities in connection with such project, shall be subject to the provisions of article eight, nineteen, twenty-four or twenty-five of the environmental conservation law, or to any local law or ordinance adopted pursuant to any such article. Nor shall any project or acts or activities in connection therewith taken by any person or entity, public or private, pursuant to paragraph (m), (n), (o), (p), or (r) of subdivision nine of section five hundred fifty-three of this title be subject to the provisions of article eight of the environmental conservation law if such project, acts or activities to be taken in connection therewith require the preparation of a statement under or pursuant to any federal law or regulation as to the environmental impact thereof.
- 9.** In connection with the negotiation, award and implementation of contracts of the authority relating to any project hereafter initiated pursuant to paragraphs (m), (n), (o), (p) and (r) of subdivision nine of section five hundred fifty-three of this title, the provisions of paragraphs (a), (b), (c) and (d) of subdivision thirteen of section twelve hundred sixty-six-c of this chapter shall apply to the authority as if it were the "authority" referred to therein, and the officer designated by the metropolitan transportation authority pursuant to paragraph (e) of that subdivision shall perform the duties therein described with respect to such contracts of the authority.
- 10.** The financing of any such project through the issuance of bonds or notes of the authority shall be subject to the provisions of section twelve hundred sixty-nine-b of this chapter.

§ 553-e. Laws applicable to certain activities

11. The aggregate principal amount of bonds and notes issued and outstanding at any time to finance projects authorized by paragraphs (m), (n), (o), (p) and (r) of subdivision nine of section five hundred fifty-three of this title shall not exceed one billion one hundred million dollars through December thirty-first, nineteen hundred eighty-six and three billion two hundred million dollars thereafter, provided however that such latter amount shall not exceed two billion two hundred million dollars for all bonds and notes other than those issued pursuant to section five hundred fifty-three-d of this title. This limitation shall not include (i) bonds and notes issued to refund or otherwise repay bonds or notes theretofore issued for such purposes, (ii) bonds issued to fund any reasonably required debt service reserve fund for bonds and notes, and (iii) an amount equal to any original issue discount from the principal [principal] amount of any bonds or notes issued and then outstanding. From the proceeds of the bonds and notes provided for in the first sentence of this subdivision, other than bonds or notes authorized by section five hundred fifty-three-d of this title, the authority shall not expend more than one billion three hundred twenty million dollars for transit projects as defined in section twelve hundred sixty-six-c of this chapter nor more than eight hundred eighty million dollars for transportation facilities as such term is defined in subdivision fourteen of section twelve hundred sixty-one of this chapter other than marine or aviation facilities. For the purposes of this subdivision, facilities under the jurisdiction of the Staten Island rapid transit operating authority shall be considered transit projects.

History

Add, L 1981, ch 314, § 6, eff June 29, 1981; amd, L 1981, ch 558, § 1, eff June 29, 1981; L 1981, ch 978, § 1; L 1981, ch 1036, § 1; L 1984, ch 602, § 1; L 1986, ch 929, § 19, eff Dec 31, 1986; L 1993, ch 2, § 1, eff Jan 26, 1993, deemed eff Jan 30, 1993.

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* Bracketed language inserted by the Publisher.

NY CLS Pub A § 553-f

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 553-f. Tokens.

Notwithstanding any inconsistent provision of law, but subject to agreements with noteholders and bondholders, the authority shall offer for sale tokens with respect to residents of the county of Richmond and may, except as otherwise provided herein, regulate the use thereof. Tokens for residents of the county of Richmond shall entitle the purchaser to crossings over the Verrazzano-Narrows bridge at a reduced cost of eighty per centum of the regular crossing fare imposed on nonresidents of the county of Richmond. In the event the authority shall impose a surcharge in addition to the regular toll for crossings over the Verrazzano-Narrows bridge, such surcharge shall not be deemed a part of the regular crossing fare for purposes of this section, and the tokens offered for sale to the residents of the county of Richmond as herein provided shall also entitle the purchaser to a permanent exemption from the payment of any such surcharge in an amount equal to the amount of any such surcharge imposed during calendar year nineteen hundred ninety-three. Application for such tokens or other payment devices shall be made in such manner as prescribed by the authority and shall contain such information as the authority may reasonably require.

History

Add, L 1983, ch 350, § 1, eff July 22, 1983; amd, L 1983, ch 272, § 1; L 1993, ch 2, § 2, eff Jan 26, 1993, deemed eff Jan 30, 1993,3, eff Jan 26, 1993, deemed eff Jan 30, 1993; L 2018, ch 288, § 8, effective October 1, 2018.

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NY CLS Pub A § 553-g

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 553-g. Fire training

All persons appointed to the position of bridge and tunnel officer and maintenance division employees of the Triborough bridge and tunnel authority on or after the effective date of this section shall participate in a training course of at least twenty-eight hours on the subject of fire prevention and control. The training courses shall be conducted by the Fire Academy of the New York city fire department. Such academy shall also administer any retraining or refresher courses attended by personnel of the authority. Any costs incurred by the city of New York for the aforementioned training shall be reimbursed by the authority.

History

Add, L 1990, ch 899, § 1, eff Jan 1, 1991; amd, L 1992, ch 14, § 1, eff March 13, 1992.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 553-h. Tokens

Notwithstanding any inconsistent provision of law, but subject to agreements with noteholders and bondholders, the authority shall offer for sale tokens and may, except as otherwise provided herein, regulate the use thereof. Such tokens shall entitle the purchaser to crossings over the Cross-Bay Veteran's Memorial bridge at a reduced cost of sixty-six and two-thirds per centum of the regular crossing fare imposed. In the event the authority shall impose a surcharge in addition to the regular toll for crossings over the Cross-Bay Veteran's Memorial bridge, such surcharge shall not be deemed a part of the regular crossing fare for purposes of this section, and the tokens or other payment devices offered for sale shall also entitle purchasers who are residents of Broad Channel or the Rockaway peninsula to a permanent exemption from the payment of any such surcharge in an amount equal to the amount of any such surcharge imposed during calendar year nineteen hundred ninety-three. Application for such tokens or other payment devices shall be made in such manner as prescribed by the authority and shall contain such information as the authority may reasonably require.

History

Formerly § 553–e, add, L 1981, ch 978, § 1; amd, L 1983, ch 768, § 1, eff Aug 28, 1983; L 1993, ch 2, § 1, eff Jan 26, 1993, deemed eff Jan 30, 1993.

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NY CLS Pub A § 553-i

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§ 553-i. Marine Parkway Bridge; tokens

Notwithstanding any inconsistent provision of law, but subject to agreements with noteholders and bondholders, the authority shall offer for sale tokens and may, except as otherwise provided herein, regulate the use thereof. Such tokens shall entitle the purchaser to crossings over the Marine Parkway Bridge at a reduced cost of sixty-six and two-thirds percentum of the regular crossing fare. In the event the authority shall impose a surcharge in addition to the regular toll for crossings over the Marine Parkway Bridge, such surcharge shall not be deemed a part of the regular crossing fare for purposes of this section, and the tokens or other payment devices offered for sale shall also entitle purchasers who are residents of Broad Channel or the Rockaway Peninsula to a permanent exemption from the payment of any such surcharge in an amount equal to the amount of any such surcharge imposed during calendar year nineteen hundred ninety-three. Application for such tokens or other payment devices shall be made in such manner as prescribed by the authority and shall contain such information as the authority may reasonably require.

History

Formerly § 553-f, add, L 1983, ch 772, § 1, eff Aug 28, 1983; amd, L 1993, ch 2, § 3, eff Jan 26, 1993, deemed eff Jan 30, 1993.

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§ 553-j. Additional powers and provisions in relation to central business district tolling program.

1. The authority shall establish a fund to be known as the central business district tolling capital lockbox fund which shall be kept separate from and shall not be commingled with any other monies of the authority. The fund shall consist of all monies received by the authority pursuant to article forty-four-C of the vehicle and traffic law, subdivision twelve-a of section five hundred fifty-three of this title, and revenues of the real estate transfer tax deposited pursuant to subdivision (b) of section fourteen hundred twenty-one of the tax law, and sales tax pursuant to subdivision (c) of section eleven hundred forty-eight of the tax law, subparagraph (B) of paragraph five of subdivision (c) of section twelve hundred sixty-one of the tax law, and funds appropriated from the central business district trust fund established pursuant to section ninety-nine-ff of the state finance law.
2. Monies in the fund shall be applied, subject to agreements with bondholders and applicable federal law, to the payment of operating, administration, and other necessary expenses of the authority, or to the city of New York subject to the memorandum of understanding executed pursuant to subdivision two-a of section seventeen hundred four of the vehicle and traffic law properly allocable to such program, including the planning, designing, constructing, installing or maintaining of the central business district tolling program, including, without limitation, the central business district tolling infrastructure, the central business district tolling collection system and the central business district tolling customer service center, and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs. Monies in the fund may be: (a) pledged by the authority to secure and be applied to the payment of the bonds, notes or other obligations of the authority to finance the costs of the central business district tolling program, including, without limitation, the central business district tolling infrastructure, the central business district tolling collection system and the central business district tolling customer service center, and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans, security or credit arrangements or other agreements related thereto; or (b) used by the authority for the payment of such capital costs of the central business district tolling program and the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs; or (c) transferred to the metropolitan transportation authority and (1) pledged by the metropolitan transportation authority to secure and be applied to the payment of the bonds, notes or other obligations of the metropolitan transportation authority to finance the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans, security or credit arrangements or other agreements related thereto, or (2) used by the metropolitan transportation authority for the payment of the costs of any metropolitan transportation authority capital projects included within the 2020 to 2024 MTA capital program or any successor programs. Such revenues shall only supplement and shall not supplant any federal, state, or local funds expended by the authority or the metropolitan transportation authority, or such authority's or metropolitan transportation authority's affiliates or subsidiaries for such respective purposes. Central

§ 553-j. Additional powers and provisions in relation to central business district tolling program.

business district toll revenues may be used as required to obtain, utilize, or maintain federal authorization to collect tolls on federal aid highways.

3. Any monies deposited in the fund shall be held in the fund free and clear of any claim by any person arising out of or in connection with article forty-four-C of the vehicle and traffic law and subdivision twelve-a of section five hundred fifty-three of this title. Without limiting the generality of the foregoing, no person paying any amount that is deposited into the fund shall have any right or claim against the authority or the metropolitan transportation authority, any of their bondholders, any of the authority's or the metropolitan transportation authority's subsidiaries or affiliates to any monies in or distributed from the fund or in respect of a refund, rebate, credit or reimbursement of monies arising out of or in connection with article forty-four-C of the vehicle and traffic law and subdivision twelve-a of section five hundred fifty-three of this title.

3-a. Of the capital project costs paid by this fund: eighty percent shall be capital project costs of the New York city transit authority and its subsidiary, Staten Island Rapid Transit Operating Authority, and MTA Bus with priority given to the subway system, new signaling, new subway cars, track and car repair, accessibility, buses and bus system improvements and further investments in expanding transit availability to areas in the outer boroughs that have limited mass transit options; ten percent shall be capital project costs of the Long Island Rail Road, including but not limited to, parking facilities, rolling stock, capacity enhancements, accessibility, and expanding transit availability to areas in the Metropolitan Commuter Transportation District that have limited mass transit options; and ten percent shall be capital project costs of the Metro-North Commuter Railroad Company, including but not limited to, parking facilities, rolling stock, capacity enhancements, accessibility, and expanding transit availability to areas in the Metropolitan Commuter Transportation District that have limited mass transit options.

4. The authority shall report annually on all receipts and expenditures of the fund. The report shall detail operating expenses of the central business district tolling program and all fund expenditures including capital projects. If, during the period of the report, any monies in the fund were used by the authority or the metropolitan transportation authority to offset decreases in revenue lost in whole or in part due to the state disaster emergency caused by novel coronavirus, COVID-19, or increases in operating costs in whole due to the novel coronavirus, COVID-19, the report shall also provide: (a) details of such decreases in revenue in whole, (b) details of such decreases in revenue in part, (c) details of such increases in costs, (d) the methodology used by the authority or metropolitan transportation authority to calculate such changes, and (e) explanation for attributing a particular increase in cost or a particular decrease in revenue, to the state disaster emergency caused by coronavirus, COVID-19. The report shall be readily available to the public, and shall be posted on the authority's website and be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the comptroller, the director of the budget, the mayor and council of the city of New York, the metropolitan transportation authority board, and the metropolitan transportation authority capital program review board.

5. Any operating funding used for the purposes of a central business district tolling program from this fund shall be approved, annually, in a plan of expenditures, by the director of the budget.

History

L 2019, ch 59, § 5 (Part ZZZ, Subpart A), effective April 12, 2019; L 2020, ch 58, § 1 (Part MMM), effective April 3, 2020.

NY CLS Pub A § 553-k

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 553-k. Traffic mobility review board.

1. The authority's board shall establish the "traffic mobility review" board (board), which shall consist of a chair and five members, that shall be made up of regional representation, one of whom shall be recommended by the mayor of the city of New York, one of whom shall reside in the Metro North Region, and one of whom shall reside in the Long Island Rail Road Region. Members of the board must have experience in at least one of the following areas: public finance; transportation; mass transit; or management. The chair and the members of the board shall be appointed by the authority.
2. The board shall make a recommendation regarding the central business district toll amounts to be established pursuant to article forty-four-C of the vehicle and traffic law, which shall include a variable-pricing structure, no sooner than November fifteenth, two thousand twenty and no later than December thirty-first, two thousand twenty, or no later than thirty days before a central business district tolling program is initiated, whichever is later. Such recommendation shall be submitted to the board of the Triborough bridge and tunnel authority for consideration before the Triborough bridge and tunnel authority board may approve central business district toll amounts that may be established and adopted.
3. For purposes of recommending a central business district toll or tolls in addition to the goal of reducing traffic within the central business district, the board shall, at minimum, ensure that annual revenues and fees collected under such program, less costs of such program, provide for revenues into the central business district tolling capital lockbox fund, established pursuant to section five hundred fifty-three-j of this chapter, necessary to fund fifteen billion dollars for capital projects for the 2020 to 2024 capital program, and any additional revenues above that amount to be available for any successor program. The board shall consider for purposes of its recommendations, factors including but not limited to, traffic patterns, traffic mitigation measures, operating costs, public impact, public safety, hardships, vehicle type, discounts for motorcycles, peak and off-peak rates and environmental impacts, including but not limited to air quality and emissions trends. The board shall recommend a plan for credits, discounts, and/or exemptions for tolls paid on bridges and crossings which shall be informed by a traffic study associated with the impact of any such credits, discounts and/or exemptions on the recommended toll. The board shall recommend a plan for credits, discounts, and/or exemptions for for-hire vehicles defined, and subject to a surcharge imposed by, article twenty-nine-C of the tax law for a for-hire transportation trip based on factors including, but not limited to, initial market entry costs associated with licensing and regulation, comparative contribution to congestion in the central business district, and general industry impact. The board shall produce a detailed report that provides information regarding the board's review and analysis for purposes of establishing its recommendations, including but not limited to, all of the considerations referred to in this subdivision. The board shall not recommend a toll that provides for charging passenger vehicles registered pursuant to subdivision six of section four hundred one of the vehicle and traffic law more than once per day.
4. The authority, its subsidiaries, affiliates, and subsidiaries of affiliates, the city of New York, and any state agency or authority shall provide any assistance necessary to assist in the completion of the board's work and promptly respond to any requests for information or consultation consistent with the purposes of this section.
5. The Metropolitan Transportation Authority capital plan shall be reviewed by the traffic mobility review board.

§ 553-k. Traffic mobility review board.

6. Members of the board shall serve without compensation.

History

L 2019, ch 59, § 8 (Part ZZZ, Subpart A), effective April 12, 2019.

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§ 554. Transfer of officers and employees

1. Officers and employees of any board or department in or of the city may be transferred to the authority, and shall be eligible for such transfer and appointment without examination to offices and positions under the authority. Notwithstanding the provisions of this title, the officers and employees of the city, who are members or beneficiaries of any existing pension or retirement system, shall continue to have the rights, privileges, obligations and status with respect to such system or systems, as are now prescribed by law; and all such employees, who have been appointed to positions in the service of the city under the rules and classifications of the municipal civil service commission shall have the same status with respect thereto after transfer to the authority as they had under their original appointments. Any person appointed by the authority under the rules and classifications of the municipal civil service commission of the city, originally or by transfer or otherwise, including persons employed or eligible for appointment under the board of education of the city or of any agency of any kind whatsoever subject to the rules and classifications of the municipal civil service commission of the city, shall have and shall continue to have all the rights, privileges, obligations and status with respect to such pension or retirement systems, including not only the right to admission therein, but continuance and reinstatement therein, to the same extent and in like manner as though he had been appointed, transferred or restored to the civil service of the city, the board of education or any other agency of any kind whatsoever subject to the rules and classifications of the municipal civil service commission of the city. The appointment and promotion of all employees of the authority shall be made in accordance with the provisions of the civil service law under the jurisdiction of the municipal civil service commission of the city.

2. Notwithstanding any inconsistent provision of this section, no person shall be eligible for original appointment to a position of bridge and tunnel officer with the authority, unless such person has earned a high school diploma recognized as valid by the department of education.

History

Add, L 1939, ch 870, eff June 15, 1939; amd, L 1984, ch 1011, § 1, eff Dec 21, 1984.

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§ 555. Selection of site

Notwithstanding any provisions of any other statute, the authority in conjunction with the commissioner of parks of the city or his successor, the commissioner of parks and recreation, and with the approval of the board of estimate of such city and with the separate approval of the mayor thereof, is hereby authorized to select sites in the boroughs of the Bronx and Queens of the city for the Whitestone bridge project and parkways connecting therewith, which sites may be in or through existing public parks, and to select sites for new public parks contiguous to such project or contiguous to the roads, streets, parkways or avenues connecting with such project. A site or sites may be selected for any or all of the aforementioned purposes and thereafter the use thereof shall be allocated by the commissioner of parks and recreation as herein provided. The property so selected solely for such project, not already owned by the city, shall be acquired at the sole expense of the authority in the manner provided for under this title. The property so selected solely for new public parks shall be acquired by the city at its sole expense. The cost of the property so selected for such project, combined with any other aforementioned purposes the use of which is to be thereafter determined, shall be divided between the city and the authority as may be determined by a contract or contracts hereby authorized to be entered into between the city and the authority, subject to the approval of the board of estimate of the city. So much of the sites so selected and acquired or such easements or rights of way therein as may be necessary or convenient for the corporate purposes of the authority may be assigned by the commissioner of parks and recreation of the city to the authority for its use so long as its corporate existence shall continue.

History

Add, L 1939, ch 870; amd, L 1978, ch 655, § 77, eff July 25, 1978.

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§ 556. Acquisition of lands by the city for the project

The city shall have power to acquire by purchase, or by condemnation in the manner provided by chapter twenty-one of the Greater New York charter, title in the name of the city to any lands, easements, or rights in land not owned by the city on the seventh day of April, nineteen hundred thirty-three, which may be required for the project, and payment therefor, and for any lands theretofore acquired but not paid for by the city, shall be made by the authority. The power hereby conferred upon the city shall not limit or restrict the power of the authority itself to acquire lands, easements, or rights in land in the name of the city.

History

Add, L 1939, ch 870, eff June 15, 1939.

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§ 557. Grant of land by the city to the authority

The city shall have power and authority by resolution of the board of estimate of the city to assign to the authority, without consideration, any land owned by the city on the seventh day of April, nineteen hundred thirty-three, or thereafter acquired by it, needed or convenient for the project, including lands released or to be released by the state to the city pursuant to chapter three hundred seventy-nine of the laws of nineteen hundred twenty-nine as amended.

History

Add, L 1939, ch 870; amd, L 1964, ch 576, § 66, eff Apr 16, 1964.

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§ 557-a. Lands, easements and rights in land

1. Lands in fee simple, easements and rights in land, including the right to cut off light, air and access (any and all of which are in this section referred to as “lands”) shall after January first, nineteen hundred forty be acquired as provided in this section for the project and other authorized purposes, and the provisions of sections five hundred fifty-five, five hundred fifty-six and five hundred fifty-seven of this chapter shall not apply.
2. The authority may acquire lands for said project in the name of the city at the cost and expense of the authority by purchase or condemnation pursuant to the condemnation law. The authority shall have the use and occupancy of such lands so long as its corporate existence shall continue.
3. The city may, by resolution of the board of estimate, or by deed authorized by such a resolution, convey, with or without consideration, to the authority for the project the use and occupancy, for so long as its corporate existence shall continue, of any lands then owned by the city including lands which, by any other law, are inalienable by the city, and such conveyance may reserve to the city such rights as shall not restrict the authority in the construction, reconstruction, operation and maintenance of the project.
4. The city may acquire lands in the name of the city for the project or for the widening of existing roads, streets, parkways, avenues or elevated highway or for new roads, streets, parkways, avenues or elevated highways connecting with said project, or partly for such purposes and partly for other city purposes, by purchase or condemnation in the manner provided by law for the acquisition of land by the city. Contracts may be entered into between the city and the authority providing for the lands to be acquired by the city, and the part or proportion of the cost and expense to be paid by the authority, the balance to be paid by the city, and terms and conditions of payment to be made by the authority. Such contracts may also determine the improvements and construction to be done by the authority. Such roads, streets, parkways, avenues and elevated highways connecting with the project shall be operated, maintained, and reconstructed by the city, and except for the original construction and improvement thereof by the authority, the city shall have exclusive jurisdiction over them.
5. The mayor may authorize a contract between the city and the authority and no other authorization on the part of the city for such a contract shall be necessary. Any such contract may be so authorized and entered into by the city and the payments required to be made by the city may be made and financed notwithstanding that no provision therefor shall have first been made in the capital budget of the city. All contractual or other obligations of the city incurred in carrying out the provisions of this title shall be included in and provided for by such capital budget of the city thereafter made, to the extent that they may appropriately be included therein.

History

Add, L 1939, ch 874, eff June 15, 1939; amd, L 1940, ch 6, eff Feb 8, 1940; L 1946, ch 954; L 1964, ch 576, § 67, eff Apr 16, 1964.

§ 557-a. Lands, easements and rights in land

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§ 558. Consent of state

1. The state of New York does hereby agree (a) to the use by the authority, so long as its corporate existence shall continue, of any lands necessary or convenient for the project in which the state has any right, title or interest situate, lying or being on Randall's island or Ward's island or in the waters adjacent thereto, provided, however, that no buildings used by or for the state, shall be razed or removed until the same have been vacated and (b) to the use by the authority, so long as its corporate existence shall continue, of any lands under water necessary or convenient for the project.
2. The state of New York does hereby agree to the use by the authority of any lands, lands under water or the air space over any of such lands in which the state has any right, title or interest and which are necessary or convenient for the Throgs Neck bridge project and, after title to the Narrows bridge project shall vest in the authority, for the Narrows bridge project.

History

Add, L 1939, ch 870; amd, L 1939, ch 874; L 1940, ch 6, eff Feb 8, 1940; L 1955, ch 806, § 4, eff Apr 28, 1955.

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NY CLS Pub A § 559

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 559. Construction contracts

The authority shall do all construction pursuant to a contract or contracts in the manner, so far as practicable, provided in the charter of the city for contracts of such city except that where the estimated expense of a contract does not exceed ten thousand dollars such contract may be entered into without public letting, but failure to comply with this section shall not invalidate such contracts.

History

Add, L 1939, ch 870; amd, L 1940, ch 6, eff Feb 8, 1940.

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NY CLS Pub A § 560

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 560. Moneys of the authority

All moneys of the authority from whatever source derived shall be deposited as soon as practicable in banks or trust companies to be designated by the authority. All deposits of such moneys shall, if required by the authority, be secured by obligations of the United States or of the state of New York or of the city of New York of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give such security for such deposits. The comptroller and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its financial standing. The authority shall have power notwithstanding the provisions of this section, to contract with the holders of any of its bonds as to the custody, collection, securing, investment and payment of any moneys of the authority, or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this section. Moneys held in trust or otherwise for the payment of bonds or any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the authority, and all banks and trust companies are authorized to give such security for such deposits.

History

Add, L 1939, ch 870; amd, L 1939, ch 874; L 1967, ch 717, § 67; L 1972, ch 798, eff June 2, 1972.

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NY CLS Pub A § 561

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 561. Bonds of the authority

1. The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds in conformity with applicable provisions of the uniform commercial code for any corporate purpose or power. The authority shall have power from time to time and whenever it deems refunding advantageous or desirable, to refund, redeem or otherwise pay, including by purchase or tender any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose or power. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase or payment of the bonds to be refunded. The authority may issue general or special obligation bonds. Every issue of general obligation bonds shall be payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of particular bonds pledging any particular tolls or revenues. Every issue of special obligation bonds shall be payable out of any revenues, receipts, monies or assets of the authority, the metropolitan transportation authority and its subsidiary corporations and the New York city transit authority and its subsidiary corporations identified for such purposes in accordance with agreements with the holders of particular bonds.
2. The bonds shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the authority shall determine. Notwithstanding the foregoing provisions, such bonds as may be authorized by resolution of the board and issued on or before June thirtieth, nineteen hundred sixty-five, shall bear interest at such rate or rates as such resolution may provide.
3. The bonds may be issued for any corporate purpose of the authority.
4. Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to
 - (a) pledging all or any part of the tolls and revenues of the project or of all or any part of any or all such projects to secure the payment of the bonds or of any issue of the bonds subject to such agreements with bondholders as may then exist;
 - (b) the rates of the tolls to be charged, and the amounts to be raised in each year by tolls, and the use and disposition of the tolls and other revenues;
 - (c) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;
 - (d) limitations on the right of the authority to restrict and regulate the use of the project in connection with which such bonds are issued;
 - (e) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or of any issue of the bonds;

§ 561. Bonds of the authority

- (f) limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;
- (g) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;
- (h) limitations on the amount of moneys derived from any project to be expended for operating, administrative or other expenses of the authority;
- (i) vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to section five hundred sixty-seven hereof, and limiting or abrogating the right of the bondholders to appoint a trustee under section five hundred sixty-seven hereof or limiting the rights, duties and powers of such trustee;
- (j) any other matters, of like or different character, which in any way affect the security or protection of the bonds.

4-a. Any resolution or resolutions authorizing any bonds or any issue of bonds maturing in not exceeding ten years from their date (hereafter in this subdivision four-a referred to as "short term obligations") may contain, in addition to all other provisions authorized by this title, provisions, which shall be a part of the contract with the holders of the short term obligations thereby authorized, as to

- (a) refunding the short term obligations and, if so provided, outstanding bonds by the issuance of bonds of the authority either by the sale of bonds and the application of the proceeds to the payment of the short term obligations and outstanding bonds or by the exchange of bonds for the short term obligations and outstanding bonds; provided, however, that the authority shall make no covenant to refund which shall require it to issue bonds, the aggregate principal amount of which shall exceed by more than ten per centum the aggregate principal amount of the short term obligations and outstanding bonds to be refunded thereby;
- (b) satisfying, paying or discharging the short term obligations, at the election of the authority, by the tender or delivery of bonds of the authority in exchange therefor; provided, however, that the aggregate principal amount of bonds shall not exceed by more than ten per centum the aggregate principal amount of the short term obligations to satisfy, pay or discharge which the bonds are tendered or delivered;
- (c) exchanging or converting the short term obligations, at the election of the holder thereof, for or into bonds of the authority; provided, however, that the aggregate principal amount of the bonds shall not exceed by more than ten per centum the aggregate principal amount of the short term obligations to be exchanged for or converted into bonds;
- (d) pledging bonds of the authority as collateral to secure payment of the short term obligations and providing for the terms and conditions of the pledge and manner of enforcing the pledge, which terms and conditions may provide for the delivery of the bonds in satisfaction of the short term obligations; provided, however, that the aggregate principal amount of the bonds pledged shall not exceed by more than ten per centum the aggregate principal amount of the short term obligations to secure which they are pledged;
- (e) depositing bonds in escrow or in trust with a trustee or fiscal agent or otherwise providing for the issuance and disposition of the bonds as security for carrying out any provisions in any resolution adopted pursuant to the foregoing paragraphs (a), (b), (c) and (d) hereof and providing for the powers and duties of the trustee or fiscal agent or other depository and the terms and conditions on which the bonds are to be issued, held and disposed of;
- (f) any other matters of like or different character which relate to any provision or provisions of any resolution adopted pursuant to the foregoing paragraphs (a), (b), (c), (d) and (e) hereof.

§ 561. Bonds of the authority

In computing the amount of bonds of the authority which may be outstanding at any one time, short term obligations shall be excluded to the extent that the resolution authorizing the issuance of such short term obligations shall provide for the issuance of bonds pursuant to paragraphs (a), (b), (c) or (d) of this section, but the bonds provided to be issued by such resolution shall be included in making such computation whether or not such bonds are outstanding.

The authority shall have power to make contracts for the future sale from time to time of short term obligations, by which the purchasers shall be committed to purchase short term obligations from time to time on the terms and conditions stated in such contracts, and the authority shall have power to pay such consideration as it shall deem proper for such commitments.

4-b. The authority shall have power from time to time to issue notes (herein referred to as notes) for any corporate purpose or power and from time to time to issue renewal notes maturing not later than five years, from their respective dates whenever the authority shall determine that payment thereof can be made in full from any moneys or revenues which the authority expects to receive from any source. The authority may pledge such moneys or revenues (subject to any other pledge thereof) for the payment of the notes and may in addition secure the notes in the same manner as herein provided for bonds or otherwise. The notes shall be issued in the same manner as bonds. The authority shall have power to make contracts for the future sale from time to time of the notes, by which the purchasers shall be committed to purchase the notes from time to time on terms and conditions stated in such contracts, and the authority shall have power to pay such consideration as it shall deem proper for such commitments.

4-c. It is the intention hereof that any pledge of tolls or other revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the tolls or other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

5. Neither the members of the board nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

6. The authority shall have power out of any funds available therefor to purchase bonds. The authority may hold, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

History

Add, L 1939, ch 870, eff June 15, 1939; amd, L 1939, ch 874; L 1940, ch 6; L 1945, ch 90; L 1946, ch 594; L 1946, ch 954; L 1948, ch 854; L 1955, ch 806, §§ 5, 6; L 1960, ch 497; L 1962, ch 552; L 1969, ch 972, § 21, eff May 26, 1969; L 1980, ch 476, § 1, eff June 23, 1980; L 1993, ch 56, § 9, eff April 15, 1993; L 2000, ch 61, § 7 (Part O), eff May 15, 2000.

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NY CLS Pub A § 562

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 562. Redemption of bonds

Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, either the state of New York or the city may, upon furnishing sufficient funds therefor, require the authority to redeem as a whole any issue of the bonds issued before January first, nineteen hundred thirty-nine on any semi-annual interest payment date after January first, nineteen hundred forty-seven at one hundred and five per centum of their face value and accrued interest, or at such lower redemption price as may then be provided by contract, on not exceeding sixty days' notice by publication in such manner as may be provided by the authority upon the issuance of such bonds. Either the state of New York or the city may, upon furnishing sufficient funds therefor, require the authority to redeem as a whole any issue of bonds issued after January first, nineteen hundred thirty-nine (provided such bonds are subject to redemption) at the time and at the price and in accordance with the terms upon which such bonds are redeemable.

All bonds issued for the Narrows bridge project or for the Throgs Neck bridge project shall be redeemable on such dates and on such terms as the authority shall determine, but shall, in any event, be redeemable as a whole on any interest payment date fifteen or more years after their date at not more than one hundred four per centum of their face value and accrued interest.

History

Add, L 1939, ch 870; amd, L 1939, ch 874; L 1955, ch 806, § 7, eff Apr 28, 1955.

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NY CLS Pub A § 563

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§ 563. Agreement of the state

1. The state of New York does pledge to and agree with (a) the holders of the bonds that the state will not limit or alter the rights hereby vested in the authority to maintain, reconstruct and operate the project, to establish and collect such charges and tolls as may be convenient or necessary to produce sufficient revenue to meet the expense of maintenance and operation and to fulfill the terms of any agreements made with the holders of the bonds, or in any way impair the rights and remedies of the bondholders, until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders, are fully met and discharged, and (b) the holders of any bonds of the port authority issued in accordance with the terms of any agreement with the authority authorized hereby to finance the Narrows bridge project or secured in whole or in part by a pledge of the revenues thereof or both so issued and so secured until title to the Narrows bridge is vested in the authority or the city, that the state will not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements authorized hereby and made with the port authority respecting the Narrows bridge project or in any way impair the rights and remedies of the port authority thereunder until the obligations of the authority thereunder are fully met and discharged.
2. The state of New York does covenant and agree with the holders of any bonds issued after January first, nineteen hundred forty that no tunnel, bridge, parkway, causeway, street, road, highway or other connection for vehicular traffic (other than one of the projects), which will be competitive with the Robert F. Kennedy bridge project or the Whitestone bridge project or the Throgs Neck bridge project or the Marine parkway bridge project or the Cross Bay parkway bridge project will be constructed or maintained until the bonds together with interest thereon, interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders, are fully met and discharged; provided that a tunnel, bridge, parkway, causeway, street, road, highway or other connection for vehicular traffic shall be considered as competitive with the Robert F. Kennedy bridge project or Whitestone bridge project or the Throgs Neck bridge project only if it shall form a connection for vehicular traffic over, under, or across the East river north of an extension to the east of the center line of Seventy-third street in the borough of Manhattan, and shall be considered as competitive with the Marine parkway bridge project or Cross Bay parkway bridge project only if such tunnel, bridge, parkway, causeway, street, road, highway or other connection for vehicular traffic shall form a connection for vehicular traffic with Rockaway peninsula across any part of the waters of Jamaica bay or Rockaway inlet west of seventy-three degrees, forty-six minutes of west longitude. The covenant herein contained restricting competitive traffic connections with any project or projects shall be only for the benefit of the holders of bonds secured in whole or in part by the pledge of the revenues of such project or projects. All covenants of the state made with the holders of bonds issued before January first, nineteen hundred and forty, are hereby confirmed and shall not be affected hereby.
3. The state of New York does pledge to and agree with the holders of any bonds that no tunnel, bridge, parkway, causeway, street, road, highway or other connection for vehicular traffic, which will be competitive with the Queens Midtown tunnel or the Hugh L. Carey tunnel or the Brooklyn Richmond tunnel or the Narrows bridge will be constructed; provided that a tunnel, bridge, parkway, causeway, street, road, highway or other connection for vehicular traffic shall be considered as competitive if it shall form a connection for vehicular traffic over, under or across the East river south of Queensboro bridge, or, if it shall

§ 563. Agreement of the state

form a connection for vehicular traffic between the boroughs of Manhattan, Brooklyn or Richmond over, under or across New York bay. The covenant herein contained restricting competitive traffic connections with any project or projects shall be only for the benefit of the holders of bonds secured in whole or in part by the pledge of the revenues of such project or projects and subject to and in accordance with all contract provisions with respect to any bonds outstanding on January first, nineteen hundred fifty-five and the rights of the holders of such bonds, the covenant herein contained shall not be deemed to prevent the construction of any bridge or tunnel exclusively for railway rapid transit purposes.

History

Add, L 1939, ch 870; amd, L 1939, ch 874; L 1940, ch 6, eff Feb 8, 1940; L 1946, ch 954, eff April 22, 1946; L 1955, ch 806, § 8, eff April 28, 1955; L 2008, ch 453, § 4, eff Aug 5, 2008; L 2010, ch 558, § 4, eff Dec 10, 2010.

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NY CLS Pub A § 564

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§ 564. State and city not liable on bonds

The bonds and other obligations of the authority shall not be a debt of the state of New York or city, and neither the state nor the city shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

History

Add, L 1939, ch 870, eff June 15, 1939.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 565. Bonds legal investments for fiduciaries

The bonds are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and saving associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

History

Add, L 1939, ch 870, eff June 15, 1939.

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§ 566. Exemptions from taxation

It is hereby found, determined and declared that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York, for the improvement of their health, welfare and prosperity, and, in the case of some of the said purposes, for the promotion of their traffic, and is a public purpose, and that, in the case of those purposes which consist of vehicular bridges, vehicular tunnels and approaches thereto, the project is an essential part of the public highway system, and that the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this title, and the state of New York covenants with the holders of the bonds that the authority shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of the project or any tolls, revenues or other income received by the authority and that the bonds of the authority and the income therefrom shall at all times be exempt from taxation, except for transfer and estate taxes. This section shall constitute a covenant and agreement with the holders of all bonds issued prior to January first, nineteen hundred thirty-nine.

History

Add, L 1939, ch 870; amd, L 1939, ch 874; L 1979, ch 35, § 11, eff Apr 3, 1979.

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NY CLS Pub A § 566-a

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§ 566-a. Tax contract by the state.

1. It is hereby found, determined and declared that the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York, for the improvement of their health, welfare and prosperity, and, in the case of some of the said purposes, for the promotion of their traffic, and that said purposes are public purposes and, in the case of those purposes which consist of vehicular bridges, vehicular tunnels and approaches thereto and the central business district tolling program, the project is an essential part of the public highway system and the authority will be performing an essential governmental function in the exercise of the powers conferred by this title, and the state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds issued after January first, nineteen hundred thirty-nine by the authority pursuant to this title, in consideration of the acceptance of any payment for the bonds that the bonds of the authority issued after January first, nineteen hundred thirty-nine pursuant to this title and the income therefrom, and all moneys, funds, tolls and other revenues pledged to pay or secure the payment of such bonds, shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.

2. Nothing herein shall be construed to repeal or supersede any tax exemptions heretofore or hereafter granted by general or other laws.

History

Add, L 1939, ch 874, eff June 15, 1939; amd, L 1979, ch 35, § 12, eff Apr 3, 1979; L 2019, ch 59, § 12 (Part ZZZ, Subpart A), effective April 12, 2019.

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§ 567. Remedies of bondholders

1. In the event that the authority shall default in the payment of principal of or interest on any issue of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county of New York, or Queens or the Bronx or Kings and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes herein provided.
2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds then outstanding shall, in his or its own name
 - (a) by suit, action or special proceeding enforce all rights of the bondholders, including the right to require the authority and the board to collect tolls and rentals adequate to carry out any agreement as to, or pledge of, such tolls and rentals, and to require the authority and the board to carry out any other agreements with the holders of such bonds and to perform its and their duties under this title;
 - (b) bring suit upon such bonds;
 - (c) by action or suit in equity, require the authority to account as if it were the trustee of an express trust for the holders of such bonds;
 - (d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds;
 - (e) declare all such bonds due and payable, and if all defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.
3. The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders. The venue of any such suit, action or proceeding shall be laid in the county of New York, Queens, the Bronx, or Kings.
4. Before declaring the principal of all such bonds due and payable the trustee shall first give thirty days' notice in writing to the authority.
5. Any such trustee whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the project the tolls or other revenues of which are pledged for the security of the bonds of such issue and such receiver may enter and take possession of such part or parts of the project and subject to any pledge or agreement with bondholders shall take possession of all moneys and other property derived from or applicable to the construction, operation, maintenance and reconstruction of such part or parts of the project and proceed with any construction thereon which the authority is under obligation to do and to operate, maintain and reconstruct such part or parts of the project and collect and receive all tolls and other revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the authority under

§ 567. Remedies of bondholders

the direction of the court. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any tolls, rentals and other revenues derived from such project.

6. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

History

Add, L 1939, ch 870, eff June 15, 1939; amd, L 1939, ch 874, eff June 15, 1939; L 1962, ch 310, § 328, eff Sept 1, 1963.

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§ 568. Continuity of jurisdiction

The authority shall be deemed and held to constitute a continuation, as to matters within its jurisdiction, of the department of plant and structures of the city for the purpose of succession to all such of the rights, powers, duties and obligations of the city and of the department of plant and structures of the city as relate to the designing and construction of the project.

History

Add, L 1939, ch 870, eff June 15, 1939.

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§ 569. Protection of prior bondholders

Nothing in this title contained shall be deemed in any way to limit or alter the rights vested in the authority to establish and collect such charges and tolls as may be convenient or necessary to produce sufficient revenue to meet the expense of maintenance and operation and to fulfill the terms of any agreements made with the holders of bonds issued or authorized to be issued prior to January first, nineteen hundred forty-six, or in any way to impair the rights and remedies thereunder of the holders of such bonds.

History

Add, L 1939, ch 870; amd, L 1946, ch 954, eff Apr 22, 1946.

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§ 569-a. Actions against the authority

1. In every action against the authority for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death, the complaint shall contain an allegation that at least thirty days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the authority, or to its secretary, or to its chief executive officer and that the authority has neglected or refused to make an adjustment or payment thereof for thirty days after such presentment.
2. Except in an action for wrongful death, an action against the authority for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been filed within the time limit established by and in compliance with section fifty-e of the general municipal law. 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.

History

Add, L 1939, ch 872, eff June 15, 1939; amd, L 1990, ch 804, § 3, eff Aug 24, 1990; L 2012, ch 500, § 11, eff June 15, 2013.

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NY CLS Pub A § 569-b

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 3 Bridge and Tunnel Authorities (Titles 1 — 9) > Title 3 Triborough Bridge Authority (§§ 550 — 571)

§ 569-b. Restrictions on signs and billboards

1. No outdoor advertising sign or device which refers to any subject other than the business actually conducted on the premises or to sale or rental of such premises and no such outdoor advertising sign or device exceeding ten feet in height above the sidewalk adjacent to the property on which such sign or device is located, shall be erected, reconstructed, painted, or repainted, after the applicable date hereinafter specified in this section, within five hundred feet of the Whitestone bridge project, the Throgs Neck bridge project, the Narrows bridge project or the Hugh L. Carey tunnel project or the approaches and connections of such projects, if within view thereof.
2. In the case of the Whitestone bridge project, the applicable date shall be April three, nineteen hundred thirty-nine, except that with respect to reconstruction, painting or repainting of any such sign or device within view of such bridge project, the applicable date shall be the effective date of this subdivision two.
3. In the case of the Throgs Neck bridge project, the Narrows bridge project and the Hugh L. Carey tunnel project, the applicable date shall be the effective date of this subdivision three.
4. A violation of any of the provisions of this section may be restrained at the suit of the authority.

History

Add, L 1939, ch 874; amd, L 1960, ch 543, eff April 12, 1960; L 2010, ch 558, § 5, eff Dec 10, 2010.

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§ 569-c. Transfer and receipt of surplus funds

Notwithstanding any provision of this title or any other provision of law, general, special or local, the authority shall, at the direction of the metropolitan transportation authority, from time to time transfer and pay over all or any part of its surplus funds to (a) metropolitan transportation authority or (b) New York city transit authority, all in accordance with the provisions of subdivision twelve of section five hundred fifty-three of this title and the determination of the proportional allocation of such amounts of surplus funds so deposited as between the New York city transit authority and the commuter railroads operated by metropolitan transportation authority shall be governed by the provisions of section twelve hundred nineteen-a of this chapter and the authority may accept and use any moneys transferred and paid over to it by metropolitan transportation authority or New York city transit authority.

History

Add, L 1967, ch 717, § 68, eff March 1, 1968; amd, L 2000, ch 61, § 9 (Part O), eff May 15, 2000.

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§ 569-d. Protection of bondholders

Nothing in this title contained shall be deemed to limit or alter in any way the rights and obligations of the authority to establish and collect such tolls, fees, rentals and other charges as may be necessary or required to produce sufficient revenues to meet and to fulfill the terms and provisions of the contracts made with the holders and registered owners of the bonds or in any way impair the constitutional rights of the holders and registered owners of the bonds.

History

Add, L 1967, ch 717, § 68, eff March 1, 1968.

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§ 570. Title not affected if in part unconstitutional or ineffective

If any section, clause or provision of this title shall be unconstitutional or be ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective it shall be valid and effective and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

History

Add, L 1939, ch 870, eff June 15, 1939.

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NY CLS Pub A § 571

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§ 571. Inconsistent provisions in other acts superseded

Insofar as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of any local law of the city, the provisions of this title shall be controlling.

History

Add, L 1939, ch 870, eff June 15, 1939.

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NY CLS Pub A § 1200

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1200. Definitions

Unless expressly otherwise provided, whenever used in this title, the following terms shall mean or include:

1. "Authority." The corporation created by section eighteen hundred one* of this title.
2. "Board." The members of the authority.
3. "Board of estimate." The board of estimate of the city.
4. "City." The city of New York.
5. "Comptroller." The comptroller of the city.
6. "Devices and appurtenances." Devices and appurtenances deemed necessary by the authority, to secure the greatest efficiency, public convenience and safety, including the number, location, description and plans and specifications for the stations, suitable supports, turnouts, switches, sidings, connections, landing places, garages, repair shops, buildings, structures, platforms, stairways, elevators, telephone, telegraph and signal devices, facilities for access to the surface, and other suitable appliances incidental and requisite to what such authority may approve as the best and most efficient system of rapid transit in view of the public needs and requirements, including in its discretion, operation of a transit facility or some portion thereof by any device or means, other than separate cars or trains, in the construction of which stationary means for guiding a conveyance in a definite path and means for propelling such conveyance are necessary elements.
7. "Equipment." Rolling stock, omnibuses, vehicles, motors, boilers, engines, wires, ways, conduits and mechanisms, machinery, tools, implements, materials, supplies and devices of every nature whatsoever used for the generation or transmission of motive power and including all power houses, and all apparatus and all devices for signalling and ventilation as may be required for the operation of a transit facility.
8. "Facilities." Routes, tracks, extensions, connections, terminals or facilities.
9. "Fiscal year." A period commencing the first day of January in each year and ending on the succeeding December thirty-first of such year.
10. "Governor." The governor of the state of New York.
11. "Mayor." The mayor of the city.
12. "Person." A natural person, firm or corporation.
13. "Property" or "property rights." Real estate, real property, lands, rights, terms, interests, privileges, franchises or easements of owners, abutting owners or others.
14. "Revenues." All monies received by the authority or its subsidiaries from whatever source, derived directly or indirectly from or in connection with their operations.

* Renumbered § 1201, L 1957, ch 914, § 3.

§ 1200. Definitions

- 15.** "Transit facility." A rapid transit railroad, omnibus line or any other facility or any railroad in the city used for local service in the transportation of passengers as common carriers for hire or in the transportation of the United States mail or personal property, and any portion thereof and the rights, leaseholds or other interests therein, together with the devices and appurtenances, facilities and equipment thereof and power plants and other instrumentalities used or useful therefor or in connection therewith.
- 16.** "Street." A public street, marginal street, avenue, road, bridge, viaduct, highway, boulevard, driveway, park, parkway, dock, wharf, pier, ground, river, water, square, place or land within the city.
- 17.** "Metropolitan transportation authority." The corporation created by section twelve hundred sixty-three of this chapter.
- 18.** "Triborough bridge and tunnel authority." The corporation created by section five hundred fifty-two of this chapter.

History

Formerly § 1800, add, L 1953, ch 200; renumbered § 1200, L 1957, ch 914, § 3; L 1953, ch 201, § 1; L 1956, ch 883, § 1; L 1967, ch 717, § 69, eff March 1, 1968; L 1982, ch 929, § 1, eff Dec 23, 1982; L 2000, ch 61, § 10 (Part O), eff May 15, 2000.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1201. New York city transit authority

1. A board, to be known as “New York City Transit Authority” is hereby created. Such board shall be a body corporate and politic constituting a public benefit corporation. It shall consist of seventeen members, all serving ex officio. Those members shall be the persons who from time to time shall hold the offices of chairman and members of metropolitan transportation authority.
2. The chairman of such board shall be the chairman of metropolitan transportation authority, serving ex officio, and, provided that there is an executive director of the metropolitan transportation authority, the executive director of the authority shall be the executive director of the metropolitan transportation authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman and executive director, if any, each shall be empowered to delegate his or her functions and powers to one or more officers or employees designated by him or her.
3. The chairman, other members of the board and the executive director shall not be entitled to compensation for their services but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.
4. Notwithstanding any inconsistent provisions of this or any other law, general, special or local, no officer or employee of the state or any public corporation, as defined in the general corporation law*, shall be deemed to have forfeited or shall forfeit his office or employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of his being a member or the chairman of the authority.
5. A majority of the whole number of members of the authority then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the authority. Except as otherwise specified in this title, for the transaction of any business or the exercise of any power of the authority, the authority shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance. In the event of a tie vote the chairman shall cast one additional vote. For the purposes of the voting and quorum requirements of this subdivision, the voting and quorum requirements set forth in subdivision three of section twelve hundred sixty-three of this article and in any by-law of the metropolitan transportation authority adopted pursuant to the provisions of such subdivision shall be applicable hereto.
6. The authority and its corporate existence shall continue until terminated by law, provided however, that no such law shall take effect so long as the authority or any of its subsidiaries, the metropolitan transportation authority or the Triborough bridge and tunnel authority shall have outstanding any notes or bonds or lease, sublease or other contractual obligations issued or incurred pursuant to section twelve hundred seven-m of this title or issued or incurred in connection with the transfer of its interest in and the lease from the transferee of any property furnished to it pursuant to chapter twelve of the laws of nineteen hundred seventy-nine or section fifteen of chapter three hundred fourteen of the laws of nineteen hundred eighty-one, or section twelve hundred sixty-six-c or twelve hundred seventy-d of this article, unless

* Repealed, L 1973, ch 451, § 2; see, now General Construction Law §§ 65 et seq.

§ 1201. New York city transit authority

adequate provision has been made for the payment or satisfaction of such outstanding notes, bonds, lease, sublease or other contractual obligations.

History

Formerly § 1801, add, L 1955, ch 579, § 1; renumbered § 1201, L 1957, ch 914, § 3; L 1956, ch 504; L 1957, ch 547, § 3; L 1957, ch 714; L 1964, ch 431; L 1967, ch 717, § 70, eff March 1, 1968; L 1979, ch 275, § 3, eff July 1, 1979; L 1979, ch 727, § 6,7; L 1980, ch 280, § 1; L 1981, ch 1038, § 1; L 1986, ch 929, § 20, eff Dec 31, 1986; L 2000, ch 61, § 11 (Part O), eff May 15, 2000; L 2005, ch 766, § 8, eff Jan 13, 2006 (see 2005 note below); L 2009, ch 25, § 6 (Part H), eff as stated in 2009 note below; L 2009, ch 506, § 26, eff March 1, 2010.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1202. Purposes of the authority

1. The purposes of the authority shall be the acquisition of the transit facilities operated by the board of transportation of the city, the operation of transit facilities in accordance with the provisions of this title for the convenience and safety of the public on a basis which will enable the operations thereof, exclusive of capital costs, to be self-sustaining, and, in coordination with the metropolitan transportation authority and the Triborough bridge and tunnel authority, the continuance, further development and improvement of commuter transportation and other services related thereto within the metropolitan commuter transportation district and the development and implementation of a unified mass transportation policy for such district.
2. It is hereby found and declared that such purposes are in all respects for the benefit of the people of the state of New York and the authority shall be regarded as performing a governmental function in carrying out its corporate purpose and in exercising the powers granted by this title.

History

Formerly § 1802, add, L 1953, ch 200; renumbered § 1202, L 1957, ch 914, § 3, eff April 24, 1957; L 2000, ch 61, § 12 (Part O), eff May 15, 2000.

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§ 1203. Transfer of transit facilities by the city to the authority

1.

a. On or before June first, nineteen hundred fifty-three, the city may, by resolution of the board of estimate or by instruments authorized by any such resolution, enter into an agreement with the authority for the transfer to the authority, for use in the execution of its corporate purposes, of the transit facilities now owned or hereafter acquired or constructed by the city and any other materials, supplies and property incidental to or necessary for the operation thereof. Any such agreement shall provide for transfer of such facilities by deed, lease, license or other arrangement, provided the term thereof shall not be less than ten years and authorize the authority to take jurisdiction, control, possession and supervision of such transit facilities, materials, supplies and property on or before June fifteenth, nineteen hundred fifty-three.

b.

(i) Such agreement shall provide that capital costs of a nature not heretofore charged as operating expenses shall be paid by the city, or at the option of the authority may be paid in the first instance by the authority but in such event, the authority shall be entitled to recover from the city the amount of such costs; provided, however, that the total amount of such capital costs which the authority may incur without the approval of the mayor in any city fiscal year shall not exceed five million dollars and that no other such capital costs shall be incurred by the authority without such approval. Where the city is required to reimburse the authority for the amount of any capital costs pursuant to such agreement, serial bonds or capital notes may be issued by the city, pursuant to the local finance law, to finance any such reimbursement in the same manner and to the same extent as if such costs were to be paid directly by the city.

The authority shall submit annually to the city planning commission and the mayor of the city on or before October fifteenth in each year an estimate of all such capital costs for inclusion in the capital budget of the city.

(ii) From and after March first, nineteen hundred sixty-eight, the authority shall also have the right to incur capital costs of such nature in its own name to the extent that capital funds are available to it for expenditures of such nature pursuant to the provisions of section twelve hundred nineteen-a of this chapter or of any other provision of law, which capital costs shall not be payable by the city; provided, however, that no project to be financed by the use of such capital funds which is estimated by the authority to involve an expenditure in excess of one million dollars shall be commenced unless the mayor and the board of estimate shall each have been notified in writing by the authority of the intent of the authority to undertake such project and of the nature thereof. No such project shall be commenced if and to the extent that either the mayor or a majority in voting power of the members of the board of estimate shall find that it is incompatible with sound planning for the development or redevelopment of the city, provided such finding, together with the reasons therefor, is set forth in a writing delivered to the authority within thirty days of the receipt by the mayor or the board of estimate, as the case may be, of the notification of the authority relating to such project. If any such project is not so disapproved, it may nevertheless not be commenced unless and until the city shall have been given an opportunity to include the same in the capital

§ 1203. Transfer of transit facilities by the city to the authority

budget of the city for the first fiscal year of the city commencing not less than six months after receipt of such notification. If and to the extent that such project is included in such capital budget, the authority may not thereafter incur capital costs for the same in its own name. If or to the extent such project is not included in such capital budget, the authority may incur capital costs for the same in its own name. The operation of sections twenty, twenty-one and twenty-two of the rapid transit law shall be suspended with respect to any project financed with the capital funds referred to in this subparagraph.

c. Such agreement shall provide that the authority shall have the use and possession of all property owned or leased by the city and used or occupied by the board of transportation on March fifteenth, nineteen hundred fifty-three in connection with or incidental to the operation of such transit facilities.

d. No provision in such agreement shall purport to limit or restrict or have the effect of limiting or restricting, the power granted the authority to manage, control or direct the maintenance and operation of such transit facilities or the fares or service thereof.

2. Such agreement shall provide for payment by the city of:

a. Capital costs for projects connected with such transit facilities included in the capital budget of the city for periods prior to December thirty-first, nineteen hundred fifty-three, except that the authority shall not require payment of, and the city shall not pay, capital costs of such projects without prior approval of the board of estimate.

b. Liabilities of the city or the board of transportation for:

(1) Pension or retirement contributions on behalf of persons who were employed on transit facilities heretofore acquired by the city.

(2) Contributions to the New York City employees' retirement system on behalf of officers or employees whose compensation has been paid out of the operating revenues of the board of transportation of the city, which contributions have or shall hereafter become due or payable for fiscal years of the city ending on or before June thirtieth, nineteen hundred fifty-three.

c. All other liabilities of the board of transportation on the date of the conveyance.

d. Ten million dollars derived from any funds of the city (but not from borrowed funds), or from the operating fund of the board of transportation at the time of such transfer, for use by the authority as initial working capital (1) in partial consideration of the acceptance by the authority of the initial transfer, in which case the sum shall not be repaid, or (2) as a loan, in which case such sum shall be repaid in not less than five nor more than ten equal annual installments, commencing July first, nineteen hundred fifty-four.

3.

a. Such agreement may contain provisions relating to the use and occupancy by the authority of real property (in addition to that transferred pursuant to subdivision one of this section) now or hereafter owned or leased by the city, on such terms as may be mutually agreed upon by the city and the authority, and may provide for or authorize surrenders to the city of property no longer required by the authority.

b. The authority shall be entitled to utilize the officers, employees, agents, facilities and services of the city on the same terms and conditions as were applicable to or provided to the board of transportation on March fifteenth, nineteen hundred fifty-three.

4. The city and the authority are hereby authorized and empowered to make or enter into any contracts, agreements, deeds, leases, conveyances or other instruments as may be necessary or appropriate to effectuate the purposes of this title and they shall have complete power and authority to do and to authorize the doing of all things, incidental, desirable or necessary to implement the provisions of this section.

5. Upon the filing by the authority with the clerk of the city and the secretary of state of a copy of the instruments or documents effectuating the transfer, the authority shall take possession and control of the

§ 1203. Transfer of transit facilities by the city to the authority

transit facilities and other property transferred thereby together with all contracts, books, maps, plans, papers and records of or in the possession of the board of transportation of whatever description, incidental to or necessary for the operation of the facilities transferred by such agreement or the performance of the duties of the authority as provided by this title.

6. When in the discretion of the authority there is available a supply of electric power adequate for the efficient and proper operation of the transit facilities either from a private utility or otherwise at rates and under circumstances deemed by the authority to be reasonable, the authority may make such provisions for the utilization of such electric power as it may see fit and surrender to the city the power plants presently leased by the authority from the city pursuant to the provisions of this title. The foregoing provisions of this subdivision shall be applicable only to actions of the authority undertaken prior to February first, nineteen hundred and sixty.

7. Notwithstanding the aforesaid provisions of this section the city may transfer to the authority title and ownership to the materials, supplies and property incidental to or necessary for the operation of the transit facilities which were heretofore leased to the authority, and the authority and the city may enter into an agreement, modifying the agreement of lease dated June first, nineteen hundred fifty-three, as amended, renewed and supplemented, to provide for such transfer of title and ownership and containing such further terms and conditions, not inconsistent with law, as may be agreed upon between the parties.

History

Formerly § 1803, add, L 1953, ch 200; renumbered § 1203, L 1957, ch 914, § 3, eff April 24, 1957; L 1953, ch 201, §§ 4, 5; L 1953, ch 880, §§ 1, 2; L 1959, ch 857, § 2, eff April 24, 1959; L 1964, ch 513, § 1, eff April 10, 1964; L 1964, ch 576, § 68, eff April 16, 1964; L 1967, ch 717, § 71, eff March 1, 1968; L 1982, ch 929, § 3, eff Dec 23, 1982.

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§ 1203-a. Subsidiary corporation

1. Notwithstanding the provisions of this title or of any general, special or local law to the contrary, the city and the transit authority may enter into an agreement which shall provide that any omnibus lines hereafter acquired by the city may be leased by the city for operation and maintenance to a public benefit corporation which shall be a subsidiary of the transit authority. The status of such officers and employees as shall be taken into the service of such subsidiary corporation, including those who had been employed by the former owner of any such omnibus lines, shall be governed exclusively by the provisions of this section.
2. A public benefit corporation entitled Manhattan and Bronx surface transit operating authority (hereinafter referred to as the subsidiary corporation) is hereby created. The purpose of said subsidiary corporation shall be to operate, pursuant to the powers conferred hereunder and for a temporary period, the omnibus lines hereafter acquired by the city, until the said omnibus lines shall be sold or otherwise disposed of to private or public operation. The directors of such subsidiary corporation shall be the persons holding the offices of chairman and members of the transit authority or their successors. The provisions of this title concerning the number of members of the authority, the number thereof required for a quorum and to transact business, the powers and functions of the chairman and his authority to delegate the same, and the effect which the tenure of the members and chairman has upon the holding of other public office shall all be applicable with like force and effect to the directors of such subsidiary corporation.
3. The subsidiary corporation shall have all of the powers vested in the transit authority by section twelve hundred four of this title except those contained in subdivisions five, six, eight, nine, fourteen and sixteen thereof. In addition, such subsidiary corporation shall have the following powers:
 - (a) pursuant to the provisions of this section, to maintain and operate the omnibus lines transferred to it by the city;
 - (b) to appoint officers and employees, assign powers and duties to them and fix their compensation. Said officers and employees shall not become, for any purpose, employees of the city or of the transit authority and shall not acquire civil service status or become members of the New York city employees' retirement system but, shall, for purposes of subparagraph (i) of paragraph three of subsection (c) of section six hundred twelve of the tax law be deemed to be officers and employees of a subdivision of the state;
 - (c) to improve, maintain and operate such buildings, structures and facilities as may be necessary or convenient;
 - (d) with the consent of the transit authority, to use officers, employees, agents and facilities of transit authority and to reimburse the transit authority therefor;
 - (e) to utilize business methods and efficient procedures to promote the safety and convenience of the traveling public, in the carrying out of its corporate purposes;
 - (f) to operate omnibus lines on those routes in the city of New York where on February twenty-eighth, nineteen hundred sixty-two, omnibus lines were operated under franchises or temporary certificates of convenience and necessity which have been revoked, terminated, rescinded or condemned, or acquired by any other means, and to extend such routes so as to provide the complete service

§ 1203-a. Subsidiary corporation

operated on February twenty-eighth, nineteen hundred sixty-two; and such operation, together with the necessary extensions, shall be deemed to constitute operation over approved routes with the same force and effect as if the said routes had been duly approved by the board of estimate of the city, as provided by law; and to operate on such other routes as the board may authorize by resolution adopted only after a public hearing held after notice thereof, and of the proposed route, and the proposed resolutions authorizing the same, have been published in full for at least fifteen days, except Sundays and legal holidays, immediately prior thereto in the City Record, and at least twice in two newspapers published in the borough or boroughs affected, to be designated by the board.

4. Such subsidiary corporation and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the transit authority.
5. The agreement between the city and the subsidiary corporation by which the said omnibus lines are leased shall provide as follows:
 - (a) for the rate or rates of fare to be charged on such omnibus lines, provided, however, that from and after March first, nineteen hundred sixty-eight, the subsidiary corporation shall have full and exclusive control over the setting of such rate or rates of fare;
 - (b) the subsidiary corporation shall be entitled to utilize the officers, employees, agents, facilities and services of the city on the same terms and conditions as are applicable to or provided to the transit authority;
 - (c) capital costs not now charged by the transit authority as operating expenses shall be paid by the city; provided, however, that from and after March first, nineteen hundred sixty-eight, the subsidiary corporation shall also have the right to incur capital costs in its own name to the extent that capital funds are available to it pursuant to the provisions of sections twelve hundred nineteen-a and twelve hundred three-b of this chapter or of any other law, which capital costs shall not be payable by the city; and provided, further, that no project to be financed by the use of such capital funds which is estimated by the subsidiary corporation to involve an expenditure in excess of one million dollars shall be commenced unless the mayor and the board of estimate shall each have been notified in writing by the subsidiary corporation of the intent of the subsidiary corporation to undertake such project and of the nature thereof. No such project shall be commenced if and to the extent that either the mayor or a majority in voting power of the members of the board of estimate shall find that it is incompatible with sound planning for the development or redevelopment of the city, provided such finding, together with the reasons therefor, is set forth in a writing delivered to the subsidiary corporation within thirty days of the receipt by the mayor or the board of estimate, as the case may be, of the notification of the subsidiary corporation relating to such project. Where the city is required to pay the capital costs of the subsidiary corporation pursuant to such agreement, serial bonds or capital notes may be issued by the city, pursuant to the local finance law, to finance any such costs. The subsidiary corporation shall submit timely requests for the necessary capital funds to the city planning commission and the mayor of the city;
 - (d) The [the]* initial working capital of the subsidiary corporation shall be advanced by the city from any funds of the city (but not from borrowed funds) in the form of a grant or a loan in such amount as the parties shall deem necessary but in no event shall the said amount exceed five million dollars. If in the form of a grant, the advance shall be deemed to be in partial consideration of the acceptance by the subsidiary corporation of the initial transfer, in which case the sum shall not be repaid, but if in the form of a loan, the amount of the advance shall be repaid under such terms and conditions as shall be mutually agreed upon by the parties.
6. The provisions of section twelve hundred seven, subdivision one, sections twelve hundred eight, twelve hundred nine, twelve hundred eleven, twelve hundred twelve, twelve hundred twelve-a, twelve hundred thirteen, twelve hundred fifteen, twelve hundred sixteen, twelve hundred twenty and twelve hundred twenty-

* The bracketed word has been inserted by the Publisher.

§ 1203-a. Subsidiary corporation

one of this title, shall apply to the subsidiary corporation in the same manner as to the transit authority and the term "authority", as used in such sections shall be deemed to apply to the subsidiary corporation.

7. Upon the written request of the mayor the subsidiary corporation shall permit reduced fares for one or more classes of omnibus line users designated by the mayor upon the agreement of the city to assume the burden of the resulting differential, together with the attendant administrative costs of the subsidiary corporation, pursuant to procedures satisfactory to the subsidiary corporation.

8. From and after March first, nineteen hundred sixty-eight, no substantial or general change in the levels of service furnished upon the facilities of the subsidiary corporation shall be instituted except upon not less than thirty days' written notice to the mayor and to the board of estimate.

9. The subsidiary corporation shall establish and publish or cause to be published schedules for all passenger transportation services under its operation. Such schedules shall include the estimated departure and arrival time at each terminal point of each route except that, on lines where the headway time during the period between six A. M. and seven P. M. is less than ten minutes, such headway time alone may be listed for that period. Such schedules shall also show the elapsed running time between the terminal and each station. Schedules shall be made available on each omnibus operated on the line to which the schedule applies.

10. No acts or activities taken or proposed to be taken by the subsidiary corporation pursuant to the provisions of paragraph (a) of subdivision five or subdivision seven of this section shall be deemed to be "actions" for the purposes or within the meaning of article eight of the environmental conservation law.

11. The subsidiary corporation and its corporate existence shall continue until terminated by law, provided however, that no such law shall take effect so long as the subsidiary corporation or the transit authority or any other of its subsidiaries shall have outstanding any notes or bonds or lease, sublease or other contractual obligations issued or incurred pursuant to section twelve hundred seven-m of this title or issued or incurred in connection with the transfer of its interest in and the lease from the transferee of any property furnished to it pursuant to chapter twelve of the laws of nineteen hundred seventy-nine or section fifteen of chapter three hundred fourteen of the laws of nineteen hundred eighty-one, unless adequate provision has been made for the payment or satisfaction of such outstanding notes, bonds, lease, sublease or other contractual obligations.

History

Add, L 1962, ch 163; amd, L 1962, ch 791, eff April 24, 1962; L 1964, ch 576, § 69, eff April 16, 1964; L 1967, ch 717, §§ 72, 73, eff March 1, 1968; L 1976, ch 792, eff Jan 1, 1977; L 1981, ch 314, § 10, eff June 29, 1981; L 1981, ch 1038, § 2, eff Nov 11, 1981; L 1997, ch 312, § 1, eff July 29, 1997 (see 1997 note below).

NY CLS Pub A § 1203-b

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1203-b. Transfer of funds

The authority and its subsidiary corporation, the Manhattan and Bronx surface transit operating authority, may each transfer to the other from time to time such available funds as they may jointly determine to be necessary or desirable, including funds accepted by the authority pursuant to the provisions of section twelve hundred nineteen-a of this title. Subject to the rights of the holders of any outstanding bonds, notes or other obligations of the authority, metropolitan transportation authority and Triborough bridge and tunnel authority, and to facilitate the efficient financial management of the authority, its subsidiary corporations, metropolitan transportation authority and its subsidiary corporations, and Triborough bridge and tunnel authority (the “affiliated entities”), the authority may, and shall at the direction of metropolitan transportation authority, transfer revenues, subsidies and other monies or securities to one or more funds or accounts of another affiliated entity for use by such other affiliated entity, provided at the time of such transfer it is reasonably anticipated that the monies and securities so transferred will be reimbursed, repaid or otherwise provided for by the end of the next succeeding calendar year if reimbursement or repayment is required by law or by any agreement to which any of the affected affiliated entities is subject. Any revenues of an affiliated entity that are transferred to another affiliated entity, which transfer was not authorized by a provision of law other than this section, shall be considered to be required to be repaid to the affiliated entity which was the source of such revenues by the end of the next succeeding calendar year following such transfer.

History

Add, L 1967, ch 717, § 74; amd, L 2000, ch 61, § 13 (Part O), eff May 15, 2000.

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NY CLS Pub A § 1204

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1204. General powers of the authority.

1. To sue and be sued.
2. To have a seal and alter the same at pleasure.
3. [Eff until June 30, 2028] To acquire, hold, use and dispose of equipment, devices and appurtenances, and other property for its corporate purposes, including, the power to dispose of personal property with a value of five hundred thousand dollars or less by public auction in accordance with guidelines adopted by the metropolitan transportation authority pursuant to section twelve hundred sixty-five of this article and title five-A of article nine of this chapter.
3. [Eff June 30, 2028] To acquire, hold, use and dispose of equipment, devices and appurtenances, and other property for its corporate purposes.
 - 3-a. To acquire by purchase or condemnation pursuant to the provisions of the condemnation law real property or rights or easements therein necessary or convenient for the corporate purposes of the authority, and to use the same so long as its corporate existence shall continue.
 - 3-b. To apply for and receive and accept grants of property, money and services and other assistance offered or made available to it by any person, government or agency whatever, which it may use to meet capital or operating expenses and for any other use within the scope of its powers, and to negotiate for the same upon such terms and conditions as the authority may determine to be necessary, convenient or desirable.
4. To make rules and regulations for its organization and internal management.
5. To appoint officers, assign powers and duties to them, and fix their compensation.
 - 5-a. To make, amend and repeal rules governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction, including without limitation rules relating to the protection or maintenance of such facilities, the conduct and safety of the public, the payment of fares or other lawful charges for the use of such facilities, the presentation or display of documentation permitting free passage, reduced fare passage or full fare passage on such facilities and the protection of the revenue of the authority. Violations of such rules shall be an offense punishable by a fine of not exceeding twenty-five dollars or by imprisonment for not longer than ten days, or both, or may be punishable by the imposition by the transit adjudication bureau established pursuant to the provisions of this title of a civil penalty in an amount for each violation not to exceed one hundred dollars (exclusive of interest or costs assessed thereon), in accordance with a schedule of such penalties as may from time to time be established by rules of the authority. Such schedule of penalties may provide for the imposition of additional penalties, not to exceed a total of fifty dollars for each violation, upon the failure of a respondent in any proceeding commenced with respect to any such violation to make timely response to or appearance in connection with a notice of violation of such rule or to any subsequent notice or order issued by the authority in such proceeding. There shall be no penalty or increment in fine by virtue of a respondent's timely exercise of his right to a hearing or appeal. The rules may provide, in addition to any other sanctions, for the confiscation of tokens, tickets, cards or other fare

§ 1204. General powers of the authority.

media that have been forged, counterfeit, improperly altered or transferred, or otherwise used in a manner inconsistent with such rules.

- 6.** To appoint employees and fix their compensation subject to the provisions of the civil service law and to grant, in its discretion, cash payments to the surviving spouse or to the legal representatives of its deceased employees, equal to the current monetary value of accumulated and unused vacation time, if any, and the monetary value of accumulated and unused overtime, if any, for overtime which was worked and credited subsequent to June fifteenth, nineteen hundred fifty-three, computed at the rate of salary in effect at the time the overtime was worked, standing to the credit of its employees as of the time of their death and, notwithstanding the provisions of section one hundred thirty-five of the civil service law or any other state or local law to the contrary, to grant, in its discretion, severance pay to surplus employees on separation from service.
- 7.** To retain and employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice.
- 8.** Pursuant to the provisions of this title, to construct, reconstruct, improve, maintain and operate any transit facility, whether now existing, or constructed, acquired or provided in the future, and to fix fares on any such transit facilities.
- 9.** To construct, reconstruct, improve, maintain and operate buildings, structures and facilities as may be necessary or convenient and to maintain and operate, directly or enter into contracts or leases for the acquisition, maintenance, and operation of areas for the parking of motor vehicles in the vicinity of its transit facilities, and in its discretion to fix and charge for such parking a combination fee which shall include the established rate of fare for use of its transit facilities.
- 9-a.** To post signs notifying the public of the maximum fine for throwing, dumping, or causing to be thrown, dumped, deposited or placed any refuse, trash, garbage, rubbish, litter, or any nauseous or offensive matter on subway tracks or the right-of-way of a subway, pursuant to section fifty-two-e of the railroad law, to the extent that funds for such signs are available.
- 10.** With the consent of the city to use officers, employees, agents and facilities of the city paying to the city an agreed proportion or amount of the compensation or costs involved.
- 11.** To make or enter into contracts, agreements, deeds, leases, conveyances or other instruments necessary or convenient, and to assist and cooperate with the metropolitan transportation authority to carry out the powers of the metropolitan transportation authority in furtherance of the purposes and powers of the authority as provided in this article, including, without limitation, the transactions described in sections twelve hundred sixty-six-c, twelve hundred sixty-nine and twelve hundred seventy-d of this article. This power shall include the power to make contracts with other persons operating transit facilities for combined fares for the use of such facilities and the transit facilities operated by the authority and for the division of such fares, and the power to make contracts for the transportation of the United States mail or personal property.
- 12.** To surrender to the city property no longer required by the authority.
- 13.** To rent space and grant concessions on or in any transit or other facility under its jurisdiction, to fix and collect rentals, fees or other charges therefor, and to contract for the sale or disposition of waste, products or by-products incidental to its operations or in excess of its requirements.
- 13-a.** Notwithstanding the provisions of section fourteen hundred twenty-three of the penal law or the provisions of any general, special or local law, code, ordinance, rule or regulation to the contrary the authority may erect signs or other printed, painted or advertising matter on any property, including elevated structures, leased or operated by it or otherwise under its jurisdiction and control and may rent, lease or otherwise sell the right to do so to any person, private or public.
- 14.** To make plans, surveys and studies of transit facilities in the city and prepare recommendations in regard thereto.

§ 1204. General powers of the authority.

15. To exercise all requisite and necessary authority to manage, control and direct the maintenance and operation of transit facilities transferred to it for the convenience and safety of the public with power, in its discretion, to extend, modify, discontinue, curtail, or change routes or methods of transportation where the convenience and safety of the public would be served thereby or where existing routes or methods are inefficient or uneconomical; provided, however, that (except in cases of emergencies) at least thirty days prior to any proposed modification, discontinuance, curtailment or change of any transit route or method of transportation, the authority shall give notice of its intention to the board of estimate and shall, upon request of such board within such period, conduct a public hearing thereon.

16. In its discretion to provide and maintain a transit police department and a uniformed transit police force. Such department and force shall have the power and it shall be their duty, in and about transit facilities, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and assemblages which obstruct free passage; protect the rights of persons and property; guard the public health; regulate, direct, control and restrict pedestrian traffic; remove all nuisances; enforce and prevent violation of all laws and ordinances; and for these purposes to arrest all persons guilty of violating any law or ordinance. Appointments to such transit police force shall be made in accordance with applicable provisions of the civil service law and only persons who shall be less than twenty-nine years of age at the date of the filing of an application for civil service examination, who have never been convicted of a felony, and who are citizens of the United States shall be appointed transit patrolmen on the transit police force. Each member of such force shall be a police officer as defined by paragraph (e) of subdivision thirty-four of section 1.20 of the criminal procedure law and shall possess all the powers of a police officer of a city in the execution of criminal process; and criminal process issued by any court or magistrate of a city may be directed to and executed by a member of such force, notwithstanding the provisions of any local or special act, ordinance or regulation.

The authority may appoint a chief and a deputy chief of the transit police department who, in the discretion of the authority, may be selected from the ranks of the transit police force, and assign powers and duties to them and fix their compensation. The chief shall be the head of such department. During the absence or disability of the chief, the deputy chief shall possess all the powers and perform all the duties of the chief. The transit police force shall consist of captains, lieutenants, sergeants and police officers. The authority may detail persons in the rank of captain of the transit police force to serve in higher ranks. A captain when so detailed to serve in a higher rank may be granted an increase in salary above the grade established for the rank of captain in the uniformed force. The authority may maintain a division for detective purposes to be known as the detective division and may, from time to time, detail to service in said division as many members of the force as it may deem necessary, and may at any time revoke any such detail. Any member of the force while so detailed may be granted an increase in salary above the grade established for his or her rank in the uniformed force, but shall retain his or her rank in the force and shall be eligible for promotion the same as if serving in the uniformed force, and the time during which he or she serves in such division shall count for all purposes as if served in his or her rank or grade in the uniformed force.

16-a. The authority shall establish and publish or cause to be published schedules for all passenger transportation services under its operation. Such schedules shall include the estimated departure and arrival time at each terminal point of each route except that, on lines where the headway time during the period between six A.M. and seven P.M. is less than ten minutes, such headway time alone may be listed for that period. Such schedules shall also show the elapsed running time between the terminal and each station. Schedules shall be made available at each facility on the applicable route at which tokens or tickets are sold and shall be posted at each appropriate station operated by the authority.

17. To do all things necessary or convenient to carry out its purposes and for the exercise of the powers granted in this title.

18. A copy of any report submitted by the authority pursuant to sections twenty-eight hundred, twenty-eight hundred one and twenty-eight hundred two of this chapter shall be submitted contemporaneously to the mayor.

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19. To invest any funds, accounts or other monies not required for immediate use or disbursement, at the discretion of the authority, in any of the investments in which the metropolitan transportation authority is permitted to invest its monies pursuant to subdivision four of section twelve hundred sixty-five of this article.

History

Formerly § 1804, add, L 1953, ch 200, § 1; renumbered § 1204, L 1957, ch 914; amd, L 1953, ch 201, § 6; L 1956, ch 883, § 2; L 1958, ch 980, eff July 1, 1958; L 1959, ch 732, eff April 23, 1959; L 1959, ch 753, eff April 23, 1959; L 1960, ch 929, § 2; L 1961, ch 740; L 1961, ch 755; L 1963, ch 992, eff May 3, 1963; L 1967, ch 717, §§ 75–77, eff March 1, 1968; L 1971, ch 1024; L 1971, ch 1097, § 89; L 1976, ch 792, § 2, eff Jan 1, 1977; L 1983, ch 838, § 8, eff Aug 3, 1983; L 1984, ch 931, § 2, eff July 1, 1985; L 2000, ch 61, §§ 14, 15 (Part O), eff May 15, 2000; L 2000, ch 294, § 3, eff Nov 1, 2000; L 2016, ch 54, § 6 (Part OO), effective April 4, 2016; L 2018, ch 476, § 22, effective December 28, 2018.

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NY CLS Pub A § 1204-a

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1204-a. Rapid transit noise code

1. As used in this section, unless another meaning is indicated by the context:
 - a. “Authority” means the New York City Transit Authority.
 - b. “Subways” means all rail rapid transit systems operated by the authority including but not limited to rolling stock, track and track beds, passenger stations, tunnels, elevated structures, yards, depots, and shops.
 - c. “New cars” means all those cars the purchase and/or construction of which is contracted for subsequent to the enactment of this section.
 - d. “Screech” means any noise generated by wheel-track interactions on curves or by brake application and which is a prominent discreet [discrete]* tone above 1000 Hertz as defined by the American National Standards Institute specifications (ANSI S1.13—1971).
 - e. “Sound pressure level” means twenty times the logarithm to the base ten of the ratio of the root mean squared pressure of a sound to a reference pressure of twenty micropascals. The unit applied to this measure shall be the decibel (dB).
 - f. “A-weighted sound level or (dBA)” means the sound pressure level measured by the use of an instrument with the metering characteristics and A-weighting frequency response prescribed for sound level meters. The sound level measurement system must meet or exceed the requirements of the American National Standard Institute Specification for Sound Level Meters ANSI S1.4—1971, approved April twenty-seventh, nineteen hundred seventy-one, throughout the applicable frequency range for either:
 - (a) A Type 1 sound level meter; or
 - (b) A Type 2 sound level meter; or
 - (c) A Type S sound level meter which has:
 - (1) an A-weighting frequency response; and
 - (2) a fast dynamic characteristic which complies with section 5.3 of ANSI S1.4—1971; and
 - (3) a relative response level tolerance consistent with that of either a Type 1 or Type 2 sound level meter, as specified in section 3.2 of ANSI S1.4—1971.
 - g. “Equivalent sound level” means the energy-average of the integrated A-weighted sound level over a specified observation time T and is identified by the symbol Leg.
2. The authority shall undertake a rail rapid transit noise abatement study, incorporating a comprehensive review of the results of noise abatement studies and projects done for or by the Urban Mass Transportation Administration of the United States Department of Transportation and other mass transit systems. Such study shall evaluate the range of strategies available for meeting the sound levels set forth in the following

* The bracketed word has been inserted by the Publisher.

§ 1204-a. Rapid transit noise code

sound level table, propose strategies and indicate the approximate time and necessary cost for meeting such sound levels, and indicate the expected dBA reduction of each proposed strategy. Such study shall be submitted to the governor and the legislature, and made available to the public, within one year of enactment of this section.

§ 1204-a. Rapid transit noise code

SOUND LEVEL TABLE

a.

EQUIVALENT SOUND
LEVEL

PERCENT COMPLIANCE

within 4 years
of the
effective date
of this section

within 8 years
of the
effective date
of this section

within 12 years
of the
effective date
of this section

§ 1204-a. Rapid transit noise code

I. CAR INTERIOR

A. new cars	80dBA	100%	100%	100%
B. old cars	85dBA	20%	40%	70%

II. CURVE AND BRAKE SCREECH

A. new cars	No Screech	100%	100%	100%
B. old cars	No Screech	20%	60%	100%

III. STATION TRAINS ENTERING, LEAVING OR PASSING THROUGH

105dBA	85%	90%	100%
90dBA	70%	80%	95%
85dBA	50%	60%	80%
80dBA	5%	15%	60%

IV. ELEVATED STRUCTURES

Sound level to be established	10%	30%	60%
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b. In all cases noise levels shall be measured so as to reflect accurately the worst case of noise exposure at a specific location where a noise abatement strategy has been implemented, to which a subway passenger, employee, or any person who is within range of subway noise could reasonably be exposed under normal operating conditions. Noise measurements shall be made under the following conditions:

Car interior: when the car is in motion at a speed of forty miles per hour during normal operation with measurements in the center of the car and the microphone five feet above the floor.

Station: (express) when the train is in motion and passing in front of the on-platform measuring point.

(local) when the train is in motion and any part of it is within the station.

Car exterior (elevated tracks) when the train is in motion and is passing in front of the point from which noise measurements are being made.

c. All measurements shall be taken with fast dynamic characteristic of the sound level measurement system. Energy equivalent measurements shall normally be used; provided, however, alternative measures may be proposed to incorporate new instrumentation or analyses that may become available.

3. Within six months of the completion of the study conducted pursuant to subdivision two of this section, the authority shall report to the governor and the legislature which strategies or portions of strategies proposed by such study it has chosen to implement, and the schedule for such implementation.

To the extent, if any, that the authority's plan fails to meet the standards specified in the sound table, the authority shall so state and provide the reasons for its inability to meet such standards.

4. The authority shall submit to the governor and the legislature annual reports detailing the authority's progress to date in abating subway noise. The report shall include, but not be limited to an itemized summary of all monies spent, bids requested and received, contracts let, and actual work done on noise

§ 1204-a. Rapid transit noise code

abatement programs during the previous period. Any and all subway noise measurements made during the previous period shall be included, with, whenever possible, analyses of such measurements.

Such annual report shall also include a detailed analysis of all future noise abatement activities planned for the upcoming twelve months. These reports shall also include comprehensive statements of progress made on all planned noise abatement activities included in the previous annual report.

Nothing herein shall preclude such report from being incorporated in the authority's annual capital report submitted pursuant to the "capital financing and services system act of nineteen hundred eighty-one," so long as it is maintained as a separate, distinct and identifiable component in such report.

History

Add, L 1982, ch 736, § 3, eff July 27, 1982; L 2021, ch 488, § 1, effective October 22, 2021.

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NY CLS Pub A § 1204-c

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§ 1204-c. Receipt of line of duty pay

1. A member of the New York city transit authority police force in the rank of police officer or a member of such force who is detailed or designated as a detective or who holds the position of sergeant or any position of higher rank, shall be entitled pursuant to this section to the full amount of his or her regular salary for the period of any incapacity due to illness or injury incurred in the performance and discharge of duty as a member of the force, as determined by the authority, only in the event that a collective bargaining agreement granting such entitlement pursuant to this section has been entered into by the authority and the certified employee organization representing such member. The first entitlement of any such member of the New York city transit authority police force to the full amount of regular salary under this section shall commence on the date of execution of the collective bargaining agreement providing for such entitlement with respect to such member.
2. Nothing in this section shall be construed to affect the rights, powers and duties of the authority pursuant to any other provision of law, including, but not limited to, the right to discipline a police officer by termination, reduction of salary, or any other appropriate measure; the power to terminate an appointee who has not completed his or her probationary term; and the power to apply for ordinary or accident disability retirement for a police officer.
3. Nothing in this section shall be construed to require payment of salary to a member of the New York city transit authority police force who has been terminated, retired, suspended or otherwise separated from service by reason of death, retirement or any other cause.
4. A decision as to eligibility for benefits pursuant to this section shall not be binding on the medical board or the board of trustees of any pension fund in the determination of eligibility for an accident disability or accidental death benefit.
5. As used in this section the term “incapacity” shall mean the inability to perform full, limited, or restricted duty.

History

Add, L 1990, ch 493, § 1, eff July 18, 1990 (see 1990 note below).

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NY CLS Pub A § 1204-d

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§ 1204-d. Special powers of the authority

1. The authority may enter into a joint service arrangement with a bi-state agency, the state of New Jersey, any state agency, authority, municipality or instrumentality of the state of New Jersey, the federal government and any common carrier for the purpose of establishing bus transportation between the borough of Staten Island and locations in the state of New Jersey. A joint service arrangement between the authority and such entities shall mean an agreement or agreements relating to property, buildings, structures, facilities, services, rates, classifications, fares, divisions, allowances, charges, rules and regulations pertaining to or incidental to establishing and maintaining such bus transportation.
2. Any such joint service arrangement shall be authorized only by resolution of the authority approved by not less than a majority vote of the whole number of members of the board of the authority then in office, except that in the event of a tie vote the chairman shall cast one additional vote.
3. All general powers of the authority shall be applicable to joint service arrangements.

History

Add, L 2006, ch 530, § 1, eff Aug 16, 2006.

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§ 1204-e. New York city transit authority advisory council.

1. There is hereby created the New York city transit authority advisory council, to study, investigate, monitor and make recommendations with respect to the maintenance and operation of the New York city transit authority, its subsidiaries and the Staten Island rapid transit operating authority. Such council shall study and investigate all aspects of the day to day operations of such authority, its subsidiaries and the Staten Island rapid transit operating authority, monitor their performance and recommend changes to improve the efficiency of the operation thereof. Such council shall study and make recommendations in regard to improving bicycle and pedestrian access on trains and buses, and at bridges, stations and other facilities operated by the authority, its affiliates and subsidiaries and the Staten Island rapid transit operating authority and submit such recommendations to the metropolitan transportation authority on or before June first, two thousand twenty-two and every five years thereafter.
2. Such council shall consist of sixteen members who shall be commuters who regularly use the transportation services of such authorities. Six of such members shall be appointed by the governor upon the recommendation of the mayor of the city of New York; five upon the recommendation of the president of the city council of the city of New York; and five other members appointed upon the recommendation one by each of the borough presidents of the boroughs of the city of New York. Provided, however, that one member recommended by the mayor of New York shall have a demonstrated expertise or interest in the promotion and development of improved bicycle and pedestrian access at bridges, stations and other facilities operated by the metropolitan transportation authority, as created by section twelve hundred sixty-three of this article, and such authority's affiliates and subsidiaries. The chairman shall be a member selected by the membership of the committee. Each of the members shall serve for a term of two years, provided, however, that of the first appointments, two appointed upon the recommendation of the mayor and two appointed upon the recommendation of the president of the city council shall serve for a term of one year. Vacancies occurring other than by expiration of term shall be filled in the same manner as the original appointments for the balance of the unexpired term.
3. The members of the council shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
4. The council may request and shall receive from any department, division, board, bureau, commission, agency, public authority of the state or any political subdivision thereof such assistance and data as will enable it properly to carry out its activities hereunder and effectuate the purposes set forth herein.
5. [Repealed]

History

Formerly § 1204-a, add, L 1981, ch 483, § 1, eff July 11, 1981; renumbered § 1204-e, L 2009, ch 25, § 2 (Part H), § 2, eff May 7, 2009; L 2021, ch 776, § 1, effective December 22, 2021; L 2021, ch 802, § 5, effective December 28, 2021; L 2022, ch 62, § 2, effective December 22, 2021; L 2022, ch 125, § 5, effective December 28, 2021.

§ 1204-e. New York city transit authority advisory council.

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§ 1204-f. Subway track safety.

The authority shall include instructions on how to react safely, timely, and effectively when a person falls onto the subway tracks as part of its ongoing safety education campaigns.

History

L 2022, ch 62, § 1, effective December 22, 2021.

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§ 1205. Rates of fare and levels of service

1. Notwithstanding the provisions of any other law, the terms of any contract or franchise, the authority shall have the power at all times to fix or adjust the rate or rates of fare to be charged for the use of any transit facility operated by the authority as may in the judgment of the authority be necessary to maintain the operations of the authority on a self-sustaining basis. The operations of the authority shall be deemed to be on a self-sustaining basis, as required by this title, when the authority is able to pay from revenue, from any funds granted or transferred to the authority pursuant to any provision of law, including funds granted pursuant to the provisions of section ninety-eight-b of the general municipal law, and from any other funds actually available to the authority, including the proceeds of borrowings for working capital purposes, the expenses of operation of the authority as the same shall become due.
2. Upon the written request of the mayor the authority shall permit reduced fares for one or more classes of transit facility users designated by the mayor upon the agreement of the city to assume the burden of the resulting differential, together with the attendant administrative costs of the authority, pursuant to procedure satisfactory to the authority.
3. Notwithstanding the provisions of subdivision one of this section, no zonal system of fares proposed to be instituted on or after March first, nineteen hundred sixty-eight for the use of the whole or any part of a rapid transit facility or of an omnibus line facility operated by the authority and no general revision of the system of transfers applicable to the use of all such facilities in effect as of that date shall be established without the written approval of the mayor. For the purposes of this subdivision the term “zonal system of fares” shall mean any system whereby the fare payable for the use of a rapid transit facility or an omnibus line facility or of any part thereof varies according to distance traveled or to the location of the point of entry or departure by the user, but the creation or elimination of free transfer points shall not be regarded as the institution of such a system.
4. From and after March first, nineteen hundred sixty-eight, no substantial or general change in the levels of service furnished upon the rapid transit facilities or the omnibus line facilities of the authority shall be instituted except upon not less than thirty days' written notice to the mayor and to the board of estimate.
5.
 - (a) Any complete or partial closing of a passenger station within the city of New York, or any means of public access to such facility, except for purposes of repair or renovation or in case of emergency shall be accomplished only if approved by resolution of the authority adopted by not less than a majority of the whole number of members of the authority then in office, and only after a public hearing. Such hearing shall be held not less than thirty days after notice of such proposed closing has been given to, and comments solicited from, the community board as established pursuant to section eighty-four of the New York city charter whose area of jurisdiction includes the station proposed to be closed or otherwise affected.
 - (b) In the case of a planned complete closure of a passenger station for purposes of repair or renovation, where such station will be out of service for sixty days or longer the MTA board shall adopt a policy, within ninety days of the effective date of the chapter of the laws of two thousand nineteen which amended this subdivision, that will ensure adequate communication of such work to impacted

§ 1205. Rates of fare and levels of service

stakeholders where such passenger station is located including but not limited to: elected representatives, senate and assembly representatives, and community boards at least forty-five days prior to such closure. Such policy shall require the authority to notify the community board or boards whose district contains a passenger station subject to a planned complete closure or is contiguous to a district that contains a passenger station subject to a planned complete closure located on the same line of service as the passenger station subject to closure in writing. Such written notice shall provide such board or boards with an option to request a presentation from the authority regarding such planned complete closure. Upon request from such board or boards the authority shall, at a date convenient to such board or boards prior to such closure, present information regarding such closure and related service alternatives and also allow for public comment. The policy shall also require that the authority provide notice to the public at least thirty days prior to such closure by: (i) posting notice in the passenger stations that are scheduled for closure; and (ii) posting notice on the authority's website and social media accounts; providing information about the planned complete closure, service alternatives, and directions on how the public can provide comment to the authority regarding such closure. This subdivision shall not apply to emergency station closures resulting from unforeseen circumstances where such closure is necessary to ensure public health, safety and welfare.

6. No acts or activities taken or proposed to be taken by the authority pursuant to the provisions of subdivision one or two of this section shall be deemed to be "actions" for the purposes or within the meaning of article eight of the environmental conservation law.

7. Whenever the authority causes notices of hearings on proposed changes in services or fares to be posted pursuant to this section or any statute, regulation, or authority policy, or where it voluntarily posts such notices, such notices shall: (a) be written in a clear and coherent manner using words with common and every day meaning; (b) be captioned in large point type bold lettering with a title that fairly and accurately conveys the basic nature of such change or changes; (c) where such change involves a proposed change in levels of fare, include in its title the range of amounts of fare changes under consideration; (d) contain, to the extent practicable, a concise description of the specific nature of the change or changes, including but not limited to a concise description of those changes that affect the largest number of passengers; (e) where such change involves a change in the nature of a route, contain, to the extent practicable, a clear graphic illustration of such change or changes; and (f) where such change involves a partial or complete station closing, such notice shall be posted at the affected station with a clear graphic illustration depicting the nature of any closing for such station.

8. Notwithstanding any other provision of law, the authority and any of its subsidiary corporations shall establish and implement a half fare rate program for persons with serious mental illness who are eligible to receive supplemental security income benefits as defined pursuant to title sixteen of the federal social security act and section two hundred nine of the social services law. The half fare rate program established and implemented pursuant to this subdivision shall be in operation during all hours in which such authority provides railroad, subway and/or omnibus services, and such program shall not be limited in operation to off-peak hours or to any other hours designated by the authority or its subsidiary corporations.

History

Formerly § 1805, add, L 1953, ch 200; renumbered § 1205, L 1957, ch 914, § 3; amd, L 1964, ch 513, § 2; L 1967, ch 717, § 78, eff March 1, 1968; L 1977, ch 930, § 1, eff Aug 11, 1977; L 1981, ch 314, § 11, eff June 29, 1981; L 1991, ch 464, § 1, eff Sept 1, 1991; L 2000, ch 24, § 2; L 2000, ch 25, § 2, eff July 16, 2000; L 2019, ch 224, § 2, eff Aug 30, 2019.

NY CLS Pub A § 1205-a

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1205-a. Surrender of power plants

Notwithstanding any other provision of law, in the event the authority shall surrender power plants to the city in connection with the sale thereof by the city to a third party, the city shall establish a fund out of the purchase price or the installments of purchase price, from which it shall pay to the authority for a period of ten years the sum of five million dollars a year in semi-annual installments of two million five hundred thousand dollars each. The first such payment shall be made six months after the date when possession of the power plants is transferred to the purchaser of such plants. Such moneys shall be used by the authority to pay, in part, for the cost of electricity purchased by the authority for the operation of transit facilities.

Notwithstanding the foregoing provisions, the city may, from time to time, at the request of the authority, prepay to the authority any and all of the remaining semi-annual installments due it as aforesaid, when the city and the authority have determined that such prepayment will serve the financial needs of the authority. In the event that said fund is not sufficient for the prepayment of any such installments, then the city may make up any insufficiency through a budgetary appropriation or may issue serial bonds and notes, pursuant to the local finance law, to finance such insufficiency. The maximum period of probable usefulness for such object or purpose is hereby determined to be three years.

History

Add, L 1959, ch 361; amd, L 1964, ch 513, § 3, eff April 10, 1964.

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§ 1206. Omnibus operations

1. The authority, as soon as practicable and not later than July first, nineteen hundred fifty-five, shall prepare a plan for the sale and transfer of omnibus facilities under its jurisdiction to private ownership. Any such plan shall provide that the proceeds of such sale and transfer shall be paid to the city. No such plan shall apply or relate to, or have any effect upon, any facilities, property or franchises, used and usable in the operation of omnibus lines, acquired by condemnation under subdivision two of section twenty or section twenty-d of the general city law.
2. The authority shall have power to take such action and execute such instruments as may be required of it to execute such plan or any modification thereof.

History

Formerly § 1806, add, L 1953, ch 200; renumbered § 1206, L 1957, ch 914, § 3; L 1953, ch 201, § 7; L 1962, ch 161, § 3; L 1962, ch 262, § 3, eff March 31, 1962.

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§ 1206-a. Transit construction fund

In addition to the powers provided elsewhere in this title, and to effectuate the purposes of the transit construction fund act, constituting title nine-a of article five of this chapter, the authority or any subsidiary may: (a) acquire and use any transit facility in accordance with the terms and conditions of any sublease or other agreement with the transit construction fund; (b) authorize the use by the transit construction fund, either with or without compensation to the authority, of the agents, employees and facilities of the authority; (c) make and execute contracts, leases, subleases and all other instruments or agreements deemed necessary or convenient including agreements with the metropolitan transportation authority and the transit construction fund; and (d) do any and all other things deemed necessary or convenient.

History

Add, L 1972, ch 576, § 2, eff May 24, 1972.

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§ 1207. Notes and equipment trusts

1. The authority may issue notes in conformity with applicable provisions of the uniform commercial code in anticipation of the receipt of revenues provided that the aggregate principal amount of such revenue anticipation notes outstanding at any time shall not exceed ten per cent of the average annual revenues of the authority. All such revenue anticipation notes shall mature within two years of the date of issue and an installment or installments of not less than fifty per cent of the principal amount of such notes shall mature in the first fiscal year succeeding the fiscal year in which such notes are issued. Such notes may be sold at public or private sale and the city shall have power to purchase the same from any revenues or funds of the city other than moneys derived from borrowings.
2. The authority shall have power to purchase pursuant to conditional sales agreements or equipment trust agreements, to lease and otherwise to acquire subject to a lien for the purchase price, such equipment as it deems desirable including cars and rolling stock, electric and other motive power vehicles, automobiles, buses, and other motor vehicles, provided, however, that the amount of liabilities which the authority may incur under this subdivision shall be governed by the limitations contained in paragraph b of subdivision one of section eighteen hundred three* of this law and shall in no event exceed such sum of five million dollars in any one fiscal year without the approval of the mayor. Payment for such equipment, or rentals therefor, may be made in installments to a trustee in trust to secure payment of equipment trust certificates, and provision may be made that title to such equipment shall not vest in the authority until the equipment trust certificates are paid, or that such equipment shall be subject to a lien to secure equipment trust certificates. Any such agreements, leases and equipment trust certificates shall contain such covenants, conditions and provisions as it deems necessary or desirable to insure payment of the equipment trust certificates.
3. The authority may also issue its promissory notes from time to time in conformity with applicable provisions of the uniform commercial code for the purpose of raising working capital to pay its expenses of operation. Such promissory notes shall be general obligations of the authority, may be secured or unsecured as the authority shall determine, subject to the prior rights, if any, of the holders of other obligations of the authority, shall mature not later than five years from the date of issue and shall at no time be outstanding in an unpaid principal amount in excess of two hundred million dollars. Such promissory notes may be sold at public or private sale.

History

Formerly § 1807, add, L 1953, ch 200; renumbered § 1207, L 1957, ch 914, § 3, eff April 24, 1957; L 1953, ch 880, § 3; L 1964, ch 576, § 70, eff April 16, 1964; L 1967, ch 717, § 79; L 1969, ch 810; L 1969, ch 972, § 40, eff May 26, 1969,79; L 1973, ch 647, § 1, eff June 11, 1973.

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* Renumbered § 1203, L 1957, ch 914, § 3.

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§ 1207-a. Purchase of cars by the authority and disposition thereof

1. Notwithstanding the provisions of sections twelve hundred through twelve hundred twenty-one, inclusive, of this title or of any other provisions of law to the contrary, but subject to the provisions of section twelve hundred seven-j of this title, the authority shall have power to purchase no more than seven hundred twenty-four cars for the rapid transit lines under the jurisdiction of the authority and to finance the purchase price thereof by the issuance of bonds and notes of the authority in accordance with the provisions of section twelve hundred seven-b of this title. Any purchase contract for the purchase of such cars shall be made by the authority only upon public letting founded on sealed bids in accordance with the requirements of subdivision two of section twelve hundred nine of this title.

2. Title to all cars purchased by the authority pursuant to subdivision one of this section shall vest in the authority; provided, that, subject to such agreements with the holders of bonds and notes of the authority as may then exist, the authority may from time to time sell at negotiated sale and transfer to the city, for such consideration as the authority shall determine and approve, any or all of such cars so purchased by the authority as provided in section twelve hundred seven-k.

History

Add, L 1962, ch 655, § 2, eff April 19, 1962.

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§ 1207-b. Issuance of bonds and notes by the authority

1. Notwithstanding the provisions of sections twelve hundred through twelve hundred twenty-one, inclusive, of this title or of any other provisions of law to the contrary, but subject to the provisions of section twelve hundred seven-j of this title, the authority shall have the power and is hereby authorized to borrow money and to issue negotiable bonds and notes therefor in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the authority, shall be necessary to provide funds sufficient to pay the purchase price of no more than seven hundred twenty-four cars for the rapid transit lines under the jurisdiction of the authority purchased pursuant to section twelve hundred seven-a of this title, to pay interest on the bonds and notes of the authority, to establish reserves to secure such bonds and notes, and to pay all other expenditures of the authority incident to or incurred in connection with the purchase of such cars and the authorization, issuance and sale of said bonds and notes. In no event shall there be outstanding at any one time more than ninety-two million dollars (\$92,000,000) in such bonds and notes.

1-a. The authority may also issue its bonds, notes or other obligations in such principal amounts as shall be necessary to finance the construction, purchase, lease or acquisition of, or an equity interest in, an office building located or to be constructed in the borough of Brooklyn in the city, provided that (i) all or a portion of such building is intended to be occupied by the authority and that the board shall, by resolution, have made findings that the sum of the capitalized value of all payments due from the authority under such bonds, notes or other obligations (not including any amounts attributable to principal repayment) together with any rent payments for the space in such building to be occupied by the authority and of all payments required of the authority under any related agreement does not exceed the capitalized value of those payments which would be made in a conventional commercial lease transaction for comparable space with an unrelated party and (ii) not more than an insubstantial portion of any real property so financed with the proceeds of bonds, notes, or other obligations is utilized by other than the New York city transit authority or its designated subsidiary. The term "capitalized value" for the purposes of this subdivision shall be computed in the manner set forth in subdivision four of section twelve hundred seven-m of this title. The metropolitan transportation authority is hereby additionally authorized from time to time to issue bonds for the purposes of refunding, redeeming or otherwise paying, including paying by purchase or tender, bonds issued by the authority for such purposes and to secure such bonds in the manner set forth in section twelve hundred sixty-nine of this article.

2. The authority shall have the power from time to time to renew notes or to issue renewal notes for such purpose, to issue bonds to pay notes, and whenever it deems refunding expedient, to refund bonds by the issuance of new bonds and to issue bonds partly to refund bonds and notes then outstanding and partly for the purposes authorized by subdivision one of this section. The refunding bonds may be exchanged for bonds to be refunded, with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase or payment of the bonds to be refunded. In no event shall the maturity date of the refunding bonds be a date beyond thirty-five years from the date the first bond was issued.

3. Every issue of bonds and notes of the authority shall be special obligations of the authority payable solely from the moneys and revenues of the authority derived from the operation of the transit facilities

§ 1207-b. Issuance of bonds and notes by the authority

under its jurisdiction, subject to any agreement with the holders of particular bonds or notes pledging any particular moneys or revenues.

4. The bonds and notes shall be authorized by resolution of the authority and shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no note or any renewal thereof shall mature more than five years after the date of issue of the original note and no bond shall mature more than thirty-five years from the date of issue. Bonds and notes shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption and to such other terms and conditions as such resolution or resolutions may provide. The bonds and notes may be sold at public or private sale for such price or prices as the authority shall determine. Pending preparation of definitive bonds, the authority may issue interim receipts which shall be exchanged for such bonds.

5. Any resolution or resolutions authorizing any bonds or notes or any issue of bonds or notes may contain provisions, which shall be a part of the contract with the holders of the bonds, or notes thereby authorized, as to

- (a)** pledging all or any part of the revenues or other monies of the authority to secure the payment of the bonds or notes or of any issue of the bonds or notes, subject to such agreements with bondholders or noteholders as may then exist;
- (b)** the rate or rates of fare to be charged and the amounts to be raised in each year from revenues and the use and disposition of the revenues;
- (c)** the setting aside of reserves or sinking funds, and the regulation and disposition thereof;
- (d)** limitations on the rights of the authority with respect to the use and disposition of the cars for which such bonds or notes are issued and with respect to all other transit facilities of the authority;
- (e)** limitations on the purpose to which the proceeds of sale of any issue of bonds or notes then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or notes or of any issue of the bonds or notes;
- (f)** limitations on the issuance of additional bonds and notes; the terms upon which additional bonds and notes may be issued and secured, and the funding or refunding of outstanding or other bonds and notes;
- (g)** the procedure, if any, by which the terms of any contract with bondholders or noteholders may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;
- (h)** vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders or noteholders pursuant to section twelve hundred seven-h hereof, and limiting or abrogating the right of the bondholders to appoint a trustee under section twelve hundred seven-h hereof, or limiting the rights, duties and powers of such trustee;
- (i)** defining the acts or omissions to act which shall constitute a default in the duties of the authority to the holders of its bonds and notes and providing the rights and remedies of such holders in the event of default;
- (j)** any other matters, of like or different character, which in any way affect the security or protection of the bonds and notes.

6. It is the intention hereof that any pledge of revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective

§ 1207-b. Issuance of bonds and notes by the authority

of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

7. Neither the members of the board nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

8. Subject to such agreements with bondholders or noteholders as may then exist, the authority shall have power out of any funds available therefor to purchase bonds or notes. The authority may hold, cancel or resell such bonds and notes, subject to and in accordance with agreements with bondholders and noteholders.

History

Add, L 1962, ch 655, § 2, eff April 19, 1962; amd, L 1964, ch 830, § 21; L 1969, ch 972, § 42, eff May 26, 1969,43, eff May 26, 1969; L 1986, ch 929, § 21; L 2000, ch 61, § 16 (Part O), eff May 15, 2000.

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§ 1207-c. Required redemption of bonds

Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of bonds, either the state of New York or the city may, upon furnishing sufficient funds therefor, require the authority to redeem as a whole any issue of the bonds at the time or times and at the place or places and in accordance with the terms upon which such bonds are redeemable.

History

Add, L 1962, ch 655, eff April 19, 1962.

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§ 1207-d. Agreement of the state

The state of New York does hereby pledge to and agree with the holders of the bonds and notes of the authority that the state will not limit or alter the rights and powers hereby vested in the authority by this title to fulfill the terms of any contract made by the authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any contract with the holders of bonds or notes.

History

Add, L 1962, ch 655, eff April 19, 1962.

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§ 1207-e. State and city not liable on bonds or notes

The bonds and notes of the authority shall not be a debt of the state of New York or the city, and neither the state nor the city shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

History

Add, L 1962, ch 655, eff April 19, 1962.

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§ 1207-f. Bonds and notes legal investments for fiduciaries

The bonds and notes of the authority are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. Notwithstanding any other provisions of law, the bonds and notes of the authority are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

History

Add, L 1962, ch 655, eff April 19, 1962.

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§ 1207-g. Exemptions from taxation

1. It is hereby found, determined and declared that the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York, and the authority will be performing an essential governmental function in the exercise of the powers conferred by this title, and the state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds and notes of the authority issued pursuant to this title, in consideration of the acceptance of any payments for such bonds and notes, that such bonds and notes of the authority issued pursuant to this title and the income therefrom, and all moneys, funds, fares and other revenues pledged to pay or secure the payment of such bonds and notes, shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.
2. Nothing herein shall be construed to repeal or supersede any tax exemptions heretofore or hereafter granted by general or other laws.

History

Add, L 1962, ch 655, § 2, eff April 19, 1962.

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§ 1207-h. Remedies of bondholders and noteholders

1. In the event that the authority shall default in the payment of principal of or interest on any issue of the bonds or notes after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of bonds or notes, the holders of twenty-five per centum in aggregate principal amount of the bonds or notes of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county of New York, or Queens or the Bronx or Kings and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds or notes for the purposes herein provided.
2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds or notes then outstanding shall, in his or its own name
 - (a) by a proceeding under article seventy-eight of the civil practice act or other suit, action or proceeding at law or in equity enforce all rights of the bondholders or noteholders, including the right to require the authority and the board to collect fares and revenues adequate to carry out any agreement as to, or pledge of, such fares and revenues, and to require the authority and the board to carry out any other agreements with the holders of such bonds or notes and to perform its and their duties under this title;
 - (b) bring suit upon such bonds or notes;
 - (c) by action or suit in equity, require the authority to account as if it were the trustee of an express trust for the holders of such bonds or notes;
 - (d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds or notes;
 - (e) declare all such bonds or notes due and payable, and if all defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of such bonds or notes then outstanding, to annul such declaration and its consequences.
3. The Supreme Court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders or noteholders. The venue of any such suit, action or proceeding shall be laid in the county of New York, Queens, the Bronx, or Kings.
4. Before declaring the principal of all such bonds or notes due and payable the trustee shall first give thirty days' notice in writing to the authority and the city.
5. Any such trustee, whether or not the issue of bonds or notes represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the fares or other revenues which are pledged for the security of the bonds or notes of such issue, and such receiver may enter and take possession of such part or parts of the transit facilities of the authority and, subject to any pledge or agreement with bondholders or noteholders, shall take possession of all moneys and other property derived from or applicable to the maintenance and operation of the transit facilities operated by the authority and operate, maintain and reconstruct such part or parts of said transit

§ 1207-h. Remedies of bondholders and noteholders

facilities and collect and receive all fares and other revenues thereafter arising therefrom, subject to any pledge thereof or agreement with bondholders or noteholders relating thereto, and perform the public duties and carry out the agreements and obligations of the authority under the direction of the court. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any fares and other revenues derived from such transit facilities.

6. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

History

Add, L 1962, ch 655, eff April 19, 1962.

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§ 1207-i. Rates of fare while bonds, notes and other obligations are outstanding

Notwithstanding the provisions of section twelve hundred five of this title or the provisions of any other law to the contrary, so long as the authority shall have outstanding and unpaid bonds, notes or other obligations issued pursuant to section twelve hundred seven-b of this title, or the metropolitan transportation authority or Triborough bridge and tunnel authority shall have outstanding and unpaid bonds, notes or other obligations secured by or payable from, in whole or in part, the revenues, assets or other monies of the authority or its subsidiary corporations, the authority shall have the power at all times to fix or adjust the rate or rates of fare to be charged for the use of any transit facility operated by the authority as may, in the judgment of the board, be necessary to produce sufficient revenues to pay, as the same shall become due, the principal of and interest on such bonds, notes and other obligations of the authority, metropolitan transportation authority and Triborough bridge and tunnel authority, together with the maintenance of proper reserves therefor, in addition to paying as the same shall become due the expenses of operation of the authority. The authority, metropolitan transportation authority and Triborough bridge and tunnel authority, shall be authorized to contract with the holders of such bonds[,] * notes and other obligations with respect to the exercise of the power authorized by this section. In furtherance of the mandate of the metropolitan transportation authority to develop and implement a unified mass transportation policy for the metropolitan commuter transportation district and the exercise of its powers, including the power to issue notes, bonds and other obligations secured in whole or in part by the revenues of the authority and its subsidiaries, metropolitan transportation authority and its subsidiaries, and the Triborough bridge and tunnel authority, the authority shall join with the metropolitan transportation authority in connection with the establishment, levy and collection of fares, tolls, rentals, rates, charges and other fees for the transportation of passengers on any transit facilities operated by authority and its subsidiaries, including any changes thereto.

History

Add, L 1962, ch 655; amd, L 2000, ch 61, § 17 (Part O), eff May 15, 2000.

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* The bracketed punctuation has been inserted by the Publisher.

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§ 1207-j. Limitation on the exercise of powers by authority and lease renewal

1. The powers granted and conferred upon the authority by section twelve hundred seven-a of this title to purchase cars for the rapid transit lines of the authority, and by section twelve hundred seven-b of this title to issue bonds and notes of the authority, shall not be exercised by the authority unless and until the authority and the city shall have entered into an agreement for the renewal and extension of the existing agreement of lease between the city and the authority, dated June first, nineteen hundred fifty-three, for a term of years. Any such renewal agreement may contain such revisions of the existing agreement and such additional terms and conditions, not inconsistent with law, as may be approved by the city and the authority.
2. The city, by resolution of the board of estimate or by instruments authorized by such resolution, and the authority shall be authorized to enter into an agreement for the renewal and extension of the existing agreement of lease between the city and the authority for such term of years as shall be agreed upon and in any such renewal and extension agreement the authority may agree to such limitations upon the exercise of the powers conferred upon it by sections twelve hundred seven-a through twelve hundred seven-i, inclusive, as the authority in its discretion shall approve.

History

Add, L 1962, ch 655, § 2, eff April 19, 1962.

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§ 1207-k. Purchase, financing and lease of cars and rolling stock by city

1. Notwithstanding the provisions of any other law, the city may purchase from the authority, by negotiation and without competitive bidding, from time to time, all or any part of the cars acquired by the authority pursuant to section twelve hundred seven-a of this title, and to pay therefor such price or prices as shall be agreed upon by the city and the authority provided, however, that such funds paid to the authority by the city shall be used only for the reimbursement of principal and interest on the bonds and notes issued by the authority to finance the cost of such cars.
2. Serial bonds and notes may be issued by the city, pursuant to the local finance law, to finance the cost of all cars purchased from the authority pursuant to subdivision one of this section. The maximum period of probable usefulness of such object or purpose is hereby determined to be twenty-five years.
3. All cars purchased by the city from the authority pursuant to subdivision one of this section may be leased by the city to the authority under the then existing agreement of lease.

History

Add, L 1962, ch 655, § 2, eff April 19, 1962.

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§ 1207-I. Inconsistent provisions of other acts superseded

Insofar as the provisions of section twelve hundred seven-a through twelve hundred seven-k, inclusive, are inconsistent with any other provisions of this title or of any other act, general or special, or of any local law of the city, the provisions of sections twelve hundred seven-a through twelve hundred seven-k, inclusive, shall be controlling.

History

Add, L 1962, ch 655, § 2, eff April 19, 1962.

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NY CLS Pub A § 1207-m

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§ 1207-m. Transit projects

1. The term “transit project” as used in this section shall have the meaning given to such term from time to time in section twelve hundred sixty-six-c of this article. The provisions of this section shall be controlling and the authority and its subsidiaries shall have the powers provided in this section notwithstanding any contrary provision of this title or of local law or of any lease or other agreement with the city.

2.

(a) The authority is hereby authorized to request the metropolitan transportation authority to undertake any transit project and the authority and its designated subsidiaries are each hereby authorized (i) to enter into agreements with the metropolitan transportation authority concerning transit projects; (ii) to acquire in its own name by gift, purchase or condemnation any real or personal property (or any interest therein) which is needed or useful for or in connection with such project, and to surrender the use, occupancy, control or possession of or to transfer the same, or any other such real or personal property (or any interest therein) which it owns, leases, operates or controls, to the metropolitan transportation authority or its designee; (iii) to accept a transfer, transfer back, lease or sublease of any such project or part thereof upon its completion; and (iv) to make its agents, employees and facilities available to the metropolitan transportation authority in connection therewith.

(b) The authority and its subsidiary corporation is each hereby authorized to sell or transfer, without regard as to how or from whom acquired, all or part of its interest in any equipment which is deemed to be a mass commuting vehicle under the United States internal revenue code or the regulations thereunder, including, without limitation, any of the same obtained as transit projects or obtained from or financed with money received from the Triborough bridge and tunnel authority, for such consideration and on such terms or conditions as it may deem appropriate, and to obtain a lease from the transferee on such terms and conditions and for such period as it may deem appropriate pursuant to which it may operate, use, control or possess such mass commuting vehicle in furtherance of the statutory purposes of the authority and its subsidiaries, provided (i) such lease contains an option to the authority or its subsidiary corporation to repurchase its interest at the expiration of the scheduled lease term for nominal consideration, and (ii) the aggregate of the regularly scheduled rental payments which the authority or its subsidiary corporation is obligated to make pursuant to such lease during each twelve month period of the lease term shall not exceed the aggregate amount receivable, whether by principal or interest, by the authority or its subsidiary corporation from its transferee during each such twelve month period. Without limitation of the foregoing, any lease entered into pursuant hereto may also contain provisions requiring the authority or its subsidiary corporation to indemnify the transferee for any loss resulting from the loss or destruction of any mass commuting vehicle which is the subject of such lease, or any loss arising out of any misrepresentation, act, or omission of the authority or its subsidiary in connection with such lease, and requiring the authority or its subsidiary corporation to undertake to replace, repair or restore any such mass commuting vehicle, but such obligations shall not be deemed regularly scheduled rental payments for purposes of the preceding sentence. Rental payments and other payments or costs incurred by the authority or its subsidiary corporation in discharge of its obligations under any lease entered into as hereinabove provided shall not be deemed capital costs for the purposes of section twelve hundred three or twelve hundred three-a of this title, and the considerations received by the authority or its subsidiary corporation in connection with any

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transactions entered into pursuant to the authorization of this paragraph may be expended free of any restriction set forth in subparagraph (ii) of paragraph (b) of subdivision one of section twelve hundred three or in paragraph (c) of subdivision five of section twelve hundred three-a of this title.

(c) Neither the authority nor its subsidiary shall enter into any transaction authorized by paragraph (b) of this subdivision unless the following standards and procedures have been met:

(i) notice of intention to negotiate shall be published in at least one newspaper of general circulation, and a copy thereof shall be mailed to all parties who have requested notification from the authority or its subsidiary to engage in transactions of this type. Such notice shall describe the nature of the proposed transaction and the factors subject to negotiation, which shall include, but not be limited to, the price to be paid to the authority or its subsidiary;

(ii) the authority or its subsidiary shall negotiate with those respondents whose response complies with the requirements set forth in the notice;

(iii) the board of the authority or its subsidiary shall resolve on the basis of particularized findings relevant to the factors negotiated that such transaction will provide maximum available financial benefits, consistent with other defined objectives and requirements.

(d) The authority and its subsidiary shall provide to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly, notice of each lease entered into pursuant to paragraph (b) of this subdivision and supporting documentation of compliance by the authority and its subsidiary with subparagraphs (i), (ii) and (iii) of paragraph (c) of this subdivision.

(e) Paragraphs (c) and (d) of this subdivision shall be of no force and effect with respect to any lease transaction entered into pursuant to a commitment approved prior to January first, nineteen hundred eighty-five by the board of the authority or its subsidiary or the board of the metropolitan transportation authority.

3. The authority and its designated subsidiaries are hereby authorized, in connection with any transit project, to pay or agree to pay, in a manner and on terms and conditions satisfactory to the metropolitan transportation authority, any portion of the costs to the metropolitan transportation authority of such transit project and the financing thereof which is not paid to the metropolitan transportation authority from any federal, state or local aid or assistance or from any other moneys made available or payable to the metropolitan transportation authority by others for such project.

4.

(a) Such agreements with the metropolitan transportation authority may, without limitation, contain provisions obligating the authority or its designated subsidiary to:

(i) issue its notes or bonds, or execute and deliver its lease, sublease and other such contractual obligations, in payment for a transfer, lease or sublease of a transit project to any of them, provided, however, that in no event shall the aggregate principal amount of all notes and bonds together with the capitalized value of all lease, sublease and other such contractual obligations, exceed the sum of one billion six hundred million dollars, excluding from such limitation (A) the principal amount of any bonds or notes of the authority to the extent the amount thereof is paid, is payable or has been agreed to be paid by the federal government or any agency or instrumentality thereof to the authority or to the holders of such bonds or notes, (B) the principal amount of any bonds or notes of the authority issued to refund or otherwise repay other obligations issued for such transit projects, (C) the principal amount of any bonds or notes and the capitalized value of any lease, sublease or other such contractual obligation, to the extent such obligations are paid or agreed to be paid, subject to annual appropriation, under service contracts issued by the state to the metropolitan transportation authority for the benefit of the authority or its subsidiaries pursuant to the provisions of section sixteen of the transportation systems assistance and financing act of 1981, or under any similar contract of the metropolitan transportation authority or the authority with

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any other governmental entity for the benefit of the authority or its subsidiaries, (D) the principal amount of any bonds or notes of the authority issued to the metropolitan transportation authority in connection with the funding of any debt service reserve fund required by any resolution of the metropolitan transportation authority pursuant to which special obligation bonds of that authority to fund a transit project were issued, and (E) a principal amount of any bonds or notes of the authority equal to the amount of any original issue discount from the principal amount of the special obligation bonds or notes issued by the metropolitan transportation authority in connection with the financing of a transit project by that authority;

(ii) give security for the payment of such notes, bonds, lease, sublease or other contractual obligations, including a pledge of all or any part of its revenues or other moneys, which pledge may contain covenants with respect to the charging and fixing of fares, fees and rentals, the use and disposition of such fares, fees, rentals and other charges, and the setting aside of reserves therefrom.

(b) Such agreements, and any notes, bonds, lease, sublease or other contractual obligations issued or entered into by the authority or its designated subsidiary pursuant thereto, may, without limitation, also contain provisions as to:

(i) limitations with respect to the use and disposition of transit projects and with respect to any other transit facilities;

(ii) limitations on the issuance of additional bonds, notes, lease, sublease or other contractual obligations, the terms upon which they may be secured and the funding or refunding thereof;

(iii) with respect to bonds or notes, vesting in a trustee or trustees such property rights, powers and duties in trust as it may determine, which rights, powers and duties may include, but shall not be limited to, those set forth in section twelve hundred seven-h of this title;

(iv) defining the acts or omissions to act which shall constitute a default and providing rights and remedies in the event of default;

(v) any other matters, of like or different character, which in any way affect the security or protection of the metropolitan transportation authority of any lessor; and

(vi) consenting to the extending or assignment by the metropolitan transportation authority or by any lessor to the holders of any of its bonds, notes or lease obligations of all of the benefits and rights of the metropolitan transportation authority or of such lessor provided by any such agreement or other instrument.

(c) The term "revenues" as used in this subdivision shall include all those moneys referred to in section twelve hundred of this article, as well as all operating subsidies provided by any public benefit corporation or by any governmental entity, federal, state or local.

(d) The term "capitalized value" as used in this subdivision shall mean the present value of all future payments required under a lease, sublease and other such contractual obligation discounted at a rate of interest determined on the basis of the net interest cost of the last metropolitan transportation authority's special obligation bonds issued prior to the execution of any such lease, sublease or other contractual obligation or, if no such bonds have been issued, on the basis of the net interest cost of the last bonds issued by the Triborough bridge and tunnel authority, issued in payment for the transfer, lease or sublease of any such transit projects.

5. It is the intention hereof that, subject to such agreements with bondholders or noteholders as may then exist, any pledge of revenues or other moneys made by the authority or its subsidiaries shall be valid and binding from the time when the pledge is made; that the revenues or other moneys so pledged and thereafter received by the authority or its subsidiaries shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the

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authority or its subsidiaries irrespective of whether such parties have notice thereof. Neither the agreement nor any other instrument by which a pledge is created need be recorded.

6. So long as the authority or any of its subsidiaries shall have any outstanding and unpaid obligation in connection with a transit project, the authority and such subsidiaries shall have the power at all times to fix or adjust the rate or rates of fares, fees, rentals or other charges to be charged for the use of their transit facilities as may, together with all other lawfully available moneys, be necessary in their judgment to produce sufficient revenues to pay such obligations as the same become due, in addition to paying as the same shall become due expenses of operation of the transit facilities and satisfying all other obligations of the authority and such subsidiaries. No acts or activities taken or proposed to be taken by the authority pursuant to this subdivision shall be deemed to be "actions" for the purposes or within the meaning of article eight of the environmental conservation law.

7.

(a) In connection with (i) the lease between the city and the authority dated June first, nineteen hundred fifty-three, and (ii) the lease between the city and the Manhattan and Bronx surface transit operating authority dated March twentieth, nineteen hundred sixty-two (such leases, as heretofore supplemented, amended or renewed, and the tenancies originally created thereby, being referred to in this section as "the existing leases"), the city, acting either by the mayor alone or by resolution of the board of estimate, or by instruments authorized by such resolution, and the authority are authorized to enter into agreements for renewal or extension of the existing leases, or for new leases, for such terms of years and upon such other terms and conditions as the parties thereto shall agree and the metropolitan transportation authority shall approve, provided that under the terms thereof, the rights, privileges and obligations of the parties are not inconsistent with the provisions of, or in derogation of the powers of the authority all as provided in title nine of article five of this chapter, and provided further that such agreements shall in no way impair the rights or powers of the authority or the Manhattan and Bronx surface transit operating authority to fulfill the terms of any contract made by either of them with the holders of any of their then outstanding bonds or notes, and such agreements shall provide that such leases may not be terminated or permitted to expire or be amended in any way inconsistent with the provisions of any agreement, bond, note, lease, sublease or other contractual obligation given or made by either of them in connection with a transit project. Neither the provisions of section one hundred ninety-seven-c of the New York city charter, relating to a uniform land use review procedure, nor the provisions of any other local law of like or similar import shall apply to the renewal or extension of the existing leases or to the making of new leases as herein provided.

(b) Notwithstanding the provisions of any other law, general, special or local, or the provisions of the existing leases, if either of the agreements authorized by paragraph (a) above is not entered into, but a note, bond, lease, sublease or other contractual obligation for a transit project has been issued or entered into, then (i) no party to an existing lease may terminate the same, serve any notice of termination pursuant thereto, exercise any option to terminate reserved therein or permit the expiration thereof, (ii) the city shall not in any way limit or disturb any right of the tenant to use, occupy, control and possess any of the properties, facilities or revenues which are the subject of such existing lease, and (iii) the city shall not seek to enforce such existing lease in any way inconsistent with or contrary to the manner in which such existing lease had been administered prior to the enactment of this section or inconsistent with or contrary to the interests of the metropolitan transportation authority or any lessor under any agreement, notes, bonds, lease, sublease or other contractual obligations of the authority or any of its subsidiaries issued or entered into in connection with a transit project (and to the extent the provisions of such leases conflict at any time or in any manner with the provisions of any such note, bond, lease, sublease or other contractual obligation, the provisions of such note, bond, lease, sublease or other contractual obligation shall be controlling and conflicting provisions of the leases with the city shall be disregarded), unless prior thereto the city has satisfied all of such outstanding notes, bonds or other contractual obligations and provided for the termination of all such agreements, leases and subleases, all in accordance with their terms. If and to the extent moneys are paid by the city to the authority or its subsidiaries to satisfy their obligations to the metropolitan transportation authority under

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such instruments, the authority and such subsidiaries shall remit such moneys to the metropolitan transportation authority, which shall, in turn, apply the same to the satisfaction and termination of its own notes, bonds and leases issued or entered into in connection with a transit project in accordance with their terms.

(c) Upon termination or expiration of a new lease or of a renewed or extended existing lease as permitted in paragraph (a) of this subdivision, or upon satisfaction of the requirements of paragraph (b) of this subdivision, title to any real or personal property (or any interest therein) constituting all or any part of a transit project then vested in the authority or any of its subsidiaries or the metropolitan transportation authority pursuant to the provisions of this chapter shall be transferred without further consideration or payment to the city.

8. The state of New York does hereby pledge to and agree with the authority and its subsidiaries and the metropolitan transportation authority and the holders of bonds or notes or lease, sublease or other contractual obligations issued by any of them in connection with a transit project or in connection with the transfer of the interest of any of them in and the lease from the transferee of any property furnished to it pursuant to chapter twelve of the laws of nineteen hundred seventy-nine or section fifteen of chapter three hundred fourteen of the laws of nineteen hundred eighty-one, or in connection with any transaction entered into pursuant to the authorization of paragraph (b) of subdivision two of this section, that the state will not limit or alter the denial of authority under subdivision eleven of this section, or the rights and powers vested in the authority and its subsidiaries by this title to fulfill the terms of any agreement made by any of them with the metropolitan transportation authority or with such holders, or in any way impair their rights and remedies until such agreements, bonds, notes, and obligations, together with the interest thereon and all costs and expenses in connection with any action or proceedings by or on behalf of the metropolitan transportation authority or such holders, are fully met and discharged. The authority and its subsidiaries are each authorized to include this pledge and the agreement of the state in any agreement with the holders of such bonds or notes or lease, sublease or other obligations and in any agreement with the metropolitan transportation authority relating to a transit project which may extend the same to the holders of its bonds, notes and lease obligations.

9. The provisions of this section and of all agreements undertaken by the authority or any of its subsidiaries in accordance therewith shall in all respects be subject to the rights of the holders of any outstanding bonds or notes of the authority and its subsidiaries.

10. In connection with the negotiation, award and implementation of contracts of the authority relating to transit projects, the provisions of paragraphs (a), (b), (c) and (d) of subdivision thirteen of section twelve hundred sixty-six-c of this article shall apply to the authority as if it were the "authority" referred to therein, and the officer designated by the metropolitan transportation authority pursuant to paragraph (e) of such subdivision shall perform the duties therein described with respect to such contracts of the authority.

11. So long as the authority or any of its subsidiaries, or metropolitan transportation authority, shall have outstanding any notes, bonds, lease, sublease or other contractual obligations authorized by this section or section twelve hundred sixty-six-c or twelve hundred sixty-nine of this article, or which have been issued or incurred in connection with the transfer of the interest of any of them in and the lease from the transferee of any property furnished pursuant to chapter twelve of the laws of nineteen hundred seventy-nine or section fifteen of chapter three hundred fourteen of the laws of nineteen hundred eighty-one, neither the authority nor any of its subsidiaries shall have the authority to file a voluntary petition under chapter nine of the federal bankruptcy code, or such corresponding chapter, chapters, or sections as may, from time to time, be in effect, and neither any public officer nor any organization, entity or other person shall authorize the authority or any of its subsidiaries to be or become a debtor under said chapter nine or said corresponding chapter, chapters or sections during any such period.

12. A project financed by the authority's issuance of its bonds, notes or other obligations, pursuant to subdivision one-a of section twelve hundred seven-b of this title shall be deemed to constitute a transit project for the purposes of this section and any notes, bonds, lease, sublease or other contractual obligations with respect to such project shall, for purposes of this section, be deemed to have been

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authorized by this section; provided, however, that such project shall not be deemed to constitute part of any capital program plan for the purposes of section twelve hundred sixty-nine-b of this article nor shall the principal amounts of any bonds or notes, nor the capitalized value of any lease, sublease, or other contractual obligation of the authority, issued or entered into by the authority pursuant to such subdivision one-a, be included in any computation pursuant to subdivision four of this section.

History

Add, L 1981, ch 314, § 12, eff June 29, 1981; amd, L 1981, ch 558, § 8,9, eff June 29, 1981; L 1981, ch 1038, § 3; L 1984, ch 602, § 2, eff July 27, 1984; L 1984, ch 988, § 1, eff Dec 12, 1984,2, eff Dec 12, 1984; L 1986, ch 929, § 22, eff Dec 31, 1986; L 2000, ch 61, § 18 (Part O), eff May 15, 2000.

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§ 1208. Revenue and accounts

1. The authority shall establish and maintain a system of accounts to show at all times the cost of the several classes of property used in operation and the sources of funds used in the acquisition of such property; the several classes of operating revenue and other income; maintenance expenses, interest, and all other charges. To the extent consistent with this title, such accounts shall be kept in accordance with the appropriate uniform system of accounts prescribed by the public service commission and shall be published monthly in the city record.
2. The moneys of the authority shall be deposited daily in banks to be designated by the authority. Deposits may be secured by obligations of or guaranteed by the United States, the state, or any municipal corporation of the state or in such other manner as the authority may provide, and all banks and trust companies are authorized to give such security for such deposits. The comptroller shall have the power from time to time, to examine the accounts, books and any other records or papers relating to the financial condition of the authority, which examination shall not preclude examination of such matters by any other authorized officer or body.
3. Payments or withdrawals of moneys of the authority shall be made by checks drawn and signed by a member or an officer of the authority, duly authorized by resolution of the board.

History

Formerly § 1808, add, L 1953, ch 200; renumbered § 1208, L 1957, ch 914, § 3, eff April 24, 1957.

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§ 1209. Contracts.

1. Any contract for public work, except where there is an emergency involving danger to life or property, the estimated cost of which exceeds twenty thousand dollars shall be made by the authority only upon public letting founded on sealed bids. Notice of the invitation for such bidding shall state the time and place of the receipt and opening of bids and shall be published once a week for two successive weeks in two of the daily newspapers published in the city, and in the city records. The authority may reject all such bids and readvertise for new bids if it shall deem it for the public interest so to do. If not, it shall award the contract to the lowest responsible bidder.
2. Any purchase contract, including but not limited to contracts for the purchase of equipment, materials or supplies, the estimated cost of which exceeds the sum of ten thousand dollars, shall be made by the authority only upon public letting founded on sealed bids, except in a case where the authority, by resolution, declares the existence of an emergency or the existence of other circumstances making competitive bidding impracticable or inappropriate, except in no instance other than in circumstances such as described in paragraph (g) hereof, shall the authority declare that competitive bidding is inappropriate with respect to purchase contracts for omnibuses. In each instance when the authority declares competitive bidding inappropriate it shall state the reasons therefor. Competitive bidding may be declared inappropriate by the authority in instances (a) where the item to be purchased is available only from a single source; or (b) where professional engineering or architectural services are solicited; or (c) where only a single bid is received in response to an invitation for competitive bids; or (d) where the authority has chosen to standardize a component on the basis of compatibility or maintenance reliability; or (e) where the apparent low bidder is declared by the authority to be not qualified to perform the terms of the contract; or (f) where the authority wishes to experiment with or test a new product or technology or evaluate the service or reliability of a new source for a particular product or component; or (g) where the authority by a vote of two-thirds of its members then in office determines that its prior experience with a potential source or contractor has been such as to require, in the public interest, that such source or contractor not be considered eligible to bid and that after the elimination of said source or contractor from the bidding process there would effectively remain only a single source for the item to be purchased and the authority purchases the item from such source; or (h) where the authority by a two-thirds vote of its members determines, on the basis of its analysis of the competitive situation among potential sources for the item to be purchased, is such that it is in the public interest to encourage new sources of manufacture or supply by awarding a contract by negotiation and without competitive bidding. Notice of the invitation for such bidding shall state the time and place of the receipt and opening of bids and shall be published in the city record in five successive issues at least ten days preceding such opening. The authority may reject all such bids and readvertise for new bids if it shall deem it for the public interest so to do. If not, it shall award the contract to the lowest responsible bidder unless the authority, by unanimous vote, shall determine that it is for the public interest that a bid other than that of the lowest responsible bidder shall be accepted.
3. [Expired]
4. Notwithstanding the provisions of subdivision two of this section, a contract for the purchase of omnibuses or components of omnibuses in furtherance or implementation of a capital program plan approved pursuant to section twelve hundred sixty-nine-b of this article may also be awarded by the

§ 1209. Contracts.

authority by negotiation without competitive bidding provided the following standards and procedures are complied with:

(a) The authority, by a vote of not less than two-thirds of its members then in office, shall issue a notice of intention to solicit competitive offerings to furnish omnibuses or components thereof, and to negotiate the conditions of a final purchase award. Such notice shall be published in at least one newspaper of general circulation, and a copy thereof shall be mailed to all known vendors of such omnibuses or components. Such notice shall describe or identify the omnibuses or particular components so to be purchased, the factors subject to negotiation, insofar as practicable prior to such negotiation, the form and content of the response, and any other matter which the authority deems relevant. The factors subject to negotiation shall include, but need not be limited to, financing, cost, delivery schedules, and performance of all or a portion of the contract at sites within the state of New York or using goods produced and services provided with the state of New York. Such notice shall require a respondent to submit as part of the response and in such detail as the authority may require, information relating to the experience of the respondent on the basis of which said respondent purports to be qualified to fulfill a contract relating to the subject matter and including the factors identified in the notice.

(b) The authority shall evaluate the responses to such notice, and shall negotiate with those respondents whose responses comply with all the requirements set forth in the notice, including the qualification requirements.

(c) A public hearing shall be held by the authority upon not less than fifteen days notice. Such notice shall state the purpose of the hearing, and shall be published in at least one newspaper of general circulation and shall be mailed to all vendors from whom offers to negotiate were received. At such hearing, summaries of all final offers received and of all negotiations shall be presented. Public comment shall be heard with respect to such offers and negotiations after which the authority by a vote of not less than eleven of its members, shall resolve, on the basis of particularized findings relevant to the factors negotiated, that the award of the contract on the basis of negotiation for the purchase of omnibuses or any components thereof will result in savings or other benefits to the authority, and that such award is in the public interest.

In no event, however, shall the authority award a contract for omnibuses to a manufacturer whose final offer, as expressed in unit cost per omnibus, is more than ten per cent higher than the unit cost of any qualified competing final offer, if the sole basis for such award is that the higher priced offer includes more favorable provision for the performance of the contract within the state of New York or the use of goods produced or services provided within the state of New York. Provided, however, the authority's directors to award a contract to any manufacturer shall not be so limited if a basis for such award, as determined by the authority, is superior financing, delivery schedule, life cycle cost, reliability, or any other factor the authority deems relevant to its operation.

As soon as practicable after the adoption of such resolution, the authority shall file such resolution and the contract which is the subject thereof with the New York state public authorities control board, created by section fifty of this chapter, and with the individual members thereof. The authority shall provide the public authorities control board with any information concerning the decision to award the contract as such board may request, including, but not limited to financing, delivery schedule, life cycle cost, and reliability of the omnibus offers made by all manufacturers competing for the award. No such contract shall be awarded by the authority if within fifteen days following such filing the public authorities control board has disapproved the award of such contract; provided, however, if the contract is not approved by the board within the fifteen day period and no individual member of the board has certified to the authority in writing of his disapproval within such period, the contract shall be deemed to have been approved.

(d) The notice provided in paragraph (c) of this subdivision shall not be issued until forty-five days after issuance of the notice of intention to negotiate referred to in paragraph (a) of this subdivision.

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(a) Notwithstanding that funds of the authority may be used therefor, a contract for all or a portion of work involving the alteration, expansion or rehabilitation of a passenger station may be awarded by the authority, by negotiation without competitive bidding, to a private entity or the designee of a private entity where the authority by vote of not less than eleven of its members approves written findings that such award is expected to permit the alteration, expansion or rehabilitation to be carried out in the most efficient and cost effective manner, that such private entity has agreed to pay at least one million dollars toward the cost of the work, that such payment represents not less than fifty percent of the total cost of the work, and that the authority has complied with the procedures provided in paragraph (b) of this subdivision. Notwithstanding the foregoing, a contract for all or a portion of work involving the alteration, expansion or rehabilitation of the passenger station located at the western terminus of the forty-second street shuttle may be awarded by the authority, by negotiation without competitive bidding, to a private entity or the designee of a private entity where the authority by vote of not less than eleven of its members approves written findings that such award is expected to permit the alteration, expansion or rehabilitation to be carried out in the most efficient and cost effective manner, and that the authority has complied with the procedures provided in paragraph (b) of this subdivision.

(b) Not less than fifteen days prior to the consideration by the board of the authority of a contract to be let pursuant to this subdivision, a notice shall be published in at least one newspaper of general circulation. Such notice shall identify the parties to the proposed contract and summarize its terms and conditions. Such notice shall also invite written public comment concerning the proposed contract, including, to the extent appropriate, the submission of alternatives for the authority's consideration. Such information shall be considered by the board of authority prior to the approval of any contract proposed to be awarded pursuant to this subdivision.

(c) Any contract entered into pursuant to this subdivision shall comply with the requirements of subdivision thirteen of section twelve hundred sixty-six-c of this article.

6. The provisions of subdivisions one, two, three and four of this section shall not be applicable to any procurement by the authority commenced during the period from the effective date of this subdivision until December thirty-first, nineteen hundred ninety-one or during the period from December sixteenth, nineteen hundred ninety-three until June thirtieth, two thousand twenty-eight; and the provisions of subdivisions seven, eight, nine, ten, eleven, twelve and thirteen of this section shall only apply to procurements by the authority commenced during such periods. The provisions of such subdivisions one, two, three and four shall apply to procurements by the authority commenced during the period from December thirty-first, nineteen hundred ninety-one until December sixteenth, nineteen hundred ninety-three, and to procurements by the authority commenced on and after July first, two thousand twenty-eight. Notwithstanding the foregoing, the provisions of such subdivisions one, two, three and four shall apply to (i) the award of any contract of the authority if the bid documents for such contract so provide and such bid documents are issued within sixty days of the effective date of this subdivision or within sixty days of December sixteenth, nineteen hundred ninety-three, or (ii) for a period of one hundred eighty days after the effective date of this subdivision, or for a period of one hundred eighty days after December sixteenth, nineteen hundred ninety-three, the award of any contract for which an invitation to bid, solicitation, request for proposal, or any similar document has been issued by the authority prior to the effective date of this subdivision or during the period from January first, nineteen hundred ninety-two until December fifteenth, nineteen hundred ninety-three.

7. [Eff until June 30, 2028]

(a) Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of one million dollars and all contracts for public work involving an estimated expenditure in excess of one million dollars shall be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in the manner hereinafter set forth. The aforesaid shall not apply to contracts for personal, architectural, engineering or other professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new

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bids from such bidders. Nothing in this paragraph shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(b) Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided that (i) a contract for services in the actual or estimated amount of one million dollars or less shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for services in the actual or estimated amount in excess of one million dollars shall require approval by the board of the authority regardless of the length of the period over which the services are rendered unless such a contract is awarded to the lowest responsible bidder after obtaining sealed bids and (ii) the board of the authority may by resolution adopt guidelines that authorize the award of contracts to small business concerns, to service disabled veteran owned businesses certified pursuant to article seventeen-B of the executive law, or minority or women-owned business enterprises certified pursuant to article fifteen-A of the executive law, or purchases of goods or technology that are recycled or remanufactured, in an amount not to exceed one million five hundred thousand dollars without a formal competitive process and without further board approval. The board of the authority shall adopt guidelines which shall be made publicly available for the awarding of such contract without a formal competitive process.

7. [Eff June 30, 2028]

(a) Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of fifteen thousand dollars and all contracts for public work involving an estimated expenditure in excess of twenty-five thousand dollars shall be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in the manner hereinafter set forth. The aforesaid shall not apply to contracts for personal, architectural, engineering or other professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing herein shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(b) Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided that a contract for personal services in the actual or estimated amount of less than twenty thousand dollars shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for personal services in the actual or estimated amount of twenty thousand dollars or more shall require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for services in the actual or estimated amount of one hundred thousand dollars or more shall require approval by the board of the authority regardless of the length of the period over which the services are rendered unless such a contract is awarded to the lowest responsible bidder after obtaining sealed bids and (ii) the board of the authority may by resolution adopt guidelines that authorize the award of contracts to small business concerns, to service disabled veteran owned businesses certified pursuant to article seventeen-B of the executive law, or minority or women-owned business enterprises certified pursuant to article fifteen-A of the executive law, or purchases of

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goods or technology that are recycled or remanufactured, in an amount not to exceed four hundred thousand dollars without a formal competitive process and without further board approval. The board of the authority shall adopt guidelines which shall be made publicly available for the awarding of such contract without a formal competitive process.

8.

(a) Advertisement for bids, when required by this section, shall be published at least once in a newspaper of general circulation in the area served by the authority and in the procurement opportunities newsletter published pursuant to article four-C of the economic development law provided that, notwithstanding the provisions of article four-C of the economic development law, an advertisement shall only be required when required by this section. Publication in a newspaper of general circulation in the area served or in the procurement opportunities newsletter shall not be required if bids for contracts for supplies, materials or equipment are of a type regularly purchased by the authority and are to be solicited from a list of potential suppliers, if such list is or has been developed consistent with the provisions of subdivision eleven of this section. Any such advertisement shall contain a statement of: (i) the time and place where bids received pursuant to any notice requesting sealed bids will be publicly opened and read; (ii) the name of the contracting agency; (iii) the contract identification number; (iv) a brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term; (v) the address where bids or proposals are to be submitted; (vi) the date when bids or proposals are due; (vii) a description of any eligibility or qualification requirement or preference; (viii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (ix) any other information deemed useful to potential contractors; and (x) the name, address, and telephone number of the person to be contacted for additional information. At least fifteen business days shall elapse between the first publication of such advertisement or the solicitation of bids, as the case may be, and the date of opening and reading of bids.

(b) The authority may designate any officer or employee to open the bids at the time and place bids are to be opened and may designate an officer to award the contract to the lowest responsible bidder. Such designee shall make a record of all bids in such form and detail as the authority shall prescribe. All bids received shall be publicly opened and read at the time, place and in the manner specified in the advertisement or specified at the time of solicitation, or to which the opening and reading or posting have been adjourned by the authority, provided that any sealed bid may be received and secured through an electronic platform as permitted by the authority, and that any sealed bid received electronically is made public at the same time as any competing paper bid. The authority shall, at minimum, provide the same opportunity and time for submitting sealed bids physically as for sealed bids submitted electronically, and shall provide the opportunity for bidders to submit sealed bids physically any time that it provides the opportunity to submit sealed electronic bids. In addition, the authority shall establish a process for accommodating force majeure events that prevent the submission of a sealed electronic bid, including but not limited to internet and power outage events, and for automatically confirming receipt of any sealed electronic bid received. All bidders shall be notified of the time and place of any such adjournment.

9. Notwithstanding the foregoing, the authority may, by resolution approved by a two-thirds vote of its members then in office or by a majority vote of its members with respect to contracts proposed to be let pursuant to paragraph (a) of this subdivision, declare that competitive bidding is impractical or inappropriate because of the existence of any of the circumstances hereinafter set forth and thereafter the authority may proceed to award contracts without complying with the requirements of subdivision seven or eight of this section. In each case where the authority declares competitive bidding impractical or inappropriate, it shall state the reason therefor in writing and summarize any negotiations that have been conducted. Except for contracts awarded pursuant to paragraphs (a), (b), (c) and (e) of this subdivision, the authority shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the authority

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declares that competitive bidding is impractical or inappropriate. Competitive bidding may only be declared impractical or inappropriate where:

- (a)** the existence of an emergency involving danger to life, safety or property requires immediate action and cannot await competitive bidding or the item to be purchased is essential to efficient operation or the adequate provision of service and as a consequence of an unforeseen circumstance such purchase cannot await competitive bidding;
- (b)** the item to be purchased is available only from a single responsible source, provided that if bids have not been solicited for such item pursuant to subdivision seven of this section within the preceding twelve months, public notice shall first be given pursuant to subdivision eight of this section;
- (c)** the authority receives no responsive bids or only a single responsive bid in response to an invitation for competitive bids;
- (d)** the authority wishes to experiment with or test a product or technology or new source for such product or technology or evaluate the service or reliability of such product or technology;
- (e)** the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contract, (ii) the United States general services administration provided that such administration utilized a process of competitive bidding or a process of competitive requests for proposals to award such contract, (iii) Nassau county or (iv) the state of New York or the city of New York, provided that in any case when the authority under this paragraph determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. Such rationale shall include, but need not be limited to, a determination of need, a consideration of the procurement method by which the contract was awarded, an analysis of alternative procurement sources including an explanation why a competitive procurement or the use of a centralized contract let by the commissioner of the office of general services is not in the best interest of the authority, and the reasonableness of cost. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or
- (f)** the authority determines that it is in the public interest to award contracts pursuant to a process for competitive request for proposals as hereinafter set forth. For purposes of this section, a process for competitive request for proposals shall mean a method of soliciting proposals and awarding a contract on the basis of a formal evaluation of the characteristics, such as quality, cost, delivery schedule and financing of such proposals against stated selection criteria. Public notice of the requests for proposals shall be given in the same manner as provided in subdivision eight of this section and shall include the selection criteria. In the event the authority makes a material change in the selection criteria from those previously stated in the notice, it will inform all proposers of such change and permit proposers to modify their proposals.
 - (i)** [Eff until June 30, 2028] Except for a contract with a value of one hundred million dollars or less that is awarded pursuant to this paragraph to the proposer whose proposal is the lowest cost, the authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made provided however that for purposes of this subparagraph the board may, at its discretion, require such a resolution be approved for contracts with a value of one hundred million dollars or less.
 - (i)** [Eff June 30, 2028] The authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to

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proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.

(ii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.

(g) the authority issues a competitive request for proposals pursuant to the procedures of paragraph (f) of this subdivision for the purchase or rehabilitation of rapid transit cars and omnibuses. Any such request may include among the stated selection criteria the performance of all or a portion of the contract at sites within the state of New York or the use of goods produced or services provided within the state of New York, provided however that in no event shall the authority award a contract to a manufacturer whose final offer, as expressed in unit cost is more than ten percent higher than the unit cost of any qualified competing final offer, if the sole basis for such award is that the higher priced offer includes more favorable provision for the performance of the contract within the state of New York or the use of goods produced or services provided within the state of New York, and further provided that the authority's discretion to award a contract to any manufacturer shall not be so limited if a basis for such award, as determined by the authority, is superior financing, delivery schedule, life cycle, reliability, or any other factor the authority deems relevant to its operations.

(i) [Eff until June 30, 2028] Except for a contract with a value of one hundred million dollars or less that is awarded pursuant to this paragraph to the proposer whose proposal is the lowest cost, the authority may award a contract pursuant to this paragraph only after a resolution approved by a vote of not less than two-thirds of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made provided however that for purposes of this subparagraph the board may, at its discretion, require such a resolution be approved for contracts with a value of one hundred million dollars or less.

(i) [Eff June 30, 2028] The authority may award a contract pursuant to this paragraph only after a resolution approved by a vote of not less than two-thirds of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.

(ii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.

10. Upon the adoption of a resolution by the authority stating, for reasons of efficiency, economy, compatibility or maintenance reliability, that there is a need for standardization, the authority may establish procedures whereby particular supplies, materials or equipment are identified on a qualified products list. Such procedures shall provide for products or vendors to be added to or deleted from such list and shall include provisions for public advertisement of the manner in which such lists are compiled. The authority shall review such list no less than once a year for the purpose of making modifications thereto. Contracts for particular supplies, materials or equipment identified on a qualified products list may be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in accordance with this section or without competitive sealed bids in instances when the item is available from only a single source, except that the authority may dispense with advertising provided that it mails copies of the invitation to bid to all vendors of the particular item on the qualified products list.

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11. The authority shall compile a list of potential sources of supplies, materials or equipment regularly purchased. The authority shall, by resolution, set forth the procedures it has established to identify new sources and to notify such new sources of the opportunity to bid for contracts for the purchase of supplies, materials or equipment. Such procedures shall include, but not be limited to: (a) advertising in trade journals; (b) cooperation with federal, state and local agencies within its area of operations; (c) publication in the state register quarterly; and (d) procedures established pursuant to subdivision thirteen of section twelve hundred sixty-six-c of this article.

12. The provisions of this section shall not supersede any other provisions of law relative to purchases of products or devices manufacturer or provided by the blind or other severely handicapped persons, to the invitation and acceptance of bids from small or minority business enterprises or to the purchases of supplies, materials or equipment through the office of general services. Except as may otherwise be provided by law or as more restrictively defined in the official policy or bid specifications of the authority, the term "small business" means a small business or similar term, under federal regulations applicable to projects of the authority which are federally assisted.

13. [Eff until June 30, 2028] Notwithstanding any other provisions in this section, the authority shall be allowed to use an electronic bidding system for the purchase of goods, materials, and commodities that may inform bidders whether their bid is the current low bid, and allow bidders to submit new bids before the date and time assigned for the opening of bids. Such procedure shall not constitute disclosure of bids in violation of section twenty-eight hundred seventy-eight of this chapter.

13. [Eff June 30, 2028] The provisions of this section shall not apply to any procurement made by any other public entity not otherwise required by law to award contracts for such purchases to the lowest responsible bidder if such purchases are made at the sole cost and expense of such entity.

14. [Repealed June 30, 2028] The provisions of this section shall not apply to any procurement made by any other public entity not otherwise required by law to award contracts for such purchases to the lowest responsible bidder if such purchases are made at the sole cost and expense of such entity.

15.

(a) Whenever the comptroller pursuant to section twenty-eight hundred seventy-nine-a of this chapter intends to require supervision in the form of prior review and approval of a contract or contract amendment to be awarded by the authority pursuant to this section, then such contract or contract amendment shall be submitted to the comptroller by the authority for approval and shall not be a valid enforceable contract unless it shall first have been approved by the comptroller but only if the comptroller has notified the authority of such determination within thirty days of having received written notice of such contract or contract amendment either in the authority's annual report or any revised report;

(b) If the comptroller has timely notified the authority as provided in paragraph (a) of this subdivision that any contract or contract amendment shall be subject to comptroller prior review and approval, and such contract or contract amendment has been submitted to the comptroller, it shall become valid and enforceable without such approval if the comptroller has not approved or disapproved it within thirty days of submission to the comptroller.

History

Formerly § 1809, add, L 1953, ch 200; renumbered § 1209, L 1957, ch 914, § 3; L 1953, ch 881, § 2; L 1981, ch 314, § 13, eff June 29, 1981; L 1981, ch 558, § 10; L 1981, ch 1039, §§ 1, 2, eff Nov 11, 1981, expired Dec 31, 1982; L 1983, ch 430, § 1, eff July 11, 1983; L 1985, ch 383, § 1, eff July 19, 1985; L 1986, ch 929, § 23; L 1990, ch 494, §§ 1–3, eff July 18, 1990; L 1993, ch 725, §§ 3–7, eff Dec 27, 1993; L 1996, ch 637, § 15; L 1998, ch 256, § 1; L 2001, ch 334, § 1; L 2004, ch 745, § 10; L 2005, ch 136, § 1, eff June 30, 2005; L 2008, ch 135, § 1, eff June 30, 2008; L 2011, ch 98, § 1, eff June 28, 2011; L 2015, ch 30, § 1, effective June 30, 2015; L 2016, ch 54, §§ 1, 3, 4 (Part OO), effective April 4, 2016; L 2019, ch 59, §§ 1–3 (Part ZZZ, Subpart C), effective April 12, 2019; L 2021, ch

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267, § 1, effective July 16, 2021; L 2022, ch 58, §§ 1–3 (Part I)., effective April 9, 2022; L 2023, ch 58, § 2 (Part C), effective May 3, 2023.

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NY CLS Pub A § 1209-a

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1209-a. Transit adjudication bureau

1. Establishment. There is hereby created in the authority a transit adjudication bureau. The head of such bureau shall be the executive director, who shall be appointed by the president of the authority. The executive director may delegate the powers and duties conferred upon the executive director by this section to such qualified officers and employees of the bureau as he may designate.
2. Hearing officers. The president of the authority shall appoint hearing officers who shall preside at hearings for the adjudication of charges of transit infractions, as hereinafter defined and the adjudication of allegations of liability for violations of the rules and regulations of the triborough bridge and tunnel authority in accordance with section two thousand nine hundred eighty-five of this chapter, and who, as provided below, may be designated to serve on the appeals board of the bureau. Every hearing officer shall have been admitted to the practice of law in this state for a period of at least three years, and shall be compensated for his services on a per diem basis determined by the bureau.
3. Jurisdiction. The bureau shall have, with respect to acts or incidents in or on the transit facilities of the authority committed by or involving persons who are sixteen years of age or over, or with respect to acts or incidents occurring on omnibuses owned or operated by the metropolitan transportation authority or a subsidiary thereof, and with respect to violation of toll collection regulations of the triborough bridge and tunnel authority as described in section twenty-nine hundred eighty-five of this chapter, non-exclusive jurisdiction over violations of: (a) the rules which may from time to time be established by the authority under subdivision five-a of section twelve hundred four of this chapter; (b) article one hundred thirty-nine of the health code of the city of New York, as it may be amended from time to time, relating to public transportation facilities; (c) article four of the noise control code of the city of New York, as it may be amended from time to time, insofar as it pertains to sound reproduction devices; (d) the rules and regulations which may from time to time be established by the triborough bridge and tunnel authority in accordance with the provisions of section twenty-nine hundred eighty-five of this chapter; and (e) rules and regulations which may from time to time be established by the metropolitan transportation authority or a subsidiary thereof in accordance with the provisions of section twelve hundred sixty-six of this chapter. Matters within the jurisdiction of the bureau except violations of the rules and regulations of the triborough bridge and tunnel authority shall be known for purposes of this section as transit infractions. Nothing herein shall be construed to divest jurisdiction from any court now having jurisdiction over any criminal charge or traffic infraction relating to any act committed in a transit or toll facility, or to impair the ability of a police officer to conduct a lawful search of a person in a transit facility. The criminal court of the city of New York shall continue to have jurisdiction over any criminal charge or traffic infraction brought for violation of the rules of the authority, the triborough bridge and tunnel authority or the metropolitan transportation authority or a subsidiary thereof, as well as jurisdiction relating to any act which may constitute a crime or an offense under any law of the state of New York or any municipality or political subdivision thereof and which may also constitute a violation of such rules. The bureau shall have concurrent jurisdiction with the environmental control board and the administrative tribunal of the department of health over the aforesaid provisions of the health code and noise control code of the city of New York.
4. General powers. The bureau shall have the following functions, powers and duties:

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- a.** To accept pleas (whether made in person or by mail) to, and to hear and determine, charges of transit infractions and allegations of civil liability pursuant to section two thousand nine hundred eighty-five of this chapter within its jurisdiction;
 - b.** To impose civil penalties not to exceed a total of one hundred fifty dollars for any transit infraction within its jurisdiction, in accordance with a penalty schedule established by the authority or the metropolitan transportation authority or a subsidiary thereof, as applicable, except that penalties for violations of the health code of the city of New York shall be in accordance with the penalties established for such violations by the board of health of the city of New York, and penalties for violations of the noise code of the city of New York shall be in accordance with the penalties established for such violations by law, and civil penalties for violations of the rules and regulations of the triborough bridge and tunnel authority shall be in accordance with the penalties established for such violations by section twenty-nine hundred eighty-five of this chapter;
 - c.** In its sole discretion, to suspend or forgive penalties or any portion of penalties imposed on the condition that the respondent voluntarily agrees to perform and actually does satisfactorily perform unpaid services on transit facilities as assigned by the authority, such as, without limitation, cleaning of rolling stock;
 - d.** To adopt, amend and rescind rules and regulations not inconsistent with any applicable provision of law to carry out the purposes of this section, including but not limited to rules and regulations prescribing the internal procedures and organization of the bureau, the manner and time of entering pleas, the conduct of hearings, and the amount and manner of payment of penalties;
 - e.** To enter judgments and enforce them, without court proceedings, in the same manner as the enforcement of money judgments in civil actions, as provided below;
 - f.** To compile and maintain complete and accurate records relating to all charges and dispositions, which records shall be deemed exempt from disclosure under the freedom of information law as records compiled for law enforcement purposes;
 - g.** To apply to a court of competent jurisdiction for enforcement of any decision or order issued by such bureau or of any subpoena issued by a hearing officer as provided in paragraph d of subdivision seven of this section;
 - h.** To enter into contracts with other government agencies, with private organizations, or with individuals to undertake on its behalf such functions as data processing, debt collections, mailing, and general administration, as the executive director deems appropriate, except that the conduct by hearing officers of hearings and of appeals may not be performed by outside contractors;
 - i.** To accept payment of penalties and to remit same to the authority or the metropolitan transportation authority or a subsidiary thereof, as applicable; and
 - j.** To adjudicate the liability of motor vehicle owners for violations of rules and regulations established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter.
- 5.** Notices of violation. The bureau shall prepare and distribute notices of violation in blank to the transit police and any other person empowered by law, rule and regulation to serve such notices. The form and wording of the notice of violation shall be prescribed by the executive director, and it may be the same as any other notice of violation or summons form already in use if said form meets the requirements hereof. The notice of violation may include provisions to record information which will facilitate the identification and location of respondents, including but not limited to name, address, telephone numbers, date of birth, social security number if otherwise permitted by law, place of employment or school, and name and address of parents or guardian if a minor. Notices of violation shall be issued only to persons who are sixteen years of age or over, and shall be served by delivering the notice within the state to the person to be served. A copy of each notice of violation served hereunder shall be filed and retained by said bureau, and shall be deemed a record kept in the ordinary course of business, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. Said notice of violation shall contain information advising the

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person charged of the manner and the time within which such person may either admit or deny the offense charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and within the time stated in the notice may result in a default decision and order being entered against such person, and the imposition of supplemental penalties as provided in subdivision five-a of section twelve hundred four of this chapter. A notice of violation shall not be deemed to be a notice of liability issued pursuant to section two thousand nine hundred eighty-five of this chapter.

6. Defaults. Where a respondent has failed to plead to a notice of violation or to a notice of liability issued pursuant to section two thousand nine hundred eighty-five of this chapter within the time allowed by the rules of said bureau or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in such amount as may be prescribed by the authority.

7. Hearings.

a.

(1) A person charged with a transit infraction returnable to the bureau or a person alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter who contests such allegation shall be advised of the date on or by which he or she must appear to answer the charge at a hearing. Notification of such hearing date shall be given either in the notice of violation or in a form, the content of which shall be prescribed by the executive director or in a manner prescribed in section two thousand nine hundred eighty-five of this chapter. Any such notification shall contain a warning to advise the person charged that failure to appear on or by the date designated, or any subsequent rescheduled or adjourned date, shall be deemed for all purposes, an admission of liability, and that a default judgment may be rendered and penalties may be imposed. Where notification is given in a manner other than in the notice of violation, the bureau shall deliver such notice to the person charged, either personally or by registered or certified mail.

(2) Whenever a person charged with a transit infraction or alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter returnable to the bureau requests an alternate hearing date and is not then in default as defined in subdivision six of this section, the bureau shall advise such person personally, or by registered or certified mail, of the alternate hearing date on or by which he or she must appear to answer the charge or allegation at a hearing. The form and content of such notice of hearing shall be prescribed by the executive director, and shall contain a warning to advise the person charged or alleged to be liable that failure to appear on or by the alternate designated hearing date, or any subsequent rescheduled or adjourned date, shall be deemed for all purposes an admission of liability, and that a default judgment may be rendered and penalties may be imposed.

(3) Whenever a person charged with a transit infraction or alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter returnable to the bureau appears at a hearing and obtains an adjournment of the hearing pursuant to the rules of the bureau, the bureau shall advise such person personally, or by registered or certified mail, of the adjourned date on which he or she must appear to answer the charge or allegation at a continued hearing. The form and content of such notice of a continued hearing shall be prescribed by the executive director, and shall contain a warning to advise the person charged or alleged to be liable that failure to appear on the adjourned hearing date shall be deemed for all purposes an admission of liability, and that a default judgment may be rendered and penalties may be imposed.

b. Every hearing for the adjudication of a charge of a transit infraction or an allegation of liability under section two thousand nine hundred eighty-five of this chapter hereunder shall be held before a hearing officer in accordance with the rules and regulations promulgated by the bureau.

c. The hearing officer shall not be bound by the rules of evidence in the conduct of the hearing, except rules relating to privileged communications.

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- d.** The hearing officer may, in his or her discretion, or at the request of the person charged or alleged to be liable on a showing of good cause and need therefor, issue subpoenas to compel the appearance of any person to give testimony, and issue subpoenas duces tecum to compel the production for examination or introduction into evidence of any book, paper or other thing relevant to the charges.
 - e.** In the case of a refusal to obey a subpoena, the bureau may make application to the supreme court pursuant to section twenty-three hundred eight of the civil practice law and rules, for an order requiring such appearance, testimony or production of materials.
 - f.** The bureau shall make and maintain a sound recording or other record of every hearing.
 - g.** After due consideration of the evidence and arguments, the hearing officer shall determine whether the charges or allegations have been established. No charge may be established except upon proof by clear and convincing evidence except allegations of civil liability for violations of triborough bridge and tunnel authority rules and regulations will be established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter. Where the charges have not been established, an order dismissing the charges or allegations shall be entered. Where a determination is made that a charge or allegation has been established or if an answer admitting the charge or allegation has been received, the hearing officer shall set a penalty in accordance with the penalty schedule established by the authority, or for allegations of civil liability in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter and an appropriate order shall be entered in the records of the bureau. The respondent shall be given notice of such entry in person or by certified mail. This order shall constitute the final determination of the hearing officer, and for purposes of review it shall be deemed to incorporate any intermediate determinations made by said officer in the course of the proceeding. When no appeal is filed this order shall be the final order of the bureau.
- 8. Administrative and judicial review.**
- a.** There shall be appeals boards within the bureau which shall consist of three or more hearing officers, as the executive director shall determine. The executive director shall select a chairman for each appeals board from the members so appointed. No hearing officer may sit on an appeals board considering an appeal from a determination made by said hearing officer.
 - b.** A party aggrieved by a final determination of a hearing officer may obtain a review thereof by serving upon the bureau, within thirty days of the bureau's service of its notice of entry of such order a notice of appeal setting forth the reasons why the determination should be reversed or modified. There shall be no interlocutory appeals.
 - c.** An appeal from a final determination of a hearing officer shall be submitted to the appeals board, which shall have power to review the facts and the law, but shall not consider any evidence which was not presented to the hearing officer, and shall have power to reverse or modify any judgment appealed from for error of fact or law.
 - d.** Appeals shall be made without the appearance of the appellant and appellant's attorney unless the presence of either or both are requested by the appellant, appellant's attorney, appellant's parent or guardian if appellant is a minor, or the appeals board. Within twenty days after a request for an appearance, made by or for the appellant, appellant's attorney or the board, the bureau shall advise the appellant, either personally or by registered or certified mail, of the date on which he or she shall appear. The appellant shall be notified in writing of the decision of the appeals board.
 - e.** A party may request and obtain a record of the proceedings resulting in a determination for which an appeal is sought, but the party shall pay to the bureau the cost of providing such record. When a record is timely requested for the purpose of preparing an appeal, the bureau shall not thereafter cause the appeal to be heard or submitted less than ten days after the delivery or mailing of the record to appellant or appellant's attorney.
 - f.** The service of a notice of appeal shall not stay the enforcement of an order appealed from unless the appellant shall have posted a bond in, or shall have paid, the amount of penalties imposed in the

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order appealed from within the time period established by rule of the bureau for payment of penalties following entry of such an order.

g. No determination of a hearing officer which is appealable under the provisions of this section shall be reviewed in any court unless an appeal has been filed and determined in accordance with this subdivision. When an appeal has been filed, the order of the appeals board shall be the final order of the bureau. Judicial review may be sought pursuant to article seventy-eight of the civil practice law and rules.

9. Enforcement of judgments.

a. The bureau shall have the power to enforce its final decisions and orders imposing civil penalties for violations of laws, rules and regulations enforced by it as if they were money judgments, without court proceedings, in the manner described herein.

b. Any final order of the bureau imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment rendered by the bureau which may be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, and, provided that no proceeding for judicial review shall then be pending, may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions. A final order against any person or persons shall be a bar to the criminal prosecution of, and in the case of a minor, juvenile offender proceedings against, said person or persons for conduct upon which the order was based.

c. Notwithstanding the foregoing provisions:

(1) Before a judgment based upon a default may be so entered the bureau must have attempted to notify the respondent by first class mail, in such form as the bureau may direct: (i) of the default decision and order and the penalty imposed; (ii) that a judgment will be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state; and (iii) the entry of such judgments may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of the bureau within thirty days of the mailing of such notice.

(2) Upon receipt by the bureau of a copy of an order to show cause in lieu of a notice of petition, or of a notice of petition, served upon it in a proceeding for judicial review of any final order of the bureau which constitutes a judgment which may be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, the bureau shall forthwith serve by first-class mail the attorney for the petitioner in such proceeding, or if the petitioner has initiated the proceeding pro se, the petitioner, with a notice stating whether or not a judgment was entered in any such court or other place provided for the entry of civil judgments within the state prior to the pendency of such proceeding for judicial review. If a judgment was so entered, such notice from the bureau also shall contain: (i) the name and address of the court or other place in which the judgment was entered, and (ii) identification of the judgment book, index number, docket number, date of entry, other information or combination of the foregoing, sufficient for the petitioner's attorney in such proceeding, or for the petitioner pro se, to locate such entry of judgment according to the indexing system utilized by the court or other place in which the judgment was entered. Proof of service of such notice from the bureau shall be filed by the bureau with the court in which the proceeding for judicial review is pending at the same time as the filing with the court of the bureau's first legal papers in such proceeding. The court in which the proceeding for judicial review is pending shall not accept for filing the bureau's first legal papers in such proceeding unless such legal papers are accompanied by such proof of service.

10. Funds. All penalties collected pursuant to the provisions of this section shall be paid to the authority to the credit of a transit crime fund which the authority shall establish. Any sums in this fund shall be used to pay for programs selected by the board of the authority, in its discretion, to reduce the incidence of crimes and infractions on transit facilities, or to improve the enforcement of laws against such crimes and

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infractions. Such funds shall be in addition to and not in substitution for any funds provided by the state or the city of New York for such purposes.

History

Add, L 1984, ch 931, § 1; amd, L 1988, ch 319, § 1, eff Nov 22, 1988 (see 1988 note below); L 1992, ch 379, § 17, eff July 17, 1992 (see 1992 note below); L 2015, ch 460, §§ 1, 2, effective November 20, 2015.

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NY CLS Pub A § 1210

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1210. Employees

1. Employees in the competitive and labor classes of the classified service in the employ of the board of transportation and performing services in respect to subjects or matters, jurisdiction of which was transferred to the authority, with the approval of the authority shall be transferred to comparable positions in the employ of the authority; and, any officers and other employees of such board of transportation may be so transferred and appointed by the authority.
2. The appointment, promotion and continuance of employment of all employees of the authority shall be governed by the provisions of the civil service law and the rules of the municipal civil service commission of the city. Employees of any board, commission or department of the city may be transferred to positions of employment under the authority in accordance with the provisions of the civil service law and shall be eligible for such transfer and appointment without examination to such positions of employment. Employees who have been appointed to positions in the service of the city under the rules of the municipal civil service commission of the city shall have the same status with respect thereto after transfer to positions of employment under the authority as they had under their original appointments. Employees of the authority shall be subject to the provisions of the civil service law.
3. Officers and employees of the city who are members or beneficiaries of any existing pension or retirement system shall continue to have the rights, privileges, obligations and status with respect to such system or systems as if they had continued in their city offices or employments. Employment by the authority shall constitute city service for the purposes of title B of chapter three of the administrative code of such city and the contributions required to be made by the authority pursuant to section B 3-20.0 of such code shall be an operating expense of the authority.
4. No assignment of, or power of attorney to collect or other instrument affecting, the whole or any part of his salary or earnings by an officer or employee of the authority, shall in any way operate to prevent the payment of such salary or earnings directly to such officer or employee unless approved in writing by a person duly designated by the authority for such purpose. In the event of the payment of such salary or earnings directly to such officer or employee, notwithstanding the existence of an assignment of, or power of attorney to collect or other instrument affecting, the whole or part thereof, not approved by such designated person, no person shall have any cause of action therefor against such authority for the recovery of any moneys by virtue of such unapproved assignment, power of attorney to collect or other instrument. Any such assignment, power of attorney or other instrument filed hereafter with the authority shall contain the name of the officer or employee affected thereby and his title or the position in which he is employed. The authority shall be entitled to receive a fee of two dollars upon the filing of such assignment, power of attorney or other instrument. In the event that such assignment, power of attorney or other instrument contains a provision to the effect that the same shall be ineffective unless subsequent written notice is given to the authority to make deductions, the filing fee shall be fifty cents; and the filing fee of any such subsequent written notice to make deductions in accordance with the terms of any such assignment, power of attorney or other instrument shall be one dollar and fifty cents. The filing fee of any other notice or paper relating to any such assignment, power of attorney or other instrument shall be one dollar.

History

§ 1210. Employees

Formerly § 1810, add, L 1953, ch 200; renumbered § 1210, L 1957, ch 914, § 3, eff April 24, 1957; L 1954, ch 349.

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§ 1210-a. Flexible benefits program

1. For purposes of this section, the following terms shall have the following meanings:

a. “Code” shall mean the United States internal revenue code of nineteen hundred eighty-six, as amended, and regulations promulgated thereunder.

b. “Authority” shall mean (1) the New York city transit authority, (2) the Manhattan and Bronx surface transit operating authority, or (3) the Staten Island rapid transit operating authority.

c. “Employee” shall mean any officer or employee of any of the entities set forth in paragraph c of this subdivision who is not eligible to receive benefits from the New York city employee benefits program.

For purposes of this section, an independent contractor shall not be considered an employee.

d. “Flexible benefits program” shall mean the program established pursuant to this section, qualifying as a cafeteria plan as defined in section one hundred twenty-five of the code or any successor section thereto providing similar benefits, and provided as a part of an employee benefits program administered by the authority.

e. “Program administrator” shall mean that agent, as determined by the authority, responsible for the maintenance and management of the flexible benefits program as authorized in subdivision two of this section.

2. The authority is authorized to establish and implement a flexible benefits program for its employees who are not eligible to receive benefits from the New York city employee benefits program, consistent with applicable provisions of the code. It may enter into agreements with persons or entities to act as program administrators of the flexible benefits program. It shall establish regulations for the appropriate administration of such flexible benefits program.

3. At the request of an employee, the chief fiscal officer of the authority, or the officer responsible for the administration of the authority’s payroll, shall, by payroll deduction, adjust the payment of the compensation of such employee as provided in a written statement by the employee in connection with the establishment and maintenance of the flexible benefits program as authorized by subdivision two of this section, and shall transfer the amount so adjusted to the authorized program administrator.

4. Moneys held for employees in any accounts established pursuant to the flexible benefits program, as authorized in subdivision two of this section, shall be held by the program administrator as agent for the participating employee, shall be accounted for separately and shall remain the property of the authority to the extent required by the code. Notwithstanding any law to the contrary, moneys may be paid out of such accounts without any appropriation by law. Any unexpended balances in such accounts at the end of a plan year as that term is defined by the United States internal revenue service shall be returned to the control of the authority to the extent required by the code.

5. To the extent permitted by the code, any salary deduction or deferral to an employee under the flexible benefits program established pursuant to this section shall be considered part of such employee’s annual compensation for the purpose of computing pension contributions and retirement benefits by any retirement system or plan to which the authority contributes on behalf of said employee. However, this subdivision

§ 1210-a. Flexible benefits program

shall in no way be construed to supersede the provisions of sections four hundred thirty-one, five hundred twelve and six hundred eight of the retirement and social security law or any other similar provision of law which limits the salary base for computing retirement benefits payable by a public retirement system.

History

Add, L 1991, ch 421, § 2, eff July 19, 1991.

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§ 1211. Members and employees not to be interested in contracts

It shall be a misdemeanor for any member, officer or employee of the authority to be in any way or manner interested, directly or indirectly, in any contract made by the authority.

History

Formerly § 1811, add, L 1953, ch 200; renumbered 1211, L 1957, ch 914, § 3, eff April 24, 1957.

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§ 1212. Actions against the authority

1. In every action against the authority for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death, the complaint shall contain an allegation that at least thirty days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the authority, its general manager or other officer designated for such purpose and that the authority has neglected or refused to make an adjustment or payment thereof for thirty days after such presentment.
2. Except in an action for wrongful death, an action against the authority founded on tort shall not be commenced more than one year and ninety days after the happening of the event upon which the claim is based, nor unless a notice of claim shall have been served on the authority within the time limited, and in compliance with all the requirements of section fifty-e of the general municipal law. 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.
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. No action shall be maintained against the authority or against such officer or employee on account of such negligence unless a notice of claim shall have been made and served on the authority within the time limited and in compliance with all the requirements of section fifty-e of the general municipal law; 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 upon a member of the authority, its general manager or other officer designated for such purpose 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; nor unless such action shall be commenced within one year after the cause of action therefor shall have accrued.
5. The authority may require any person, presenting for settlement an account or claim for any cause whatever against the authority, to be sworn before a member, counsel or an attorney, officer or employee of the authority designated for such purpose, touching such account or claim and when so sworn to answer orally as to any facts relative to such account or claim. The authority shall have power to settle or adjust all claims in favor of or against the authority.
6. 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 not exceed three per centum per annum.

History

§ 1212. Actions against the authority

Formerly § 1812, add, L 1953, ch 200; renumbered § 1212, L 1957, ch 914, § 3, eff April 24, 1957; L 1953 ch 881, § 3; L 1959, ch 366; L 1960, ch 306, eff March 29, 1960; L 1969, ch 618; L 1990, ch 804, § 25, eff Aug 24, 1990 (see 1990 note below).

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§ 1212-a. Security by authority

1. Each provision of statute or rule requiring a party to give security for the purpose of procuring an order of arrest, an injunction order, or a warrant of attachment, or as a condition of obtaining any other relief, or taking any proceeding; or allowing the court or a judge to require such security to be given, is to be construed as excluding an action brought by the authority; except where the security to be given in such an action is specially regulated by the provision in question.
2. In any action in which the authority shall be excused by statute from giving security on procuring an order of arrest, an order of injunction or a warrant of attachment, the authority shall be liable for all damages that may be sustained by the opposite party by reason of such order of arrest, attachment or injunction, in the same case and to the same extent as sureties to an undertaking would have been if such an undertaking had been given.
3. Upon an appeal taken by the authority, the service of the notice of appeal perfects the appeal and stays the execution of the judgment or order appealed from, without an undertaking or other security.

History

Formerly § 1812-a, add, L 1957, ch 716; renumbered § 1212-a, L 1957, ch 914, § 22, eff April 19, 1957.

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§ 1213. Report

Copies of the annual report required to be made and submitted pursuant to section twenty-eight hundred of this chapter also shall be submitted to the mayor, comptroller and board of estimate.

History

Formerly § 1813, add, L 1953, ch 200; renumbered § 1213, L 1957, ch 914, § 3; L 1983, ch 838, § 9, eff Aug 3, 1983.

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§ 1214. Rapid transit law

During any period when the transfer, or any renewal thereof, authorized by section eighteen hundred three* of this title shall be in effect:

1. Articles five and eight and sections ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, thirty, thirty-two, thirty-six, thirty-six-a, thirty-seven, and thirty-eight of the rapid transit law shall be suspended.
2. Articles one, three, six, seven and nine and sections sixteen, sixteen-a, thirty-one, thirty-three, thirty-four and thirty-five of the rapid transit law shall continue in force and effect and the authority shall have and exercise all the functions, powers and duties heretofore exercised by the board of transportation, or any members or officers thereof, under such articles and sections, provided, however, that where the provisions of this title shall be inconsistent with any of the provisions of such articles or sections of such law, the provisions of this title shall govern and control.

History

Formerly § 1814, add, L 1953, ch 200; renumbered § 1214, L 1957, ch 914, § 3, eff April 24, 1957.

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* Renumbered § 1203, L 1957, ch 914, § 3.

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§ 1215. Construction of terms

Whenever the term public service commission, or board of rapid transit railroad commissioners, or transit construction commissioner, or transit commission or board of transportation, occurs in any law, contract or document relating to facilities conveyed to the authority or their operation or any other duty imposed upon the authority pursuant to this title, or when in any law, contract or document reference is made to such commission, board, commissioner, or board of transportation in connection with such facilities, operations or duties whereof was so conveyed, such term or reference shall be deemed to refer to and include the authority, to the extent consistent with the provisions of such law, contract or document. For the purposes of subdivision four of section fifty of the workers' compensation law, the term other political subdivision of the state shall be deemed to refer to and include the authority. For the purposes of section three hundred twenty-one of the vehicle and traffic law, the term any political subdivision shall be deemed to refer to and include the authority. For the purposes of subparagraph (i) of paragraph three of subsection (c) of section six hundred twelve of the tax law, the term subdivisions, referring to subdivisions of the state, shall be deemed to refer to and include the Manhattan and Bronx surface transportation authority.

History

Formerly § 1815, add, L 1953, ch 200; renumbered § 1215, L 1957, ch 914, § 3; L 1953, ch 881, § 4; L 1957, ch 556; L 1997, ch 312, § 2, eff July 29, 1997 (see 1997 note below).

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§ 1216. Exemption from taxation and fees

It is hereby found, determined and declared that the creation of the authority and the carrying out of its purposes is in all respects for the benefit of the people of the state of New York and for the improvement of their health, welfare and prosperity and is a public purpose, and that the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this title. Without limiting the generality of the following provisions of this section, property owned by the authority, and property leased by the authority and used for any of its authorized purposes shall be exempt from taxation and special ad valorem levies. The authority shall be required to pay no fees, taxes or assessments, whether state or local, including but not limited to fees, taxes or assessments on real estate, franchise taxes, sales taxes or other excise taxes, upon any of its property, or upon the use thereof, or upon its activities in the operation and maintenance of its facilities or on any fares, tolls, rentals, rates, charges or other fees, revenues or other income received by the authority and the bonds and notes of the authority and the income therefrom shall at all times be exempt from taxation, except for gift and estate taxes and taxes on transfers. This section shall constitute a covenant and agreement with the holders of all bonds and notes issued by the authority. The terms "taxation" and "special ad valorem levy" shall have the same meanings as defined in section one hundred two of the real property tax law.

History

Formerly § 1816, add, L 1953, ch 200; renumbered § 1216, L 1957, ch 914, § 3; L 1953, ch 881, § 5; L 1986, ch 929, § 24, eff Dec 31, 1986.

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§ 1217. Records; prima facie evidence

The record of the proceedings of the authority and of the board of transportation, the records and printed minutes of the transit commission, of the former transit construction commissioner, of the former public service commission for the first district, and of the former board of rapid transit railroad commissioners, transferred to the authority, or certified copies thereof, shall be prima facie evidence of the proceedings of the authority, of the board of transportation, of the transit commission, of the former transit construction commissioner, of the former public service commission for the first district, or of the former board of rapid transit railroad commissioners, as the case may be, in respect to matters concerning which such records or minutes relate. Certified copies of such records or papers shall in like manner constitute prima facie evidence.

History

Formerly § 1817, add, L 1953, ch 200; renumbered § 1217, L 1957, ch 914, § 3, eff April 24, 1957.

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§ 1218. Pending actions and proceedings

1. Provision shall be made in the agreement described in section eighteen hundred three* of this title for the assumption by the city of the payment of judgments or claims based upon a cause of action arising prior to the date of transfer of transit facilities.
2. This title shall not affect any action or proceeding brought by or against the board of transportation, transit commission, or the former transit construction commissioner, public service commission for the first district, or the board of rapid transit railroad commissioners, and, upon application by the authority to the court, the authority shall be substituted as a party in such pending action or proceeding and such action or proceeding may be prosecuted or defended in the name of the authority. Any investigation, examination or hearing undertaken, commenced or instituted by the board of transportation, transit commission or the former transit construction commissioner or the public service commission for the first district or the board of rapid transit railroad commissioners before the time this title takes effect, and relating to subject or matter, jurisdiction whereof was conveyed to the authority, may be conducted to final determination by the authority.

History

Formerly § 1818, add, L 1953, ch 200; renumbered § 1218, L 1957, ch 914, § 3, eff April 24, 1957.

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* Renumbered § 1203, L 1957, ch 914, § 3.

NY CLS Pub A § 1219

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1219. Continuity of jurisdiction

The authority shall be deemed and held to constitute a continuation, as to matters within its jurisdiction, of the board of transportation for the purpose of succession to the rights, powers, duties and obligations of the board of transportation transferred to such authority. Upon the termination of the agreement of transfer provided for in section eighteen hundred three* of this title or of any renewal thereof, all the rights and properties of the authority shall pass to the city and the city shall succeed to the rights, powers, duties and obligations of the authority.

History

Formerly § 1819, add, L 1953, ch 200; renumbered § 1219, L 1957, ch 914, § 3, eff April 24, 1957; L 1953, ch 201, § 8.

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* Renumbered § 1203, L 1957, ch 914, § 3.

NY CLS Pub A § 1219-a

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1219-a. Transfer and receipt of surplus funds

1. Notwithstanding any provision of this title or any other provision of law, general, special or local, the authority may from time to time transfer and pay over to metropolitan transportation authority or triborough bridge and tunnel authority all or any part of its surplus funds; and may accept and use any moneys transferred and paid over to it by metropolitan transportation authority or triborough bridge and tunnel authority.
2. Notwithstanding the provisions of the preceding subdivision of this section:
 - (a) If the city shall have provided in its capital budget for its fiscal year beginning July first, nineteen hundred sixty-eight the amount of one hundred million dollars, or such lesser amount as shall have been requested by the authority for inclusion in such budget, for the payment of the capital cost of projects requested by the authority pursuant to section twelve hundred three of this title, then upon the written request of the mayor made within thirty days after the commencement of such fiscal year, triborough bridge and tunnel authority shall transfer to the authority, by lump sum payment or installments at such time or times and in such amounts as the mayor shall elect, all or such part of the surplus funds of triborough bridge and tunnel authority on hand as of the last day of its last fiscal year ending prior to such request as the mayor shall specify, which funds shall be applied by the authority solely to the payment of its expenses of operation. If the city shall have provided in its capital budget for any of its next four fiscal years, commencing with the fiscal year beginning July first, nineteen hundred sixty-nine, the amount of one hundred million dollars, or such lesser amount as shall have been requested by the authority for inclusion in such budget, for the payment of the capital cost of projects requested by the authority pursuant to section twelve hundred three of this title, then upon the written request of the mayor made within thirty days after the commencement of such fiscal year, triborough bridge and tunnel authority shall transfer to the authority solely for application to the payment of expenses of operation of the authority the operating surplus of triborough bridge and tunnel authority for its last fiscal year ending prior to such request, which transfer shall also be by lump sum payment or installments at such time or times and in such amounts as the mayor shall elect. Projects shall be eligible for inclusion in a computation made hereunder only if included in a capital budget on the first day of the fiscal year for which it is adopted. A carry-over project shall not be eligible for inclusion unless it was first included in a capital budget by way of an amendment thereto, in which event it shall be eligible for inclusion in a computation made hereunder with respect to the first fiscal year of the city commencing after the adoption of the amendment.
 - (b) Promptly upon the making of the certification of its operating surplus, if any, for its fiscal year ending December thirty-first, nineteen hundred seventy-two and for each of its subsequent fiscal years, triborough bridge and tunnel authority, at the direction of metropolitan transportation authority, shall transfer such operating surplus (1) to the metropolitan transportation authority for deposit into one or more funds or accounts to be used as contemplated by section twelve hundred seventy-d of this article, or (2) to the authority and the metropolitan transportation authority solely for application to the payment of the expenses of operation. For purposes of determining the proportional allocation of the operating surplus as between the authority and the metropolitan transportation authority, the following formula shall apply: (i) twenty-four million dollars plus fifty per centum of the balance of such operating surplus

§ 1219-a. Transfer and receipt of surplus funds

shall be allocable to the authority, and (ii) the remainder shall be allocable to metropolitan transportation authority on behalf of the> commuter railroads operated by it, by its subsidiary corporations or by others under joint arrangements.

(c) Triborough bridge and tunnel authority is authorized, at the direction of the metropolitan transportation authority, from time to time to make advances from available funds on account of the operating surplus it anticipates will or may be certified and transferred as provided in this subdivision to (1) the metropolitan transportation authority for deposit into one or more funds or accounts to be used as contemplated by section twelve hundred seventy-d of this article, or (2) the authority and the metropolitan transportation authority solely for application to the payment of the expenses of operation. In the event that advances so made in respect of any fiscal year including the year in which the surpluses are being earned exceed the amounts required to be transferred to the authority and metropolitan transportation authority pursuant to the provisions of this subdivision, then the amount of any such excess shall be refunded to triborough bridge and tunnel authority by the authority or metropolitan transportation authority, as the case may be, within thirty days of the making by triborough bridge and tunnel authority of its certification of operating surplus for such fiscal year.

(d) For the purposes of this subdivision, the existence and the amount of surplus funds and operating surplus of triborough bridge and tunnel authority shall be determined in accordance with the provisions of subdivision twelve of section five hundred fifty-three of this chapter.

(e) Triborough bridge and tunnel authority shall certify to the mayor and to the chairman of metropolitan transportation authority within ninety days after the end of its fiscal year ending December thirty-first, nineteen hundred sixty-seven, and within forty-five days after the end of each of its subsequent fiscal years, the amount of its operating surplus for that year and, in the case of the fiscal year ending December thirty-first, nineteen hundred sixty-seven, the amount of all of its surplus funds on hand as of the last day of such fiscal year.

(f) No transfer of funds shall be made to the authority pursuant to any provision of this section at any time when there shall have been pending and not acted upon by the mayor for ninety days any request of the authority for permission to expend or contract to expend funds for a project included in a capital budget for transit facility purposes. There shall be excluded from such ninety-day period any time during which the mayor is prevented from acting by order of court or by operation of law.

3. Notwithstanding the preceding subdivisions of this section, for purposes of determining the proportional allocation of the operating surplus of the Triborough bridge and tunnel authority between the authority and the metropolitan transportation authority the following formula shall be used: An amount equal to the debt service incurred in such year as a result of the bonds issued to provide facilities pursuant to paragraphs (m), (n), (o), (p) and (r) of subdivision nine of section five hundred fifty-three of this chapter shall be added to the operating surplus of the Triborough bridge and tunnel authority, as certified by that authority. The sum of these figures shall then be allocated to the authority and the commuter railroads operated by metropolitan transportation authority or by its subsidiary corporations, pursuant to the formula contained in paragraph (b) of subdivision two of this section as if this amount were the operating surplus of the Triborough bridge and tunnel authority. The amounts so allocated to the authority and the commuter railroads operated by metropolitan transportation authority or by its subsidiary corporations, shall then be reduced respectively by the proportional amount of the debt service, incurred in such year by the Triborough bridge and tunnel authority pursuant to paragraphs (m), (n), (o), (p) and (r) of subdivision nine of section five hundred fifty-three of this chapter, reasonably attributable to the payments for transit projects undertaken for the authority and its subsidiaries and transportation facility projects undertaken for the commuter railroads operated by the metropolitan transportation authority or by its subsidiary corporations. The remaining amounts shall constitute the respective allocation of operating surplus for the authority and the commuter railroads operated by the metropolitan transportation authority or by its subsidiary corporations.

§ 1219-a. Transfer and receipt of surplus funds

Add, L 1967, ch 717, § 80; amd, L 1972, ch 6, § 1, eff Jan 5, 1972; L 1981, ch 314, § 14; L 1981, ch 558, § 11; L 2000, ch 61, § 19 (Part O), eff May 15, 2000.

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NY CLS Pub A § 1220

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1220. Separability

If any section, clause or provision of this title shall be unconstitutional or be ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

History

Formerly § 1820, add, L 1953, ch 200; renumbered § 1220, L 1957, ch 914, § 3, eff April 24, 1957.

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NY CLS Pub A § 1221

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 9 New York City Transit Authority (§§ 1200 — 1222)

§ 1221. Inconsistent provisions in other acts superseded

In so far as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of any local law of the city, the provisions of this title shall be controlling.

History

Formerly § 1821, add, L 1953, ch 200; renumbered § 1221, L 1957, ch 914, § 3, eff April 24, 1957.

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NY CLS Pub A § 1260

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1260. Short title

This title may be cited as the “Metropolitan Transportation Authority Act.”

History

Add, L 1965, ch 324, § 3; amd, L 1967, ch 717, § 81, eff March 1, 1968.

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NY CLS Pub A § 1261

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1261. Definitions

As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Authority" shall mean the corporation created by section twelve hundred sixty-three of this title.
2. "Authority facilities" shall mean the authority's railroad, omnibus, marine and aviation facilities and operations pursuant to joint service arrangements.
3. "Budget" shall mean the preliminary, final proposed and adopted final plans of the authority, and each of its agencies.
4. "Comptroller" shall mean the comptroller of the state of New York.
5. "Equipment" shall mean rolling stock, omnibuses, vehicles, air, marine or surface craft, motors, boilers, engines, wires, ways, conduits and mechanisms, machinery, tools, implements, materials, supplies, instruments and devices of every nature whatsoever used or useful for transportation purposes or for the generation or transmission of motive power including but not limited to all power houses, and all apparatus and all devices for signalling, communications and ventilation as may be necessary, convenient or desirable for the operation of a transportation facility.
6. "Federal government" shall mean the United States of America, and any officer, department, board, commission, bureau, division, corporation, agency or instrumentality thereof.
7. "Gap" shall mean the difference between projected revenues and expenses for any given fiscal year based on the existing fare structure.
8. "Gap-closing initiative" shall mean any action to reduce a projected gap.
9. "Governor" shall mean the governor of the state of New York.
10. "Joint service arrangements" shall mean agreements between or among the authority and any common carrier or freight forwarder, the state, any state agency, the federal government, any other state or agency or instrumentality thereof, any public authority of this or any other state, or any political subdivision or municipality of the state, relating to property, buildings, structures, facilities, services, rates, fares, classifications, divisions, allowances or charges (including charges between operators of railroad, omnibus, marine and aviation facilities), or rules or regulations pertaining thereto, for or in connection with or incidental to transportation in part in or upon railroad, omnibus, marine or aviation facilities located within the district and in part in or upon railroad, omnibus, marine or aviation facilities located outside the district.
11. "Marine and aviation facilities" shall mean equipment and craft for the transportation of passengers, mail and cargo between points within the district or pursuant to joint service arrangements, by marine craft and aircraft of all types including but not limited to hydrofoils, ferries, lighters, tugs, barges, helicopters, amphibians, seaplanes or other contrivances now or hereafter used in navigation or movement on waterways or in the navigation of or flight in airspace. It shall also mean any marine port or airport facility within the transportation district but outside the port of New York district as defined in chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, including but not limited to

§ 1261. Definitions

terminals, docks, piers, bulkheads, ramps or any facility or real property necessary, convenient or desirable for the accommodation of passengers and cargo or the docking, sailing, landing, taking off, accommodation or servicing of such marine craft or aircraft.

12. "Omnibus facilities" shall mean motor vehicles, of the type operated by carriers subject to the jurisdiction of the public service commission, engaged in the transportation of passengers and their baggage, express and mail between points within the district or pursuant to joint service arrangements, and equipment, property, buildings, structures, improvements, loading or unloading areas, parking areas or other facilities, necessary, convenient or desirable for the accommodation of such motor vehicles or their passengers, including but not limited to buildings, structures and areas notwithstanding that portions may not be devoted to any omnibus purpose other than the production of revenues available for the costs and expenses of all or any facilities of the authority.

13. "Railroad facilities" shall mean right of way and related trackage, rails, cars, locomotives, other rolling stock, signal, power, fuel, communication and ventilation systems, power plants, stations, terminals, storage yards, repair and maintenance shops, yards, equipment and parts, offices and other real estate or personalty used or held for or incidental to the operation, rehabilitation or improvement of any railroad operating or to operate between points within the district or pursuant to joint service arrangements, including but not limited to buildings, structures, and areas notwithstanding that portions thereof may not be devoted to any railroad purpose other than the production of revenues available for the costs and expenses of all or any facilities of the authority.

14. "Real property" shall mean lands, structures, franchises and interests in land, waters, lands under water, riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute but also any and all lesser interests including but not limited to easements, rights of way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

15. "State" shall mean the state of New York.

16. "State agency" shall mean any officer, department, board, commissioner, bureau, division, public benefit corporation, agency or instrumentality of the state.

17. "Transportation facility" shall mean any transit, railroad, omnibus, marine or aviation facility and any person, firm, partnership, association or, corporation which owns, leases or operates any such facility or any other facility used for service in the transportation of passengers, United States mail or personal property as a common carrier for hire and any portion thereof and the rights, leaseholds or other interest therein together with routes, tracks, extensions, connections, parking lots, garages, warehouses, yards, storage yards, maintenance and repair shops, terminals, stations and other related facilities thereof, the devices, appurtenances, and equipment thereof and power plants and other instrumentalities used or useful therefor or in connection therewith.

18. "Transportation district" and "district" shall mean the metropolitan commuter transportation district created by section twelve hundred sixty-two of this title.

18-a. "Transportation purpose" shall mean a purpose that directly supports the missions or purposes of the authority, any of its subsidiaries, New York city transit authority or its subsidiary, including the realization of revenues derived from property that is, or is to be used as, a transportation facility.

19. "New York city transit authority" shall mean the corporation created by section twelve hundred one of this chapter.

20. "Triborough bridge and tunnel authority" shall mean the corporation created by section five hundred fifty-two of this chapter.

21. "Inspector general" shall mean the metropolitan transportation authority inspector general.

§ 1261. Definitions

22. "Revenues." All monies received by the authority or its subsidiaries, or New York city transit authority or its subsidiaries, or Triborough bridge and tunnel authority, as the case may be, from whatever source, derived directly or indirectly from or in connection with the operations of the respective entity.

23. "Transit facility." Transit facility as defined in subdivision fifteen of section twelve hundred of this article.

24. "Utilization" shall mean public usage of the subway, bus, railroad and paratransit services, and bridge and tunnel crossings, of the authority and its affiliates and subsidiaries as reflected in empirical data.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1966, ch 415, § 1, eff May 23, 1966, deemed eff Jan 20, 1966; L 1967, ch 717, § 82, eff March 1, 1968; L 1973, ch 569, § 1, eff June 5, 1973; L 1983, ch 427, § 2, eff July 11, 1983; L 2000, ch 61, §§ 20, 21 (Part O), eff May 15, 2000; L 2009, ch 25, § 1 (Part H), eff May 7, 2009; L 2016, ch 54, § 1 (Part PP), effective April 4, 2016; L 2017, ch 58, § 1 (Part PP), effective April 20, 2017.

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NY CLS Pub A § 1262

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1262. Metropolitan commuter transportation district

There is hereby created and established a commuter transportation district to be known as the metropolitan commuter transportation district which shall embrace the city of New York and the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester, provided, however, that the district shall not include a county that has withdrawn from the district pursuant to section twelve hundred seventy-nine-b of this article.

History

Add, L 1965, ch 324, § 3; amd, L 1986, ch 669, § 1, eff July 26, 1986.

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NY CLS Pub A § 1263

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

Notice

 This section has more than one version with varying effective dates.

§ 1263. Metropolitan transportation authority. [Effective until August 16, 2024]

1.

(a) [Eff until June 30, 2024]

(1) There is hereby created the “metropolitan transportation authority.” The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman, sixteen other voting members, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the sixteen voting members other than the chairman shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other voting members other than the chairman shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau, one a resident of the county of Suffolk, one a resident of the county of Westchester, one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this title shall terminate upon the effective date of such county’s withdrawal from such district. Of the five voting members, other than the chairman, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. Provided however, notwithstanding the foregoing residency requirement, one of the five voting members appointed by the governor without recommendation from any other person, other than the chairman, may be the director of the New York state division of the budget, and provided further that, in the event of such appointment, the

§ 1263. Metropolitan transportation authority. [Effective until August 16, 2024]

budget director's membership in the authority shall be deemed ex-officio. The chairman and each of the members shall be appointed for a term of six years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this subparagraph, the term of the chairman shall expire; provided, further, that such chairman may continue to discharge the duties of his or her office until the position of chairman is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairman shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. The two non-voting and four alternate non-voting members shall serve until January first, two thousand one. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

(2) There shall be two non-voting members and four alternate non-voting members of the authority, as referred to in subparagraph one of this paragraph.

The first non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the New York city transit authority advisory council. The first alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Metro-North commuter council. The second alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Long Island Rail Road commuter's council.

The second non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the Long Island Rail Road. The third alternate non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the New York city transit authority. The fourth alternate non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the Metro-North Commuter Railroad Company. The chairman of the authority, at his direction, may exclude such non-voting member or alternate non-voting member from attending any portion of a meeting of the authority or of any committee established pursuant to paragraph (b) of subdivision four of this section held for the purpose of discussing negotiations with labor organizations.

The non-voting member and the two alternate non-voting members representing the New York city transit authority advisory council, the Metro-North commuter council, and the Long Island Rail Road commuter's council shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The other non-voting member and alternate non-voting members representing the New York city transit authority, Metro-North Commuter Railroad Company, and the Long Island Rail Road labor organizations shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The transit authority and the commuter railroads shall not be represented concurrently by the two non-voting members during any such eighteen month period.

§ 1263. Metropolitan transportation authority. [Effective until August 16, 2024]

(a) [Eff June 30, 2024] There is hereby created the “metropolitan transportation authority.” The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman and sixteen other members appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas of expertise: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the sixteen members other than the chairman shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other members other than the chairman shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau; one a resident of the county of Suffolk; one a resident of the county of Westchester; and one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this title shall terminate upon the effective date of such county’s withdrawal from such district. Of the five members, other than the chairman, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. Provided however, notwithstanding the foregoing residency requirement, one of the five voting members appointed by the governor without recommendation from any other person, other than the chairman, may be the director of the New York state division of the budget, and provided further that, in the event of such appointment, the budget director’s membership in the authority shall be deemed ex-officio. The chairman and each of the members shall be appointed for a term of six years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this paragraph, the term of the chairman shall expire; provided, further, that such chairman may continue to discharge the duties of his office until the position of chairman is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairman shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

(a-1)The mayor of the city of New York shall, no later than April first, nineteen hundred ninety-one, develop and submit to the governor, the temporary president of the senate and the speaker of the assembly, a plan detailing how the four appointments to the metropolitan transportation authority board made by the governor upon the written recommendation of the mayor can be utilized to ensure that each county within the city of New York is represented on such board.

(b) Vacancies occurring otherwise than by expiration of term shall be filled in the same manner as original appointments for the balance of the unexpired term, provided, however, that in the event of a

§ 1263. Metropolitan transportation authority. [Effective until August 16, 2024]

vacancy caused by the death, resignation, removal, or disability of the chairman, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term.

Notwithstanding any other provision of law to the contrary, the governor shall designate an acting chairman for a period not to exceed six months or until a successor chairman has been confirmed by the senate, whichever comes first. Upon the expiration of the six-month term, if the governor has nominated a successor chairman, but the senate has not acted upon the nomination, the acting chair can continue to serve as acting chair for an additional ninety days or until the governor's successor chair nomination is confirmed by the senate, whichever comes first.

(c)

(i) Notwithstanding any inconsistent provision of this section, the term of any member shall expire upon the expiration of the term in office being served by the county elected official upon whose recommendation they were appointed; provided, however, that in such circumstance such member may serve as a holdover appointee for sixty days, or until such time as a new member is appointed, whichever is less. The term of any member appointed to replace such a holdover appointee shall expire at the end of the term in office of the county elected official upon whose recommendation such member was appointed. If a county elected official leaves office because of death, resignation, removal or disability, however, a member appointed upon such official's recommendation shall continue to serve until such time as such county elected office is filled, at which time such member will become a holdover appointee and may serve for sixty days, or until such time as a new member is appointed, whichever is less.

(ii) Notwithstanding any inconsistent provision of this section, the term of any chairman or any member shall expire upon the expiration of the term in office being served by the city or state elected official upon whose recommendation they were appointed; provided, however, that in such circumstance the chairman or such member may serve as a holdover appointee until such time as a new chairman or member is appointed. The term of any chairman or member appointed to replace such a holdover appointee shall expire at the end of the term in office of the city or state elected official upon whose recommendation such chairman or member was appointed.

2. The chairman and the first vice chairman shall be paid a salary in the amount determined by the authority; the other members shall not receive a salary or other compensation. Each member, including the chairman and the first vice chairman, shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his or her official duties.

3.

(a) A majority of the whole number of members of the authority then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the authority. Except as otherwise specified in this title, for the transaction of any business or the exercise of any power of the authority, the authority shall have power to act by a majority vote of the members present at any meeting at which a quorum is in attendance and except further, that in the event of a tie vote the chairman shall cast one additional vote.

(b) For purposes of determining the presence of a quorum, and for purposes of participation on any committee or subcommittee, those members who collectively cast a single vote pursuant to the provisions of paragraph (a) of subdivision one of this section shall be considered to be a single member, and the presence of such member shall be determined as provided in this subdivision. Except as otherwise provided in a by-law adopted as hereinafter provided, such single member constituting those members entitled to a collective vote shall be deemed present as a single member for purposes of a quorum if one or more of the members then in office entitled to cast such collective vote is present, and such collective vote shall be cast in accordance with the majority agreement of the members entitled to a collective vote who are present or in the event a single member entitled to a collective vote is present it shall be cast by that member. To evidence the existence of such majority agreement among the members entitled to a collective vote, each such member shall be polled as to his vote and such poll shall be recorded in the minutes. In the event a majority vote is not achieved by the members

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entitled to a collective vote who are present, then the vote shall not be cast. Nothing herein shall limit the right of an individual member to participate in board meetings or in other activities of the authority when the other members then in office entitled to collectively cast a vote are not present. At any meeting of the authority at which there is a quorum including all the members then in office entitled to cast a collective vote, the authority may adopt a by-law or by-laws regulating the casting of such collective vote, provided all members then in office entitled to cast a collective vote affirmatively approve such by-law or by-laws. Any action taken by the authority in accordance with any such by-law or by-laws adopted pursuant to the provisions of this paragraph shall take effect in the same manner as any other action of the authority. Any such by-law or by-laws shall not provide for the casting of any fractional vote. Nor shall such a by-law or by-laws provide for the amendment, repeal or adoption in the future of such a by-law or by-laws in a manner other than that set forth in this paragraph.

(c) No provision of paragraph (b) of this subdivision relating to the adoption of certain by-laws by the authority shall affect the manner in which by-laws of the authority are adopted concerning any subject other than the voting and presence for quorum purposes of the members from the counties of Dutchess, Putnam, Orange and Rockland.

(d) Notwithstanding the provisions of paragraph (a) of subdivision one of this section, any member appointed from the county of Dutchess, Orange, Putnam or Rockland prior to the increase in the number of members of the authority to include a member from each such county shall continue in office as the member from such counties pursuant to section five of the public officers law until the appointment and confirmation of all of the new members from such counties pursuant to the provisions of this section, and no individual member exercising a collective vote appointed and confirmed pursuant to paragraph (a) of subdivision one of this section shall take office until all such new members are appointed and confirmed.

4.

(a) Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman may appoint an executive director and such other officials and employees as shall in his or her judgment be needed to discharge the executive and administrative functions and powers of the authority.

(b) [Eff until June 30, 2024] The chairman shall establish committees to assist him in the performance of his duties and shall appoint members of the authority to such committees. Among such committees, there shall be a committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority; a committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority; a committee on operations of the Metro-North commuter railroad; a committee on operations of the Triborough bridge and tunnel authority; a committee on finance; a committee on capital program oversight; and a committee on safety. In addition to such appointed members, each of the non-voting members referred to in subparagraph two of paragraph (a) of subdivision one of this section shall serve on the committee on capital program oversight, the committee on finance, the committee on safety, the committee on operations of the Triborough bridge and tunnel authority, and the operations committee relevant to the commuter council that recommended such member. The alternate non-voting members shall each serve on the respective operations committee relevant to the commuter council that recommended each member. The committee on capital program oversight and the committee on safety shall include not less than three members, and shall include the chairpersons of the committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority, the committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority, and the committee on operations of the Metro-North commuter railroad. The committee on safety shall convene at least once annually and each committee chairperson, that is a member of the committee on safety, shall report to the committee on safety any and all initiatives, concerns, improvements, or failures involving the safety of: (1) customers; (2) employees; and (3) the public at large, in relation to authority facilities and services.

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The capital program committee shall, with respect to any approved or proposed capital program plans, (i) monitor the current and future availability of funds to be utilized for such plans approved or proposed to be submitted to the metropolitan transportation capital program review board as provided in section twelve hundred sixty-nine-b of this title; (ii) monitor the contract awards of the metropolitan transportation authority and the New York city transit authority to insure that such awards are consistent with (A) provisions of law authorizing United States content and New York state content; (B) collective bargaining agreements; (C) provisions of law providing for participation by minority and women-owned businesses; (D) New York state labor laws; (E) competitive bidding requirements including those regarding sole source contracts; and (F) any other relevant requirements established by law; (iii) monitor the award of contracts to determine if such awards are consistent with the manner in which the work was traditionally performed in the past provided, however, that any such determination shall not be admissible as evidence in any arbitration or judicial proceeding; (iv) review the relationship between capital expenditures pursuant to each such capital program plan and current and future operating budget requirements; (v) monitor the progress of capital elements described in each capital program plan approved as provided in section twelve hundred sixty-nine-b of this title; (vi) monitor the expenditures incurred and to be incurred for each such element; and (vii) identify capital elements not progressing on schedule, ascertain responsibility therefor and recommend those actions required or appropriate to accelerate their implementation. The capital program committee shall issue a quarterly report on its activities and findings, and shall in connection with the preparation of such quarterly report, consult with the state division of the budget, the state department of transportation, the members of the metropolitan transportation authority capital program review board and any other group the committee deems relevant, including public employee organizations, and, at least annually, with a nationally recognized independent transit engineering firm. Such report shall be made available to the members of the authority, to the members of the metropolitan transportation authority capital program review board, and the directors of the municipal assistance corporation for the city of New York.

(b) [Eff June 30, 2024] The chairman shall establish committees to assist him in the performance of his duties and shall appoint members of the authority to such committees. Among such committees, there shall be a committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority; a committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority; a committee on operations of the Metro-North commuter railroad; a committee on operations of the Triborough bridge and tunnel authority; a committee on finance; a committee on capital program oversight; and a committee on safety. The committee on capital program oversight shall include not less than four members, and shall include the chairpersons of the committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority, the committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority, the committee on operations of the Metro-North commuter railroad, and the committee on safety. The committee on safety shall convene at least once annually and each committee chairperson, that is a member of the committee on safety, shall report to the committee on safety any and all initiatives, concerns, improvements, or failures involving the safety of: (1) customers; (2) employees; and (3) the public at large, in relation to authority facilities and services. The capital program committee shall, with respect to any approved or proposed capital program plans, (i) monitor the current and future availability of funds to be utilized for such plans approved or proposed to be submitted to the metropolitan transportation capital program review board as provided in section twelve hundred sixty-nine-b of this title; (ii) monitor the contract awards of the metropolitan transportation authority and the New York city transit authority to insure that such awards are consistent with (A) provisions of law authorizing United States content and New York state content; (B) collective bargaining agreements; (C) provisions of law providing for participation by minority and women-owned businesses; (D) New York state labor laws; (E) competitive bidding requirements including those regarding sole source contracts; and (F) any other relevant requirements established by law; (iii) monitor the award of contracts to determine if such awards are consistent with the manner in which the work was traditionally performed in the past provided, however, that any such determination

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shall not be admissible as evidence in any arbitration or judicial proceeding; (iv) review the relationship between capital expenditures pursuant to each such capital program plan and current and future operating budget requirements; (v) monitor the progress of capital elements described in each capital program plan approved as provided in section twelve hundred sixty-nine-b of this title; (vi) monitor the expenditures incurred and to be incurred for each such element; and (vii) identify capital elements not progressing on schedule, ascertain responsibility therefor and recommend those actions required or appropriate to accelerate their implementation. The capital program committee shall issue a quarterly report on its activities and findings, and shall in connection with the preparation of such quarterly report, consult with the state division of the budget, the state department of transportation, the members of the metropolitan transportation authority capital program review board and any other group the committee deems relevant, including public employee organizations, and, at least annually, with a nationally recognized independent transit engineering firm. Such report shall be made available to the members of the authority, to the members of the metropolitan transportation authority capital program review board, and the directors of the municipal assistance corporation for the city of New York.

(c) The chairman shall ensure that at every meeting of the board and at every meeting of each committee the public shall be allotted a period of time, not less than thirty minutes, to speak on any topic on the agenda.

(d) Notwithstanding paragraph (c) of subdivision one of section twenty-eight hundred twenty-four of this chapter or any other provision of law to the contrary, the chairman shall not participate in establishing authority policies regarding the payment of salary, compensation and reimbursement to, nor establish rules for the time and attendance of, the chief executive officer. The salary of the chairman, as determined pursuant to subdivision two of this section, shall also be compensation for all services performed as chief executive officer.

5. The authority shall be a "state agency" for the purposes of sections seventy-three and seventy-four of the public officers law.
6. Notwithstanding any inconsistent provisions of this or any other law, general, special or local, no officer or employee of the state, or of any public corporation as defined in the general corporation law, shall be deemed to have forfeited or shall forfeit his office or employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of his acceptance of membership on or chairmanship of the authority; provided, however, a member or chairman who holds such other public office or employment shall receive no additional compensation for services rendered pursuant to this title, but shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of such services.
7. The governor may remove any member for inefficiency, neglect of duty, breach of fiduciary duty or misconduct in office after giving the member a copy of the charges against the member and an opportunity to be heard, in person or by counsel in the member's defense, upon not less than ten days' notice. If any member shall be so removed, the governor shall file in the office of the department of state a complete statement of charges made against such member, and his findings thereon, together with a complete record of the proceedings.
8. The authority shall continue so long as it shall have bonds or other obligations outstanding and until its existence shall be terminated by law. Upon the termination of the existence of the authority, all its rights and properties shall pass to and be vested in the state.
9. Whenever the authority causes notices of hearings on proposed changes in services or fares to be posted pursuant to this section or any statute, regulation, or authority policy, or where it voluntarily posts such notices, such notices shall: (a) be written in a clear and coherent manner using words with common and every day meaning; (b) be captioned in large point type bold lettering with a title that fairly and accurately conveys the basic nature of such change or changes; (c) where such change involves a proposed change in levels of fare, include in its title the range of amounts of fare changes under consideration; (d) contain, to the extent practicable, a concise description of the specific nature of the change or changes, including but not limited to a concise description of those changes that affect the

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largest number of passengers; (e) where such change involves a change in the nature of a route, contain, to the extent practicable, a clear graphic illustration of such change or changes; and (f) where such change involves a partial or complete station closing, such notice shall be posted at the affected station with a clear graphic illustration depicting the nature of any closing for such station.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1967, ch 717, § 83, eff March 1, 1968; L 1968, ch 420, § 185; L 1970, ch 139, § 1; L 1979, ch 275, § 1, eff July 1, 1979; L 1979, ch 727, §§ 1, 2, eff Nov 2, 1979; L 1980, ch 278, § 1; L 1984, ch 999, § 13; L 1986, ch 669, § 2; L 1986, ch 900, § 1; L 1986, ch 929, §§ 25–27, eff Dec 31, 1986; L 1990, ch 247, § 1, eff Sept 1, 1990; L 1990, ch 367, § 1, eff July 2, 1990; L 1990, ch 494, § 5; L 1991, ch 464, § 2, eff Sept 1, 1991; L 1992, ch 55, § 199, eff May 10, 1992; L 1994, ch 549, §§ 1, 2, eff Jan 1, 1995; L 2005, ch 766, § 9, eff Jan 13, 2006; L 2006, ch 14, § 1, eff March 28, 2006; L 2009, ch 25, § 5 (Part H); L 2009, ch 25, §§ 3, 4, 7-a (Part H), eff May 7, 2009; L 2009, ch 506, § 27, eff March 1, 2010; L 2018, ch 425, §§ 1, 2, effective December 21, 2018; L 2019, ch 39, §§ 1, 2 (Part E), effective June 24, 2019; L 2019, ch 59, §§ 3, 9 (Part ZZZ, Subpart B), effective April 12, 2019.

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NY CLS Pub A § 1263

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

Notice

 This section has more than one version with varying effective dates.

§ 1263. Metropolitan transportation authority. [Effective August 16, 2024]

1.

(a) [Eff until June 30, 2024]

(1) There is hereby created the “metropolitan transportation authority.” The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairperson, sixteen other voting members, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the sixteen voting members other than the chairperson shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other voting members other than the chairperson shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau, one a resident of the county of Suffolk, one a resident of the county of Westchester, one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this title shall terminate upon the effective date of such county’s withdrawal from such district. Of the five voting members, other than the chairperson, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. Provided however, notwithstanding the foregoing residency requirement, one of the five voting members appointed by the governor without recommendation from any other person, other than the chairperson, may be the director of the New York state division of the budget, and provided further that, in the event of such appointment, the budget director’s membership in the authority shall be deemed ex-officio. Provided further, one of the twelve voting members, other than the chairperson, appointed by the

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governor without recommendation by any other person, or on the recommendation of the mayor of the city of New York, or of the chief executive officer of the counties of Westchester, Nassau, or Suffolk shall be a transit dependent individual. A "transit dependent individual" shall mean an individual who is limited to public transit as their primary mode of transportation because the individual has a permanent disability, provided that any local or statewide transit advocacy organization may recommend one or more transit dependent individuals to be considered for appointment pursuant to this section. The chairperson and each of the members shall be appointed for a term of six years, provided however, that the chairperson first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this subparagraph, the term of the chairperson shall expire; provided, further, that such chairperson may continue to discharge the duties of his or her office until the position of chairperson is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairperson shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. The two non-voting and four alternate non-voting members shall serve until January first, two thousand one. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

(2) There shall be two non-voting members and four alternate non-voting members of the authority, as referred to in subparagraph one of this paragraph.

The first non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the New York city transit authority advisory council. The first alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Metro-North commuter council. The second alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Long Island Rail Road commuter's council.

The second non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the Long Island Rail Road. The third alternate non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the New York city transit authority. The fourth alternate non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the Metro-North Commuter Railroad Company. The chairman of the authority, at his direction, may exclude such non-voting member or alternate non-voting member from attending any portion of a meeting of the authority or of any committee established pursuant to paragraph (b) of subdivision four of this section held for the purpose of discussing negotiations with labor organizations.

The non-voting member and the two alternate non-voting members representing the New York city transit authority advisory council, the Metro-North commuter council, and the Long Island Rail Road commuter's council shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The other non-voting member and alternate non-voting members representing the New York city

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transit authority, Metro-North Commuter Railroad Company, and the Long Island Rail Road labor organizations shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The transit authority and the commuter railroads shall not be represented concurrently by the two non-voting members during any such eighteen month period.

(a) [Eff June 30, 2024] There is hereby created the “metropolitan transportation authority.” The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman and sixteen other members appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas of expertise: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the sixteen members other than the chairman shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other members other than the chairman shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau; one a resident of the county of Suffolk; one a resident of the county of Westchester; and one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this title shall terminate upon the effective date of such county’s withdrawal from such district. Of the five members, other than the chairman, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. Provided however, notwithstanding the foregoing residency requirement, one of the five voting members appointed by the governor without recommendation from any other person, other than the chairman, may be the director of the New York state division of the budget, and provided further that, in the event of such appointment, the budget director’s membership in the authority shall be deemed ex-officio. The chairman and each of the members shall be appointed for a term of six years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this paragraph, the term of the chairman shall expire; provided, further, that such chairman may continue to discharge the duties of his office until the position of chairman is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairman shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

(a-1) The mayor of the city of New York shall, no later than April first, nineteen hundred ninety-one, develop and submit to the governor, the temporary president of the senate and the speaker of the assembly, a plan detailing how the four appointments to the metropolitan transportation authority board made by the governor upon the written recommendation of the mayor can be utilized to ensure that each county within the city of New York is represented on such board.

(b) Vacancies occurring otherwise than by expiration of term shall be filled in the same manner as original appointments for the balance of the unexpired term, provided, however, that in the event of a vacancy caused by the death, resignation, removal, or disability of the chairman, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term. Notwithstanding any other provision of law to the contrary, the governor shall designate an acting chairman for a period not to exceed six months or until a successor chairman has been confirmed by the senate, whichever comes first. Upon the expiration of the six-month term, if the governor has nominated a successor chairman, but the senate has not acted upon the nomination, the acting chair can continue to serve as acting chair for an additional ninety days or until the governor's successor chair nomination is confirmed by the senate, whichever comes first.

(b-1) Notwithstanding any inconsistent provision of this section, in the event that, upon a vacancy to be filled by the governor without recommendation, other than the chairperson, there is no transit dependent member serving, the governor shall appoint a transit dependent individual to fill the vacancy, consistent with paragraph (a) of this subdivision. Provided further that in the event that there is no transit dependent member serving and there is no vacancy to be filled by the governor without recommendation other than the chairperson, then upon a vacancy in a seat filled by the governor upon the recommendation of the mayor of the city of New York, the mayor of the city of New York shall recommend a transit dependent individual to fill the vacancy, consistent with paragraph (a) of this subdivision.

(c)

(i) Notwithstanding any inconsistent provision of this section, the term of any member shall expire upon the expiration of the term in office being served by the county elected official upon whose recommendation they were appointed; provided, however, that in such circumstance such member may serve as a holdover appointee for sixty days, or until such time as a new member is appointed, whichever is less. The term of any member appointed to replace such a holdover appointee shall expire at the end of the term in office of the county elected official upon whose recommendation such member was appointed. If a county elected official leaves office because of death, resignation, removal or disability, however, a member appointed upon such official's recommendation shall continue to serve until such time as such county elected office is filled, at which time such member will become a holdover appointee and may serve for sixty days, or until such time as a new member is appointed, whichever is less.

(ii) Notwithstanding any inconsistent provision of this section, the term of any chairman or any member shall expire upon the expiration of the term in office being served by the city or state elected official upon whose recommendation they were appointed; provided, however, that in such circumstance the chairman or such member may serve as a holdover appointee until such time as a new chairman or member is appointed. The term of any chairman or member appointed to replace such a holdover appointee shall expire at the end of the term in office of the city or state elected official upon whose recommendation such chairman or member was appointed.

2. The chairman and the first vice chairman shall be paid a salary in the amount determined by the authority; the other members shall not receive a salary or other compensation. Each member, including the chairman and the first vice chairman, shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his or her official duties.

3.

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(a) A majority of the whole number of members of the authority then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the authority. Except as otherwise specified in this title, for the transaction of any business or the exercise of any power of the authority, the authority shall have power to act by a majority vote of the members present at any meeting at which a quorum is in attendance and except further, that in the event of a tie vote the chairman shall cast one additional vote.

(b) For purposes of determining the presence of a quorum, and for purposes of participation on any committee or subcommittee, those members who collectively cast a single vote pursuant to the provisions of paragraph (a) of subdivision one of this section shall be considered to be a single member, and the presence of such member shall be determined as provided in this subdivision. Except as otherwise provided in a by-law adopted as hereinafter provided, such single member constituting those members entitled to a collective vote shall be deemed present as a single member for purposes of a quorum if one or more of the members then in office entitled to cast such collective vote is present, and such collective vote shall be cast in accordance with the majority agreement of the members entitled to a collective vote who are present or in the event a single member entitled to a collective vote is present it shall be cast by that member. To evidence the existence of such majority agreement among the members entitled to a collective vote, each such member shall be polled as to his vote and such poll shall be recorded in the minutes. In the event a majority vote is not achieved by the members entitled to a collective vote who are present, then the vote shall not be cast. Nothing herein shall limit the right of an individual member to participate in board meetings or in other activities of the authority when the other members then in office entitled to collectively cast a vote are not present. At any meeting of the authority at which there is a quorum including all the members then in office entitled to cast a collective vote, the authority may adopt a by-law or by-laws regulating the casting of such collective vote, provided all members then in office entitled to cast a collective vote affirmatively approve such by-law or by-laws. Any action taken by the authority in accordance with any such by-law or by-laws adopted pursuant to the provisions of this paragraph shall take effect in the same manner as any other action of the authority. Any such by-law or by-laws shall not provide for the casting of any fractional vote. Nor shall such a by-law or by-laws provide for the amendment, repeal or adoption in the future of such a by-law or by-laws in a manner other than that set forth in this paragraph.

(c) No provision of paragraph (b) of this subdivision relating to the adoption of certain by-laws by the authority shall affect the manner in which by-laws of the authority are adopted concerning any subject other than the voting and presence for quorum purposes of the members from the counties of Dutchess, Putnam, Orange and Rockland.

(d) Notwithstanding the provisions of paragraph (a) of subdivision one of this section, any member appointed from the county of Dutchess, Orange, Putnam or Rockland prior to the increase in the number of members of the authority to include a member from each such county shall continue in office as the member from such counties pursuant to section five of the public officers law until the appointment and confirmation of all of the new members from such counties pursuant to the provisions of this section, and no individual member exercising a collective vote appointed and confirmed pursuant to paragraph (a) of subdivision one of this section shall take office until all such new members are appointed and confirmed.

4.

(a) Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman may appoint an executive director and such other officials and employees as shall in his or her judgment be needed to discharge the executive and administrative functions and powers of the authority.

(b) [Eff until June 30, 2024] The chairman shall establish committees to assist him in the performance of his duties and shall appoint members of the authority to such committees. Among such committees, there shall be a committee on operations of the New York city transit authority, the Manhattan and

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Bronx surface transit operating authority and the Staten Island rapid transit operating authority; a committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority; a committee on operations of the Metro-North commuter railroad; a committee on operations of the Triborough bridge and tunnel authority; a committee on finance; a committee on capital program oversight; and a committee on safety. In addition to such appointed members, each of the non-voting members referred to in subparagraph two of paragraph (a) of subdivision one of this section shall serve on the committee on capital program oversight, the committee on finance, the committee on safety, the committee on operations of the Triborough bridge and tunnel authority, and the operations committee relevant to the commuter council that recommended such member. The alternate non-voting members shall each serve on the respective operations committee relevant to the commuter council that recommended each member. The committee on capital program oversight and the committee on safety shall include not less than three members, and shall include the chairpersons of the committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority, the committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority, and the committee on operations of the Metro-North commuter railroad. The committee on safety shall convene at least once annually and each committee chairperson, that is a member of the committee on safety, shall report to the committee on safety any and all initiatives, concerns, improvements, or failures involving the safety of: (1) customers; (2) employees; and (3) the public at large, in relation to authority facilities and services. The capital program committee shall, with respect to any approved or proposed capital program plans, (i) monitor the current and future availability of funds to be utilized for such plans approved or proposed to be submitted to the metropolitan transportation capital program review board as provided in section twelve hundred sixty-nine-b of this title; (ii) monitor the contract awards of the metropolitan transportation authority and the New York city transit authority to insure that such awards are consistent with (A) provisions of law authorizing United States content and New York state content; (B) collective bargaining agreements; (C) provisions of law providing for participation by minority and women-owned businesses; (D) New York state labor laws; (E) competitive bidding requirements including those regarding sole source contracts; and (F) any other relevant requirements established by law; (iii) monitor the award of contracts to determine if such awards are consistent with the manner in which the work was traditionally performed in the past provided, however, that any such determination shall not be admissible as evidence in any arbitration or judicial proceeding; (iv) review the relationship between capital expenditures pursuant to each such capital program plan and current and future operating budget requirements; (v) monitor the progress of capital elements described in each capital program plan approved as provided in section twelve hundred sixty-nine-b of this title; (vi) monitor the expenditures incurred and to be incurred for each such element; and (vii) identify capital elements not progressing on schedule, ascertain responsibility therefor and recommend those actions required or appropriate to accelerate their implementation. The capital program committee shall issue a quarterly report on its activities and findings, and shall in connection with the preparation of such quarterly report, consult with the state division of the budget, the state department of transportation, the members of the metropolitan transportation authority capital program review board and any other group the committee deems relevant, including public employee organizations, and, at least annually, with a nationally recognized independent transit engineering firm. Such report shall be made available to the members of the authority, to the members of the metropolitan transportation authority capital program review board, and the directors of the municipal assistance corporation for the city of New York.

(b) [Eff June 30, 2024] The chairman shall establish committees to assist him in the performance of his duties and shall appoint members of the authority to such committees. Among such committees, there shall be a committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority; a committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority; a committee on operations of the Metro-North commuter railroad; a committee on operations of the Triborough bridge and tunnel authority; a committee on finance; a committee on capital program oversight; and a committee on safety. The committee on capital program oversight shall include not less than four

members, and shall include the chairpersons of the committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority, the committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority, the committee on operations of the Metro-North commuter railroad, and the committee on safety. The committee on safety shall convene at least once annually and each committee chairperson, that is a member of the committee on safety, shall report to the committee on safety any and all initiatives, concerns, improvements, or failures involving the safety of: (1) customers; (2) employees; and (3) the public at large, in relation to authority facilities and services. The capital program committee shall, with respect to any approved or proposed capital program plans, (i) monitor the current and future availability of funds to be utilized for such plans approved or proposed to be submitted to the metropolitan transportation capital program review board as provided in section twelve hundred sixty-nine-b of this title; (ii) monitor the contract awards of the metropolitan transportation authority and the New York city transit authority to insure that such awards are consistent with (A) provisions of law authorizing United States content and New York state content; (B) collective bargaining agreements; (C) provisions of law providing for participation by minority and women-owned businesses; (D) New York state labor laws; (E) competitive bidding requirements including those regarding sole source contracts; and (F) any other relevant requirements established by law; (iii) monitor the award of contracts to determine if such awards are consistent with the manner in which the work was traditionally performed in the past provided, however, that any such determination shall not be admissible as evidence in any arbitration or judicial proceeding; (iv) review the relationship between capital expenditures pursuant to each such capital program plan and current and future operating budget requirements; (v) monitor the progress of capital elements described in each capital program plan approved as provided in section twelve hundred sixty-nine-b of this title; (vi) monitor the expenditures incurred and to be incurred for each such element; and (vii) identify capital elements not progressing on schedule, ascertain responsibility therefor and recommend those actions required or appropriate to accelerate their implementation. The capital program committee shall issue a quarterly report on its activities and findings, and shall in connection with the preparation of such quarterly report, consult with the state division of the budget, the state department of transportation, the members of the metropolitan transportation authority capital program review board and any other group the committee deems relevant, including public employee organizations, and, at least annually, with a nationally recognized independent transit engineering firm. Such report shall be made available to the members of the authority, to the members of the metropolitan transportation authority capital program review board, and the directors of the municipal assistance corporation for the city of New York.

(c) The chairman shall ensure that at every meeting of the board and at every meeting of each committee the public shall be allotted a period of time, not less than thirty minutes, to speak on any topic on the agenda.

(d) Notwithstanding paragraph (c) of subdivision one of section twenty-eight hundred twenty-four of this chapter or any other provision of law to the contrary, the chairman shall not participate in establishing authority policies regarding the payment of salary, compensation and reimbursement to, nor establish rules for the time and attendance of, the chief executive officer. The salary of the chairman, as determined pursuant to subdivision two of this section, shall also be compensation for all services performed as chief executive officer.

- 5.** The authority shall be a "state agency" for the purposes of sections seventy-three and seventy-four of the public officers law.
- 6.** Notwithstanding any inconsistent provisions of this or any other law, general, special or local, no officer or employee of the state, or of any public corporation as defined in the general corporation law, shall be deemed to have forfeited or shall forfeit his office or employment or any benefits provided under the retirement and social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of his acceptance of membership on or chairmanship of the authority; provided, however, a member or chairman who holds such other public office or employment shall receive no

additional compensation for services rendered pursuant to this title, but shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of such services.

7. The governor may remove any member for inefficiency, neglect of duty, breach of fiduciary duty or misconduct in office after giving the member a copy of the charges against the member and an opportunity to be heard, in person or by counsel in the member's defense, upon not less than ten days' notice. If any member shall be so removed, the governor shall file in the office of the department of state a complete statement of charges made against such member, and his findings thereon, together with a complete record of the proceedings.

8. The authority shall continue so long as it shall have bonds or other obligations outstanding and until its existence shall be terminated by law. Upon the termination of the existence of the authority, all its rights and properties shall pass to and be vested in the state.

9. Whenever the authority causes notices of hearings on proposed changes in services or fares to be posted pursuant to this section or any statute, regulation, or authority policy, or where it voluntarily posts such notices, such notices shall: (a) be written in a clear and coherent manner using words with common and every day meaning; (b) be captioned in large point type bold lettering with a title that fairly and accurately conveys the basic nature of such change or changes; (c) where such change involves a proposed change in levels of fare, include in its title the range of amounts of fare changes under consideration; (d) contain, to the extent practicable, a concise description of the specific nature of the change or changes, including but not limited to a concise description of those changes that affect the largest number of passengers; (e) where such change involves a change in the nature of a route, contain, to the extent practicable, a clear graphic illustration of such change or changes; and (f) where such change involves a partial or complete station closing, such notice shall be posted at the affected station with a clear graphic illustration depicting the nature of any closing for such station.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1967, ch 717, § 83, eff March 1, 1968; L 1968, ch 420, § 185; L 1970, ch 139, § 1; L 1979, ch 275, § 1, eff July 1, 1979; L 1979, ch 727, §§ 1, 2, eff Nov 2, 1979; L 1980, ch 278, § 1; L 1984, ch 999, § 13; L 1986, ch 669, § 2; L 1986, ch 900, § 1; L 1986, ch 929, §§ 25–27, eff Dec 31, 1986; L 1990, ch 247, § 1, eff Sept 1, 1990; L 1990, ch 367, § 1, eff July 2, 1990; L 1990, ch 494, § 5; L 1991, ch 464, § 2, eff Sept 1, 1991; L 1992, ch 55, § 199, eff May 10, 1992; L 1994, ch 549, §§ 1, 2, eff Jan 1, 1995; L 2005, ch 766, § 9, eff Jan 13, 2006; L 2006, ch 14, § 1, eff March 28, 2006; L 2009, ch 25, § 5 (Part H); L 2009, ch 25, §§ 3, 4, 7-a (Part H), eff May 7, 2009; L 2009, ch 506, § 27, eff March 1, 2010; L 2018, ch 425, §§ 1, 2, effective December 21, 2018; L 2019, ch 39, §§ 1, 2 (Part E), effective June 24, 2019; L 2019, ch 59, §§ 3, 9 (Part ZZZ, Subpart B), effective April 12, 2019; L 2023, ch 672, § 1, effective August 16, 2024; L 2024, ch 68, §§ 1, 2, effective August 16, 2024.

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Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1264. Purposes of the authority

1. The purposes of the authority shall be the continuance, further development and improvement of commuter transportation and other services related thereto within the metropolitan commuter transportation district, including but not limited to such transportation by railroad, omnibus, marine and air, in accordance with the provisions of this title. It shall be the further purpose of the authority, consistent with its status as the ex officio board of both the New York city transit authority and the triborough bridge and tunnel authority, to develop and implement a unified mass transportation policy for such district in an efficient and cost-effective manner that includes the use of design-build contracting on all projects over two hundred million dollars in cost for new construction and all projects over four hundred million dollars in cost for projects that are predominantly rehabilitation or replacement of existing assets except where a waiver is granted by the New York state budget director pursuant to a request in writing from the metropolitan transportation authority. For purposes of granting a waiver pursuant to this section, such review shall consider whether the design build contracting method is appropriate for the project that such waiver is sought for, and the amount of savings and efficiencies that could be achieved using such method. The determination for such waiver shall be made in writing within forty-five days from request or shall be deemed granted.

2. It is hereby found and declared that such purposes are in all respects for the benefit of the people of the state of New York and the authority shall be regarded as performing an essential governmental function in carrying out its purposes and in exercising the powers granted by this title.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1967, ch 717, § 84, eff March 1, 1968; L 2019, ch 59, § 2 (Part ZZZ, Subpart B), effective April 12, 2019; L 2022, ch 58, § 1 (Part H), effective April 9, 2022.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-l)

§ 1264-a. State of emergency; boarding of a commuter transportation by domestic companion animals

1. For the purposes of this section:

(a) “Commuter transportation” means commuter transportation, and other related services and facilities, operated by the authority or any of its subsidiaries, including but not limited to such transportation by railroad, omnibus, marine and air, in accordance with this title.

(b) “Domestic companion animal” means a companion animal or pet as defined in section three hundred fifty of the agriculture and markets law and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. “Pet” or “companion animal” shall not include a “farm animal”, as defined in section three hundred fifty of the agriculture and markets law.

2.

(a) In the event that a state of emergency has been declared and an evacuation of any region of the state is in progress, the owner of a domestic companion animal shall be permitted to board any commuter transportation with such domestic companion animal so long as that animal is under the owner’s control by use of a leash or tether, or is properly confined in an appropriate container or by other suitable means, provided that such boarding is authorized by and consistent with the provisions of state disaster emergency plans or local state of emergency plans pertaining to the needs of animals and individuals with an animal under their care. The provisions of this section shall only apply to the owners of domestic companion animals who are evacuating from a region of the state affected by an emergency or disaster, or a local state of emergency, as defined in section twenty-four of the executive law.

(b) A domestic companion animal may be refused permission to board any commuter transportation, even if the animal is under the owner’s control or properly confined in accordance with this subdivision if there is reasonable cause to believe that, due to attendant circumstances, permitting the animal to board would pose a health or safety hazard.

3. All passengers with service animals shall be given priority seating on all means of transportation regulated by this title in accordance with the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.). For the purposes of this section, “service animal” shall have the same meaning as set forth in the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.) and any regulations under such act.

4. All passengers on any commuter transportation shall be provided seating before a domestic companion animal may be placed in a seat.

5. The authority is authorized to promulgate and enforce such rules and regulations as shall be necessary for the implementation of this section.

§ 1264-a. State of emergency; boarding of a commuter transportation by domestic companion animals

History

L 2017, ch 378, § 1, effective November 22, 2017.

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§ 1265. General powers of the authority.

Except as otherwise limited by this title, the authority shall have power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To borrow money, to issue negotiable notes, bonds or other obligations and to provide for the rights of the holders thereof, and to finance or refinance all or any part of the costs to the authority or to any other person or entity, public or private, of the planning, design, acquisition, construction, improvement, reconstruction or rehabilitation of any transportation facility;

3-a.

(a) [Repealed April 3, 2023] To borrow money, to issue negotiable notes, bonds or other obligations and to provide for the rights of the holders thereof, in the fiscal years of the authority beginning in two thousand twenty through two thousand twenty-two to offset decreases in revenue, including but not limited to, lost taxes, fees, charges, fares and tolls, or increases in operating costs of the authority and its subsidiary corporations, the New York city transit authority and its subsidiary corporations and the Triborough bridge and tunnel authority due in whole or in part to the state disaster emergency caused by the novel coronavirus, COVID-19; provided, that such notes, bonds or other obligations shall be issued in accordance with the provisions of section twelve hundred sixty-nine of this title, except that the last sentence of subdivision two thereof relating to the approval of the comptroller or the director of the budget, as applicable, for private sales, and subdivision twelve thereof, and the provisions of section twelve hundred sixty-nine-b of this title, shall not be applicable with respect to notes, bonds or other obligations issued for such purposes. No sale of such notes, bonds or other obligations of the authority may be sold by the authority, however, prior to the earlier of (i) seven days following the receipt by the state comptroller of notice by the authority of such proposed sale and the terms thereof or (ii) the receipt by the authority of the state comptroller's comments on such proposed sale and the terms thereof. Additionally, no sale of such notes, bonds or other obligations of the authority may be sold by the authority, however, unless such sale and the terms thereof have been approved in writing by the director of the budget. The proceeds of the sale of such notes, bonds or other obligations shall be taken into consideration as "revenue and any other funds or property actually available to the authority and its subsidiary corporations" within the meaning of subdivision three of section twelve hundred sixty-six of this title. The aggregate principal amount of bonds, notes or other obligations issued pursuant to this subdivision shall not exceed ten billion dollars.

(b) The authority shall report on any issuances or obligations incurred related to paragraph (a) of this subdivision. Such report shall include, but not be limited to, an explanation of each note, bond, or obligation and their respective values issued by the authority pursuant to decreases in revenue in whole or in part due to the state disaster emergency caused by novel coronavirus, COVID-19. The report shall also provide: (i) details of such decreases in revenue in whole, (ii) details of such decreases in revenue in part, (iii) details of such increases in costs, (iv) the methodology used by

§ 1265. General powers of the authority.

the authority or metropolitan transportation authority to calculate such changes, (v) an explanation for attributing a particular increase in cost or a particular decrease in revenue, to the state disaster emergency caused by coronavirus, COVID19, and (vi) how the authority determined that the particular note, bond, or obligation issued was its most desired option. Such report shall be posted on the authority's website and be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the mayor and council of the city of New York, the metropolitan transportation authority board, and the metropolitan transportation authority capital program review board.

4. To invest any funds, accounts or other monies not required for immediate use or disbursement, at the discretion of the authority, in (a) obligations of the state or the United States government, (b) obligations the principal and interest of which are guaranteed by the state or the United States government, (c) certificates of deposit of banks or trust companies in this state, secured, if the authority shall so require, by obligations of the United States or of the state of New York of a market value equal at all times to the amount of the deposit, (d) banker's acceptances with a maturity of ninety days or less which are eligible for purchase by the Federal Reserve Banks and whose rating at the time of purchase is in the highest rating category of two nationally recognized independent rating agencies, provided, however, that the amount of banker's acceptances of any one bank shall not exceed two hundred fifty million dollars, (e) obligations of any bank or corporation created under the laws of either the United States or any state of the United States maturing within two hundred seventy days, provided that such obligations receive the highest rating of two nationally recognized independent rating agencies and, provided further, that no more than two hundred fifty million dollars may be invested in such obligations of any one bank or corporation, (f) as to any such moneys held in reserve and sinking funds, other securities in which the trustee or trustees of any public retirement system or pension fund has the power to invest the monies thereof pursuant to article four-a of the retirement and social security law, each such reserve and sinking fund being treated as a separate fund for the purposes of article four-a of the retirement and social security law, (g) notes, bonds, debentures, mortgages and other evidences of indebtedness, issued or guaranteed at the time of the investment by the United States Postal Service, the federal national mortgage association, the federal home loan mortgage corporation, the student loan marketing association, the federal farm credit system, or any other United States government sponsored agency, provided that at the time of the investment such agency or its obligations are rated and the agency receives, or its obligations receive, the highest rating of all independent rating agencies that rate such agency or its obligations, provided, however, that no more than two hundred fifty million dollars or such greater amount as may be authorized for investment for the state comptroller by section ninety-three of the state finance law may be invested in the obligations of any one agency, (h) general obligation bonds and notes of any state other than the state, provided that such bonds and notes receive the highest rating of at least one independent rating agency, and bonds and notes of any county, town, city, village, fire district or school district of the state, provided that such bonds and notes receive either of the two highest ratings of at least two independent rating agencies, (i) mutual funds registered with the United States securities and exchange commission whose investments are limited to obligations of the state described in paragraph (a) of this subdivision, obligations the principal and interest of which are guaranteed by the state described in paragraph (b) of this subdivision, and those securities described in paragraph (h) of this subdivision and that have received the highest rating of at least one independent rating agency, provided that the aggregate amount invested at any one time in all such mutual funds shall not exceed ten million dollars, and, provided further, that the authority shall not invest such funds, accounts or other monies in any mutual fund for longer than thirty days, and (j) financial contracts in a foreign currency entered into for the purpose of minimizing the foreign currency exchange risk of the purchase price of a contract with a vendor chosen through competitive process for the acquisition of capital assets for the benefit of the capital program of the Triborough bridge and tunnel authority or either the transit or transportation capital programs;

5. To make and alter by-laws for its organization and internal management, and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under this title;

§ 1265. General powers of the authority.

6.

- (a)** To enter into contracts and leases and to execute all instruments necessary or convenient;
- (b)** With respect to any lease transaction entered into pursuant to section 168 (f) (8) of the United States internal revenue code or any successor provisions, the authority shall meet the following standards and procedures:
 - (i)** notice of intention to negotiate shall be published in at least one newspaper of general circulation, and a copy thereof shall be mailed to all parties who have requested notification from the authority to engage in transactions of this type. Such notice shall describe the nature of the proposed transaction and the factors subject to negotiation, which shall include, but not be limited to, the price to be paid to the authority;
 - (ii)** the authority shall negotiate with those respondents whose response complies with the requirements set forth in the notice;
 - (iii)** the board of the authority shall resolve on the basis of particularized findings relevant to the factors negotiated that such transaction will provide maximum available financial benefits, consistent with other defined objectives and requirements.
- (c)** The authority shall provide to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly, notice of each lease entered into pursuant to paragraph (b) of this subdivision and supporting documentation of compliance by the authority with subparagraphs (i), (ii) and (iii) of paragraph (b) of this subdivision;
- (d)** Paragraphs (b) and (c) of this subdivision shall be of no force and effect with respect to any lease transaction entered into pursuant to a commitment approved prior to January first, nineteen hundred eighty-five by the board of the authority.

7. [Eff until June 30, 2028] To acquire, hold and dispose of real or personal property in the exercise of its powers, including, the power to dispose of personal property with a value of five hundred thousand dollars or less by public auction in accordance with guidelines adopted by the authority pursuant to title five-A of article nine of this chapter. The board shall adopt guidelines that shall provide for advertising and such other safeguards as the authority may deem appropriate in the public interest.

7. [Eff June 30, 2028] To acquire, hold and dispose of real or personal property in the exercise of its powers;

8. To appoint such officers and employees as it may require for the performance of its duties, and to fix and determine their qualifications, duties, and compensation and to retain or employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice;

9.

- (a)** Notwithstanding section one hundred thirteen of the retirement and social security law or any other general or special law, the authority and any of its subsidiary corporations may continue or provide to its affected officers and employees any retirement, disability, death or other benefits provided or required for railroad personnel pursuant to federal or state law;
- (b)** The authority and any of its public benefit subsidiary corporations may be a "participating employer" in the New York state employees' retirement system with respect to one or more classes of officers and employees of such authority or any such public benefit subsidiary corporation, as may be provided by resolution of such authority or any such public benefit subsidiary corporation, as the case may be, or any subsequent amendment thereof, filed with the comptroller and accepted by him pursuant to section thirty-one of the retirement and social security law. In taking any action pursuant to this paragraph (b), the authority and any of its public benefit subsidiary

§ 1265. General powers of the authority.

corporations shall consider the coverages and benefits continued or provided pursuant to paragraph (a) of this subdivision;

- 10.** To make plans, surveys, and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the authority and to prepare recommendations in regard thereto;
- 11.** To enter upon such lands, waters or premises as in the judgment of the authority may be necessary, convenient or desirable for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this title, the authority being liable for actual damage done;
- 12.** The authority may conduct investigations and hearings in the furtherance of its general purposes, and in aid thereof have access to any books, records or papers relevant thereto; and if any person whose testimony shall be required for the proper performance of the duties of the authority shall fail or refuse to aid or assist the authority in the conduct of any investigation or hearing, or to produce any relevant books, records or other papers, the authority is authorized to apply for process of subpoena, to issue out of any court of general original jurisdiction whose process can reach such person, upon due cause shown;
- 13.** A copy of any report submitted by the authority pursuant to sections twenty-eight hundred, twenty-eight hundred one and twenty-eight hundred two of this chapter shall be forwarded to the mayor of the city of New York and to the chairman of the board of supervisors and to the county executive, if any, of each county within the district.
- 14.** To do all things necessary, convenient or desirable to carry out its purposes and for the exercise of the powers granted in this title.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1965, ch 634, §§ 1, 2; L 1966, ch 415, § 2, eff May 23, 1966, deemed eff Jan 20, 1966; L 1970, ch 516; L 1983, ch 838, § 10, eff Aug 3, 1983; L 1984, ch 988, § 3, eff Dec 12, 1984; L 2000, ch 61, § 22 (Part O), eff May 15, 2000; L 2010, ch 538, § 1, eff Oct 1, 2010; L 2016, ch 54, § 5 (Part OO), effective April 4, 2016; L 2020, ch 58, § 1 (Part LLL), effective April 3, 2020.

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§ 1265-a. Contracts.

1. The provisions of this section shall only apply to procurements by the authority commenced during the period from April first, nineteen hundred eighty-seven until December thirty-first, nineteen hundred ninety-one, and during the period from December sixteenth, nineteen hundred ninety-three until June thirtieth, two thousand twenty-eight; provided, however, that the provisions of this section shall not apply to (i) the award of any contract of the authority if the bid documents for such contract so provide and such bid documents are issued within sixty days of the effective date of this section or within sixty days of December sixteenth, nineteen hundred ninety-three, or (ii) for a period of one hundred eighty days after the effective date of this section or for a period of one hundred eighty days after December sixteenth, nineteen hundred ninety-three, the award of any contract for which an invitation to bid, solicitation, request for proposal, or any similar document has been issued by the authority prior to the effective date of this section or during the period from January first, nineteen hundred ninety-two until December sixteenth, nineteen hundred ninety-three.

2.

(a) [Eff until June 30, 2028] Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of one million dollars and all contracts for public work involving an estimated expenditure in excess of one million dollars shall be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in the manner hereinafter set forth. For purposes hereof, contracts for public work shall exclude contracts for personal, engineering and architectural, or professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing in this paragraph shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(a) [Eff June 30, 2028] Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of fifteen thousand dollars and all contracts for public work involving an estimated expenditure in excess of twenty-five thousand dollars shall be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in the manner hereinafter set forth. For purposes hereof, contracts for public work shall exclude contracts for personal, engineering and architectural, or professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing herein shall obligate the authority to seek new bids after the rejection of bids or after

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cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(b) [Eff until June 30, 2028] Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided (i) that a contract for services in the actual or estimated amount of one million dollars or less shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for services in the actual or estimated amount in excess of one million dollars shall require approval by the board of the authority regardless of the length of the period over which the services are rendered unless such a contract is awarded to the lowest responsible bidder after obtaining sealed bids, and (ii) the board of the authority may by resolution adopt guidelines that authorize the award of contracts to small business concerns, to service disabled veteran owned businesses certified pursuant to article seventeen-B of the executive law, or minority or women-owned business enterprises certified pursuant to article fifteen-A of the executive law, or purchases of goods or technology that are recycled or remanufactured, in an amount not to exceed one million five hundred thousand dollars without a formal competitive process and without further board approval. The board of the authority shall adopt guidelines which shall be made publicly available for the awarding of such contract without a formal competitive process.

(b) [Eff June 30, 2028] Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided that a contract for personal services in the actual or estimated amount of less than twenty thousand dollars shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for personal services in the actual or estimated amount of twenty thousand dollars or more shall require approval by the board of the authority regardless of the length of the period over which the services are rendered.

(c)

(1) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority shall establish guidelines governing the qualifications of bidders entering into contracts for its project to bring the Long Island Rail Road into Grand Central Terminal ("East Side Access Project"). The bidding may be restricted to those who have qualified prior to the receipt of bids according to standards fixed by the authority; provided, however, that the award of contracts shall, to the extent not inconsistent with this paragraph, be in accordance with paragraph (a) of this subdivision.

(2) In determining whether a prospective bidder qualifies for the inclusion on a list of prequalified bidders for the East Side Access Project, the authority shall consider: (i) the experience and past performance of the prospective bidder; (ii) the prospective bidder's ability to undertake work, including but not limited to whether it participates in state approved apprenticeship programs and whether it utilizes employees who are represented by labor organizations; (iii) the financial capability and responsibility of the prospective bidder; and (iv) the records of the prospective bidder in complying with existing labor standards. The authority may also consider such other factors as it deems appropriate.

3.

(a) Advertisement for bids, when required by this section, shall be published at least once in a newspaper of general circulation in the area served by the authority and in the procurement opportunities newsletter published pursuant to article four-C of the economic development law provided that, notwithstanding the provisions of article four-C of the economic development law, an advertisement shall only be required for a purchase contract for supplies, materials or equipment when

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required by this section. Publication in a newspaper of general circulation in the area served or in the procurement opportunities newsletter shall not be required if bids for contracts for supplies, materials or equipment are of a type regularly purchased by the authority and are to be solicited from a list of potential suppliers, if such list is or has been developed consistent with the provisions of subdivision six of this section. Any such advertisement shall contain a statement of: (i) the time and place where bids received pursuant to any notice requesting sealed bids will be publicly opened and read; (ii) the name of the contracting agency; (iii) the contract identification number; (iv) a brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term; (v) the address where bids or proposals are to be submitted; (vi) the date when bids or proposals are due; (vii) a description of any eligibility or qualification requirement or preference; (viii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (ix) any other information deemed useful to potential contractors; and (x) the name, address, and telephone number of the person to be contacted for additional information. At least fifteen business days shall elapse between the first publication of such advertisement or the solicitation of bids, as the case may be, and the date of opening and reading of bids.

(b) The authority may designate any officer or employee to open the bids at the time and place bids are to be opened and may designate an officer to award the contract to the lowest responsible bidder. Such designee shall make a record of all bids in such form and detail as the authority shall prescribe. All bids received shall be publicly opened and read at the time, place and in the manner specified in the advertisement or at the time of solicitation, or to which the opening and reading or posting have been adjourned by the authority, provided that any sealed bid may be received and secured through an electronic platform as permitted by the authority, and that any sealed bid received electronically is made public at the same time as any competing paper bid. The authority shall, at minimum, provide the same opportunity and time for submitting sealed bids physically as for sealed bids submitted electronically, and shall provide the opportunity for bidders to submit sealed bids physically any time that it provides the opportunity to submit sealed electronic bids. In addition, the authority shall establish a process for accommodating force majeure events that prevent the submission of a sealed electronic bid, including but not limited to internet and power outage events, and for automatically confirming receipt of any sealed electronic bid received. All bidders shall be notified of the time and place of any such adjournment.

4. Notwithstanding the foregoing, the authority may, by resolution approved by a two-thirds vote of its members then in office, or by a majority vote of its members with respect to contracts proposed to be let pursuant to paragraph (a) of this subdivision declare that competitive bidding is impractical or inappropriate because of the existence of any of the circumstances hereinafter set forth and thereafter the authority may proceed to award contracts without complying with the requirements of subdivision two or three of this section. In each case where the authority declares competitive bidding impractical or inappropriate, it shall state the reason therefor in writing and summarize any negotiations that have been conducted. Except for contracts awarded pursuant to paragraphs (a), (b), (c) and (e) of this subdivision, the authority shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the authority declares that competitive bidding is impractical or inappropriate. Competitive bidding may only be declared impractical or inappropriate where:

(a) the existence of an emergency involving danger to life, safety or property requires immediate action and cannot await competitive bidding or the item to be purchased is essential to efficient operation or the adequate provision of service and as a consequence of unforeseen circumstance such purchase cannot await competitive bidding;

(b) the item to be purchased is available only from a single responsible source, provided that if bids have not been solicited for such item pursuant to subdivision two of this section within the preceding twelve months public notice shall first be given pursuant to subdivision three of this section;

(c) the authority receives no responsive bids or only a single responsive bid in response to an invitation for competitive bids;

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(d) the authority wishes to experiment with or test a product or technology or new source for such product or technology or evaluate the service or reliability of such product or technology;

(e) the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts , (ii) Nassau county, (iii) the state of New York , (iv) the city of New York or (v) the United States general services administration provided that such administration utilized a process of competitive bidding or a process of competitive requests for proposals to award such contract, provided that in any case when under this paragraph the authority determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. Such rationale shall include, but need not be limited to, a determination of need, a consideration of the procurement method by which the contract was awarded, an analysis of alternative procurement sources including an explanation why a competitive procurement or the use of a centralized contract let by the commissioner of the office of general services is not in the best interest of the authority, and the reasonableness of cost. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

(f) the authority determines that it is in the public interest to award contracts pursuant to a process for competitive requests for proposals as hereinafter set forth. For purposes of this section, a process for competitive requests for proposals shall mean a method of soliciting proposals and awarding a contract on the basis of a formal evaluation of the characteristics, such as quality, cost, delivery schedule and financing of such proposals against stated selection criteria. Public notice of the requests for proposals shall be given in the same manner as provided in subdivision three of this section and shall include the selection criteria. In the event the authority makes a material change in the selection criteria from those previously stated in the notice, it will inform all proposers of such change and permit proposers to modify their proposals.

(i) [Eff until June 30, 2028] Except for a contract with a value of one hundred million dollars or less that is awarded pursuant to this paragraph to the proposer whose proposal is the lowest cost, the authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made provided however that for purposes of this subparagraph the board may, at its discretion, require such a resolution be approved for contracts with a value of one hundred million dollars or less.

(i) [Eff June 30, 2028] The authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.

(ii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.

(g) the authority issues a competitive request for proposals pursuant to the procedures of paragraph (f) of this subdivision for the purchase or rehabilitation of rail cars and omnibuses. Any such request may include among the stated selection criteria the performance of all or a portion of the contract at sites within the state of New York or the use of goods produced or services provided within the state of New York, provided however that in no event shall the authority award a contract to a manufacturer whose final offer, as expressed in unit cost is more than ten percent higher than the unit cost of any qualified competing final offer, if the sole basis for such award is that the higher priced offer includes more

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favorable provision for the performance of the contract within the state of New York or the use of goods produced or services provided within the state of New York, and further provided that the authority's discretion to award a contract to any manufacturer shall not be so limited if a basis for such award, as determined by the authority, is superior financing, delivery schedule, life cycle, reliability, or any other factor the authority deems relevant to its operations.

(i) [Eff until June 30, 2028] Except for a contract with a value of one hundred million dollars or less that is awarded pursuant to this paragraph to the proposer whose proposal is the lowest cost, the authority may award a contract pursuant to this paragraph only after a resolution approved by a vote of not less than a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made provided however that for purposes of this subparagraph the board may, at its discretion, require such a resolution be approved for contracts with a value of one hundred million dollars or less.

(i) [Eff June 30, 2028] The authority may award a contract pursuant to this paragraph only after a resolution approved by a vote of not less than a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.

(ii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.

5. Upon the adoption of a resolution by the authority stating, for reasons of efficiency, economy, compatibility or maintenance reliability, that there is a need for standardization, the authority may establish procedures whereby particular supplies, materials or equipment are identified on a qualified products list. Such procedures shall provide for products or vendors to be added to or deleted from such list and shall include provisions for public advertisement of the manner in which such lists are compiled. The authority shall review such list not less than once a year for the purpose of making such modifications. Contracts for particular supplies, materials or equipment identified on a qualified products list may be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in accordance with this section or without competitive sealed bids in instances when the item is available from only a single source, except that the authority may dispense with advertising provided that it mails copies of the invitation to bid to all vendors of the particular item on the qualified products list.

6. The authority shall compile a list of potential sources of supplies, materials or equipment regularly purchased. The authority shall, by resolution, set forth the procedures it has established to identify new sources and to notify such new sources of the opportunity to bid for contracts for the purchase of supplies, materials or equipment. Such procedures shall include, but not be limited to: (a) advertising in trade journals; (b) cooperation with federal, state and local agencies within its area of operations; (c) publication in the state register quarterly; and (d) procedures established pursuant to subdivision thirteen of section twelve hundred sixty-six-c of this article.

7. The provisions of this section shall not supersede any other provisions of law relative to purchases of products or devices manufactured or provided by the blind or other severely handicapped persons, to the invitation and acceptance of bids from small or minority business enterprises or to the purchases of supplies, materials or equipment through the office of general services. Except as may otherwise be provided by law or as more restrictively defined in the official policy or bid specifications of the authority, the term "small business" means a small business or similar term, under federal regulations applicable to projects of the authority which are federally assisted.

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- 8.** [Eff until June 30, 2028] Notwithstanding any other provisions in this section, the authority shall be allowed to use an electronic bidding system for the purchase of goods, materials, and commodities that may inform bidders whether their bid is the current low bid, and allow bidders to submit new bids before the date and time assigned for the opening of bids. Such procedure shall not constitute disclosure of bids in violation of section twenty-eight hundred seventy-eight of this chapter.
- 8.** [Eff June 30, 2028] The provisions of this section shall not apply to any procurement made by any other public entity not otherwise required by law to award contracts for such purchases to the lowest responsible bidder if such purchases are made at the sole cost and expense of such entity.
- 9.** [Repealed June 30, 2028] The provisions of this section shall not apply to any procurement made by any other public entity not otherwise required by law to award contracts for such purchases to the lowest responsible bidder if such purchases are made at the sole cost and expense of such entity.
- 10.**
- (a)** Whenever the comptroller pursuant to section twenty-eight hundred seventy-nine-a of this chapter intends to require supervision in the form of prior review and approval of a contract or contract amendment to be awarded by the authority pursuant to this section, then such contract or contract amendment shall be submitted to the comptroller by the authority for approval and shall not be a valid enforceable contract unless it shall first have been approved by the comptroller but only if the comptroller has notified the authority of such determination within thirty days of having received written notice of such contract or contract amendment either in the authority's annual report or any revised report;
- (b)** If the comptroller has timely notified the authority as provided in paragraph (a) of this subdivision that any contract or contract amendment shall be subject to comptroller prior review and approval, and such contract or contract amendment has been submitted to the comptroller, it shall become valid and enforceable without such approval if the comptroller has not approved or disapproved it within thirty days of submission to the comptroller.

History

Add, L 1986, ch 929, § 28, eff Dec 31, 1986; amd, L 1990, ch 494, §§ 6–8; L 1993, ch 725, § 8; L 1996, ch 637, § 16; L 1998, ch 256, § 2; L 2000, ch 164, § 1, eff July 18, 2000; L 2001, ch 334, § 2; L 2004, ch 745, § 11; L 2005, ch 136, § 2, eff June 30, 2005; L 2008, ch 135, § 2, eff June 30, 2008; L 2011, ch 98, § 2, eff June 28, 2011; L 2015, ch 30, § 2, effective June 30, 2015; L 2016, ch 54, §§ 8, 9, 11 (Part OO), effective April 4, 2016; L 2019, ch 59, §§ 1-a, 2-a, 3-a (Part ZZZ, Subpart C), effective April 12, 2019; L 2021, ch 267, § 2, effective July 16, 2021; L 2022, ch 58, §§ 4–6 (Part I), effective April 9, 2022; L 2023, ch 58, § 3 (Part C), effective May 3, 2023.

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Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1265-b. Metropolitan transportation authority small business mentoring program. [Expires and repealed Dec 31, 2029]

1. Definitions. As used in this section, unless the context requires otherwise:

- (a) “authority” means the metropolitan transportation authority and its subsidiaries consisting of the Long Island rail road company, Metro-North commuter railroad company, metropolitan suburban bus authority, Staten Island rapid transit operating authority, MTA bus, MTA capital construction company, and first mutual transportation assurance company, and its affiliates consisting of the New York City transit authority, triborough bridge and tunnel authority, and Manhattan and Bronx surface transit operating authority;
- (b) “chairman” means the chairman of the authority and its subsidiaries and affiliates;
- (c) “small business” means a business in the construction trades which (i) is independently owned and operated; (ii) has annual revenues not exceeding a fiscal limitation of ten million dollars or such lesser amount as established by the authority pursuant to these provisions; and (iii) meets additional criteria as otherwise established by the chairman in consultation with the members of the MTA small business mentoring program advisory committee. The chair of the committee shall be the chief diversity officer of the MTA. The authority shall establish a detailed definition in general and specific to different segments of the construction industry to the extent necessary to reflect differing characteristics of such segments based on the criteria used by the United States small business administration for loans to small businesses as set forth in Sections 121.301 through 121.305, or for awarding government procurements as set forth in Sections 121.401 through 121.413, of Subpart A of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations as amended, and such other criteria as determined by the authority;
- (d) “small business mentoring program” is a program established by the authority pursuant to these provisions to provide small businesses accepted into the program with the opportunity:
 - (i) for up to five years, to compete for and, where awarded, to perform certain authority public work contracts to be designated by the authority for inclusion in this program under this subparagraph, with the assistance of an authority-provided mentor, which shall be a firm competitively selected by the authority that has extensive construction management and mentoring experience, with the mentor to provide the small business with advice and assistance in competing for and managing authority public work contracts; and
 - (ii) for a small business mentoring program participant which the authority has determined has successfully completed the program under subparagraph (i) of this paragraph, for up to five additional years, (A) additional opportunities to compete with other designated small businesses in the program for certain public work contracts to be designated for inclusion under this subparagraph and, where awarded, to perform such authority public work contracts, with the further assistance of an authority-provided mentor, which shall be a firm competitively selected by the authority that has extensive construction management and mentoring experience, with the mentor to provide the small business with advice and technical assistance in competing for and managing

authority public work contracts, and (B) authority-provided assistance, as determined by the authority, for such a small business to obtain bonding for public work contracts that are competitively awarded pursuant to provisions of law other than this section.

(e) “small business mentoring program contract” means a non-federally funded, unless authorized by the applicable federal funding agency, authority public work contract designated by the authority, in an estimated amount of not more than one million five hundred thousand dollars for contracts under subparagraph (i) of paragraph (d) of this subdivision and five million dollars for contracts under subparagraph (ii) of paragraph (d) of this subdivision, for which bids or proposals are to be invited and accepted only from businesses that are enrolled in the small business mentoring program and have been selected by the authority to compete for the contract.

2. Small business mentoring program.

(a) Pursuant to these provisions, the authority may establish a small business mentoring program. In connection therewith, the authority may determine the criteria pursuant to which a small business shall be eligible for and selected to participate in the program under subparagraphs (i) and (ii) of paragraph (d) of subdivision one of this section, the number of participants to participate in each such components of the program, the criteria for the competitive selection of the firms that will provide small businesses with mentoring services, the assignment of a mentor to a specific small business in the small business mentoring program, and the funding for the program.

(b) Under the small business mentoring program, the chairman or the chairman’s designee is authorized, notwithstanding any other provision of law:

(i) to designate which eligible public work contracts shall be small business mentoring program contracts under subparagraphs (i) and (ii) of paragraph (d) of subdivision one of this section, respectively;

(ii) to establish standards for qualifying small business mentoring program participants to compete for a small business mentoring program contract, provided that no less than three qualified small businesses in the program must submit responsive offers to perform the contract;

(iii) to determine when bids or proposals for a small business mentoring program contract should be restricted to small business mentoring program participants which, prior to the receipt of bids or proposals, have been qualified by the authority for such competition;

(iv) to competitively select, designate and contract with one or more experienced construction management firms that, under the general supervision of the authority, will provide mentoring services to the small businesses participating in the small business mentoring program, and to assign such mentors one or more designated small businesses participating in the program;

(v) for small business mentoring program contracts, except as set forth herein, to waive requirements for the solicitation and award of a public work contract pursuant to sections twelve hundred nine, twelve hundred sixty-five-a and twenty-eight hundred seventy-nine of this chapter and any other provision of law;

(vi) to assist only small business mentoring program participants that have been awarded small business mentoring program contracts to obtain any surety bond or contract of insurance required of them in connection with such contract only notwithstanding any provision of section two thousand five hundred four of the insurance law to the contrary; and

(vii) for small businesses that have been accepted into the small business mentoring program under subparagraph (ii) of paragraph (d) of subdivision one of this section, in addition to the benefits of such program and notwithstanding any other provision of law, to provide technical assistance in obtaining bid, payment and performance bonding for authority public work contracts that are not small business mentoring program contracts, for which the small business is otherwise qualified.

3. Withdrawal of designation of small business mentoring program contracts.
 - (a) If the total number of qualified small business mentoring program participants that respond to a competition and are considered capable of meeting the specifications and terms of the invitation to compete is less than three, or if the chairman or the chairman's designee determines that acceptance of the best offer will result in the payment of an unreasonable price, the authority may reject all offers and withdraw the designation of the contract as a small business mentoring program contract.
 - (b) If the authority withdraws the designation of contract as a small business mentoring program contract, the firms, if any, that made offers shall be notified. Invitations to compete containing the same or rewritten specifications and terms shall then be re-issued as a small business mentoring program contract for one or more additional contract period.
4. Construction manager mentors. A mentor shall provide services and assistance to a small business as designated by the authority, which may include the following:
 - (a) provide business training in the skills necessary to operate a successful construction business and to compete for and perform a public work contract;
 - (b) provide technical assistance to the small business to assess the outcome if the small business competes for but is not awarded a contract;
 - (c) if the small business mentoring program contract is awarded to the small business, provide guidance, advice and technical assistance to the small business in the performance of the contract;
 - (d) provide other technical assistance to the small business to facilitate learning, training and other issues which may arise.
5. The authority may delegate to the chairman or the chairman's designee, the authority's responsibilities set forth herein.
6. The small business mentoring program contracts authorized by this legislation shall, for the initial year of the program, be in an aggregate amount of not less than ten million dollars, and shall not exceed one hundred million dollars, with the maximum amount in future years to be set by the chairman.
7. The authority shall submit a report, no later than September thirtieth, two thousand twenty-five, and annually thereafter, to the governor, the temporary president of the senate, and the speaker of the assembly regarding procurements made pursuant to this section. Such report shall include a description of each procurement made pursuant to this subdivision and the rationale for why the public work contract was selected as a small business mentoring program contract, information regarding the procurement process for each such mentoring program contract and the name or names of the small businesses that fulfilled the contract, the project identification number and a description for each such project performed pursuant to the contract, the contractual completion date for each contract, the status of each such project, the contract price, including executed modifications, whether a project received surety bond or insurance contract assistance pursuant to subparagraph (vi) of paragraph (b) of subdivision two of this section, the total dollar value of monies paid to minority-owned and women-owned business enterprises and disadvantaged business enterprises pursuant to this section itemized by year and including the total dollar values for the five years preceding the respective annual report's release date. Such report shall additionally identify the authority-provided construction manager mentors and describe their competitive selection process, describe the technical assistance and advice provided by the authority and the mentors to program participants, and describe the business training provided by such mentor. For annual reports, any new procurements and changes during the period covered by the report shall be identified separately.

History

§ 1265-b. Metropolitan transportation authority small business mentoring program. [Expires and repealed Dec 31, 2029]

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§ 1266. Special powers of the authority

In order to effectuate the purposes of this title:

1. The authority may acquire, by purchase, gift, grant, transfer, contract or lease, any transportation facility other than a transit facility or, subject to subdivision two of this section or any transportation facility constituting a transit facility, wholly or partially within the metropolitan commuter transportation district, or any part thereof, or the use thereof, and may enter into any joint service arrangements as hereinafter provided. Any such acquisition or joint service arrangement shall be authorized only by resolution of the authority approved by not less than a majority vote of the whole number of members of the authority then in office, except that in the event of a tie vote the chairman shall cast one additional vote.
2. The authority may on such terms and conditions as the authority may determine necessary, convenient or desirable itself plan, design, acquire, establish, construct, effectuate, operate, maintain, renovate, improve, extend, rehabilitate or repair (a) any transportation facility other than a transit project, or (b) upon the request of the New York city transit authority, and upon such terms and conditions as shall be agreed to by the authority or any transportation facility constituting a transit facility (a "transportation assistance project"), or may provide for such planning, design, acquisition, establishment, construction, effectuation, operation, maintenance, renovation, improvement, extension, rehabilitation or repair by contract, lease or other arrangement on such terms as the authority may deem necessary, convenient or desirable with any person, including but not limited to any common carrier or freight forwarder, the state, any state agency, the federal government, any other state or agency or instrumentality thereof, any public authority of this or any other state, the port of New York authority or any political subdivision or municipality of the state. In connection with the operation of any transportation facility, the authority may plan, design, acquire, establish, construct, effectuate, operate, maintain, renovate, improve, extend or repair or may provide by contract, lease or other arrangement for the planning, design, acquisition, establishment, construction, effectuation, operation, maintenance, renovation, improvement, extension or repair of any related services and activities it deems necessary, convenient or desirable, including but not limited to the transportation and storage of freight and the United States mail, feeder and connecting transportation, parking areas, transportation centers, stations and related facilities. Upon the completion of any such transportation assistance project or any part thereof or the termination of any contract, lease or other arrangement relating to such transportation assistance project, the authority shall cause the same to be transferred, leased or subleased to the New York city transit authority or its designated subsidiary, as appropriate, with or without consideration.
3. The authority may establish, levy and collect or cause to be established, levied and collected and, in the case of a joint service arrangement, join with others in the establishment, levy and collection of such fares, tolls, rentals, rates, charges and other fees as it may deem necessary, convenient or desirable for the use and operation of any transportation facility and related services operated by the authority or by a subsidiary corporation of the authority or under contract, lease or other arrangement, including joint service arrangements, with the authority. Any such fares, tolls, rentals, rates, charges or

§ 1266. Special powers of the authority

other fees for the transportation of passengers shall be established and changed only if approved by resolution of the authority adopted by not less than a majority vote of the whole number of members of the authority then in office, with the chairman having one additional vote in the event of a tie vote, and only after a public hearing, provided however, that fares, tolls, rentals, rates, charges or other fees for the transportation of passengers on any transportation facility which are in effect at the time that the then owner of such transportation facility becomes a subsidiary corporation of the authority or at the time that operation of such transportation facility is commenced by the authority or is commenced under contract, lease or other arrangement, including joint service arrangements, with the authority may be continued in effect without such a hearing. Such fares, tolls, rentals, rates, charges and other fees shall be established as may in the judgment of the authority be necessary to maintain the combined operations of the authority and its subsidiary corporations on a self-sustaining basis. The said operations shall be deemed to be on a self-sustaining basis as required by this title, when the authority is able to pay or cause to be paid from revenue and any other funds or property actually available to the authority and its subsidiary corporations (a) as the same shall become due, the principal of and interest on the bonds and notes and other obligations of the authority and of such subsidiary corporations, together with the maintenance of proper reserves therefor, (b) the cost and expense of keeping the properties and assets of the authority and its subsidiary corporations in good condition and repair, and (c) the capital and operating expenses of the authority and its subsidiary corporations. The authority may contract with the holders of bonds and notes with respect to the exercise of the powers authorized by this section. No acts or activities taken or proposed to be taken by the authority or any subsidiary of the authority pursuant to the provisions of this subdivision shall be deemed to be "actions" for the purposes or within the meaning of article eight of the environmental conservation law.

3-a. In furtherance of the authority's mandate to develop and implement a unified mass transportation policy for the metropolitan commuter transportation district and the exercise of its powers, including the power to issue notes, bonds and other obligations secured in whole or in part by the revenues of the authority and its subsidiaries, and New York city transit authority and its subsidiaries, the authority shall join with the New York city transit authority and its subsidiaries in connection with any change in the establishment, levy and collection of fares, tolls, rentals, rates, charges and other fees for the transportation of passengers on any transportation facilities operated by New York city transit authority and its subsidiaries. Such fares, tolls, rentals, charges and other fees on transit facilities shall be established in accordance with the requirements of sections twelve hundred five and twelve hundred seven-i of this article.

4. The authority may establish and, in the case of joint service arrangements, join with others in the establishment of such schedules and standards of operations and such other rules and regulations including but not limited to rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of any transportation facility and related services operated by the authority or under contract, lease or other arrangement, including joint service arrangements, with the authority. Such rules and regulations governing the conduct and safety of the public shall be filed with the department of state in the manner provided by section one hundred two of the executive law. In the case of any conflict between any such rule or regulation of the authority governing the conduct or the safety of the public and any local law, ordinance, rule or regulation, such rule or regulation of the authority shall prevail. Violation of any such rule or regulation of the authority governing the conduct or the safety of the public in or upon any facility of the authority shall constitute an offense and shall be punishable by a fine not exceeding fifty dollars or imprisonment for not more than thirty days or both or may be punishable by the imposition of a civil penalty by the transit adjudication bureau established pursuant to the provisions of title nine of this article.

5. The authority may acquire, hold, own, lease, establish, construct, effectuate, operate, maintain, renovate, improve, extend or repair any transportation facilities through, and cause any one or more of its powers, duties, functions or activities to be exercised or performed by, one or more wholly owned subsidiary corporations of the authority, or by New York city transit authority or any of its subsidiary corporations in the case of transit facilities and may transfer to or from any such corporations any moneys, real property or other property for any of the purposes of this title upon such terms and

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conditions as shall be agreed to and subject to such payment or repayment obligations as are required by law or by any agreement to which any of the affected entities is subject. The directors or members of each such subsidiary corporation of the authority corporation shall be the same persons holding the offices of members of the authority. The chairman of the board of each such subsidiary shall be the chairman of the authority, serving ex officio and, provided that there is an executive director of the metropolitan transportation authority, the executive director of such subsidiary shall be the executive director of the metropolitan transportation authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of each such subsidiary and shall be responsible for the discharge of the executive and administrative functions and powers of each such subsidiary. The chairman and executive director, if any, shall be empowered to delegate his or her functions and powers to one or more officers or employees of each such subsidiary designated by him or her. Each such subsidiary corporation of the authority and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the authority and of the authority's property, functions and activities. Each such subsidiary corporation shall be subject to the restrictions and limitations to which the authority may be subject. Each such subsidiary corporation of the authority shall be subject to suit in accordance with section twelve hundred seventy-six of this title. The employees of any such subsidiary corporation, except those who are also employees of the authority, shall not be deemed employees of the authority.

If the authority shall determine that one or more of its subsidiary corporations should be in the form of a public benefit corporation, it shall create each such public benefit corporation by executing and filing with the secretary of state a certificate of incorporation, which may be amended from time to time by filing, which shall set forth the name of such public benefit subsidiary corporation, its duration, the location of its principal office, and any or all of the purposes of acquiring, owning, leasing, establishing, constructing, effectuating, operating, maintaining, renovating, improving, extending or repairing one or more facilities of the authority. Each such public benefit subsidiary corporation shall be a body politic and corporate and shall have all those powers vested in the authority by the provisions of this title which the authority shall determine to include in its certificate of incorporation except the power to contract indebtedness.

Whenever any state, political subdivision, municipality, commission, agency, officer, department, board, division or person is authorized and empowered for any of the purposes of this title to co-operate and enter into agreements with the authority such state, political subdivision, municipality, commission, agency, officer, department, board, division or person shall have the same authorization and power for any of such purposes to co-operate and enter into agreements with a subsidiary corporation of the authority.

6. Each of the authority and its subsidiaries, and the New York city transit authority and its subsidiaries, in its own name or in the name of the state, may apply for and receive and accept grants of property, money and services and other assistance offered or made available to it by any person, government or agency, which it may use to meet capital or operating expenses and for any other use within the scope of its powers, and to negotiate for the same upon such terms and conditions as the respective authority may determine to be necessary, convenient or desirable.

6-a. Subject to the rights of the holders of any outstanding bonds, notes or other obligations of the authority, New York city transit authority and Triborough bridge and tunnel authority, and to facilitate the efficient financial management of the authority, its subsidiary corporations, New York city transit authority and its subsidiary corporations, and Triborough bridge and tunnel authority (the "affiliated entities"), the authority may, and may permit and direct any affiliated entity to, transfer revenues, subsidies and other monies or securities to one or more funds or accounts of another affiliated entity for use by such other affiliated entity, provided at the time of such transfer it is reasonably anticipated that the monies and securities so transferred will be reimbursed, repaid or otherwise provided for by the end of the next succeeding calendar year if reimbursement or repayment is required by law or by any agreement to which any of the affected affiliated entities is subject. Any revenues of an affiliated entity that are transferred to another affiliated entity, which transfer was not authorized by a provision of law

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other than this subdivision, shall be considered to be required to be repaid to the affiliated entity which was the source of such revenues by the end of the next succeeding calendar year following such transfer.

7. The authority may lease railroad cars for use in its passenger service pursuant to the provisions of chapter six hundred thirty-eight of the laws of nineteen hundred fifty-nine.

8. The authority may do all things it deems necessary, convenient or desirable to manage, control and direct the maintenance and operation of transportation facilities, equipment or real property operated by or under contract, lease or other arrangement with the authority and its subsidiaries, and New York city transit authority and its subsidiaries. Except as hereinafter specially provided, no municipality or political subdivision, including but not limited to a county, city, village, town or school or other district shall have jurisdiction over any facilities of the authority and its subsidiaries, and New York city transit authority and its subsidiaries, or any of their activities or operations. The local laws, resolutions, ordinances, rules and regulations of a municipality or political subdivision, heretofore or hereafter adopted, conflicting with this title or any rule or regulation of the authority or its subsidiaries, or New York city transit authority or its subsidiaries, shall not be applicable to the activities or operations of the authority and its subsidiaries, and New York city transit authority, or the facilities of the authority and its subsidiaries, and New York city transit authority and its subsidiaries, except such facilities that are devoted to purposes other than transportation or transit purposes. Each municipality or political subdivision, including but not limited to a county, city, village, town or district in which any facilities of the authority or its subsidiaries, or New York city transit authority or its subsidiaries are located shall provide for such facilities police, fire and health protection services of the same character and to the same extent as those provided for residents of such municipality or political subdivision.

The jurisdiction, supervision, powers and duties of the department of transportation of the state under the transportation law shall not extend to the authority in the exercise of any of its powers under this title. The authority may agree with such department for the execution by such department of any grade crossing elimination project or any grade crossing separation reconstruction project along any railroad facility operated by the authority or by one of its subsidiary corporations or under contract, lease or other arrangement with the authority. Any such project shall be executed as provided in article ten of the transportation law and the railroad law, respectively, and the costs of any such project shall be borne as provided in such laws, except that the authority's share of such costs shall be borne by the state.

9. Upon approval by the commissioner of transportation of the state of New York of detailed plans and specifications, which approval may be based upon considerations of relative need and the timing of construction, the authority is authorized to design, construct, maintain, operate, improve and reconstruct a highway bridge crossing Long Island sound, as follows:

(a) Upon (i) the enactment by the state of Connecticut of legislation having like effect as the provisions of this paragraph and the granting of the consent of the congress of the United States of America to the interstate compact thereby created, and (ii) in conformity with recommendations of the New York-Connecticut bi-state bridge study commission, the authority is authorized, in cooperation with any duly designated agency or agencies of the state of Connecticut, to design, construct, maintain, operate, improve and reconstruct a highway bridge crossing Long Island sound from a point in the vicinity of the city of Bridgeport in the state of Connecticut to a point in the vicinity of the village of Port Jefferson in the state of New York, together with approaches to such bridge; and to contract from time to time with such agency or agencies of the state of Connecticut with respect to all matters affecting these authorizations, including, without limitation, the sharing of all capital, operational and maintenance expense (except that the capital expense of the original construction of such bridge, other than the expense of acquiring the needed real property, shall be in the ratio of fifty per-centum for the authority and fifty per-centum for such agency or agencies of the state of Connecticut), the manner and by whom the work of design, construction, reconstruction, improvement, maintenance and operation is to be performed or contracted to others for performance, the tolls, fees and other charges to be imposed from time to time for the use of

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such bridge, and the sharing of revenues derived from the imposition of such tolls, fees and charges (except that net revenues remaining after deduction of operational and maintenance expense of such bridge shall be in the ratio of fifty per-centum for the authority and fifty per-centum for the state of Connecticut or for such agency or agencies of the state of Connecticut. Subject to the limitations imposed upon the authority by the provisions of the said contracts, that portion of the said bridge and its approaches situate and lying within the territorial boundaries of the state of New York shall be deemed a "transportation facility" of the authority for all the purposes of this title, but tolls, fees and other charges imposed for the use of such bridge shall not be deemed to have been imposed "for the transportation of passengers" within the intendment of subdivision three of this section.

(b) If funds are made available by the authority for the payment of the cost and expense of the acquisition thereof, the commissioner of transportation of the state of New York, when requested by the authority, may acquire in the name of the state such real property lying within the territorial boundaries of the state as may be determined from time to time by the authority to be necessary, convenient or desirable to carry out the authorizations set forth in paragraphs (a) and (b) of this subdivision, may remove the owner or occupant thereof where necessary and obtain possession and, when requested by the authority, may dispose of any real property so acquired, all according to the procedure provided in section thirty of the highway law. The authority shall have the right to possess and use for its corporate purposes all such real property so acquired, all according to the procedure provided in section thirty of the highway law. The authority shall have the right to possess and use for its corporate purposes all such real property so acquired. Claims for the value of the property appropriated and for legal damages caused by any such appropriation shall be adjusted and determined by the commissioner of transportation with the approval of the authority or by the court of claims as provided in section thirty of the highway law. When a claim has been filed with the court of claims, the claimant shall cause a copy of such claim to be served upon the authority and the authority shall have the right to be represented and heard before such court. All awards and judgments arising from such claims shall be paid out of moneys of the authority.

(c) The authority, acting independently or jointly or in cooperation with such agency or agencies of the state of Connecticut, may also apply for and accept, upon condition or otherwise, from the duly authorized agencies of the federal government, and of the governments of the states of Connecticut and New York, such underwater and overwater grants of real property, licenses or permits as shall be necessary, convenient or desirable to carry out the authorizations set forth in paragraphs (a) and (b) of this subdivision.

(d) The provisions of chapter four hundred forty-two of the laws of nineteen hundred sixty-five (and of any agreement entered into in pursuance thereof) relating to the repayment of a loan made by the state to the authority for the purchase of the Long Island railroad shall be inapplicable to (i) the construction of such bridges and their approaches, (ii) bonds, notes or other obligations of the authority issued for or in connection with the financing of the cost of design, construction and reconstruction of such bridges and their approaches, or the proceeds realized upon such issuance; and (iii) revenues derived from the investment of such proceeds or of any part thereof, and from the imposition of tolls, fees or other charges for the use of such bridges.

10. Notwithstanding the provisions of any other law, general, special or local, or of any agreement entered into in pursuance thereof, relating to the repayment of any loan or advance made by the state to the authority or to the New York city transit authority, neither the authority nor the New York city transit authority shall be required to repay any such loan or advance heretofore made from or by reason of the issuance of bonds or notes of either of them or from the proceeds realized upon such issuance or from any other funds received by either of them from any source whatever in aid or assistance of the project or projects for the financing of which such bonds or notes are issued.

11. No project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection

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with such project, shall be subject to the provisions of article eight, nineteen, twenty-four or twenty-five of the environmental conservation law, or to any local law or ordinance adopted pursuant to any such article. Nor shall any acts or activities taken or proposed to be taken by the authority or by any other person or entity, public or private, in connection with the planning, design, acquisition, improvement, construction, reconstruction or rehabilitation of a transportation facility, other than a marine or aviation facility, be subject to the provisions of article eight of the environmental conservation law, or to any local law or ordinance adopted pursuant to any such article if such acts or activities require the preparation of a statement under or pursuant to any federal law or regulation as to the environmental impact thereof.

12. The authority may, upon suitable notice to and an offer to consult with an officer designated by the city of New York, occupy the streets of the city of New York for the purpose of doing any work over or under the same in connection with the improvement, construction, reconstruction or rehabilitation of a transportation facility without the consent of or payment to such city.

12-a. [Expires and repealed Dec 31, 2025]

(a) Whenever the authority determines in consultation with the city of New York that it is necessary to obtain the temporary or permanent use, occupancy, control or possession of vacant or undeveloped or underutilized but replaceable real property, or any interest therein, or subsurface real property or any interest therein then owned by the city of New York for a project in the two thousand fifteen to two thousand nineteen or the two thousand twenty to two thousand twenty-four approved capital programs to (i) install one or more elevators to make one or more subway stations more accessible, (ii) construct or reconstruct an electrical substation to increase available power to the subway system to expand passenger capacity or reliability, or (iii) in connection with the capital project to construct four commuter railroad passengers stations in the borough of the Bronx known as Penn Station access, the authority upon approval by the board of the metropolitan transportation authority and upon suitable notice and with the consent of the city of New York may cause the title to such real property, or any interest therein, to be transferred to the authority by adding it to the agreement of lease dated June first, nineteen hundred fifty-three, as amended, renewed and supplemented, authorized by section twelve hundred three of this article, or may itself acquire title to such property from the city of New York, and any such transfer or acquisition of real property shall be subject to the provisions of subdivision five of section twelve hundred sixty-six-c of this title. Nothing in this subdivision shall be deemed to authorize any temporary or permanent transfer or acquisition of real property, or interest therein, that is dedicated parkland without separate legislative approval of such alienation.

(b)

(i) Upon the execution of any transfer or acquisition pursuant to this subdivision, which shall be final upon the approval by the board of the metropolitan transportation authority and consent of the city of New York, the fair market value shall be determined pursuant to this paragraph. The authority shall make a written offer to pay to the city of New York the fair market value of the authority's use, occupancy, control, possession or acquisition of such property. The offer by the authority shall be based on an appraisal of the value of such property and a copy of such appraisal shall be included with the offer. Such appraisal shall be done by an independent New York state licensed or certified appraiser, who may not be employed by the authority, selected at random from a panel of appraisers maintained by it for such purpose. Such appraisal and a second appraisal, if required pursuant to subparagraph (ii) of this paragraph, shall consider only the reasonably anticipated lawful use of the property and its zoning designation under the zoning resolution of the city of New York at the time the authority notified the city of New York of its determination to use, occupy, control, possess or acquire such property.

(ii) Within thirty days of receipt of the offer by the authority, the city of New York may accept it, agree with the authority on another amount, or request a second appraisal by an independent New York state licensed or certified appraiser, who may not be employed by the city of New

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York, selected at random by the city of New York from a panel of appraisers maintained by it for such purpose. Such second appraisal shall be completed within thirty days. If the second appraisal produces an estimate of the fair market value of the property that is greater than that of the first appraisal, the authority shall have ten days to increase its offer to such higher amount, otherwise the two appraisers shall reconcile their valuations and agree on a final valuation within ten days, which shall be an amount not less than the first appraisal nor greater than the second appraisal.

(c) Nothing in this subdivision shall be construed to affect or limit the authority's power under subdivision twelve of this section.

13. The authority and each of its subsidiary corporations shall place on each transformer and substation which contains polychlorinated biphenyls (PCBs) a symbol so indicating the presence of PCBs. Use of a PCB mark illustrated in the rules and regulations promulgated pursuant to the federal Toxic Substances Control Act shall constitute compliance with the provisions of this subdivision.

14. Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the Long Island Rail Road, shall establish and implement a no fare program for transportation on the Long Island Rail Road for police officers employed by the city of New York, county of Nassau, Nassau county villages and cities, county of Suffolk, Suffolk county villages and towns, the division of state police, the port authority of New York and New Jersey, the Metro-North Commuter Railroad Company, the New York city housing authority and the New York city transit authority. In establishing such program, which has as its goal increased protection and improved safety for its commuters, the authority and the Long Island Rail Road shall, among other things, consider: (a) requiring police officers who ride without cost to register with the Long Island Rail Road as a condition of riding without cost; (b) requiring such officers to indicate during such registration process their regular working hours and the Long Island Rail Road trains that such officers expect to ride; and (c) periodically re-registering and re-validating such officers. The authority and the Long Island Rail Road shall also have the power to consider other matters necessary to carry out the goals and objectives of this section.

15.

(a) Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the New York city transit authority, the Long Island Rail Road and the Metro-North Commuter Railroad Company, shall establish and implement a no fare program for transportation on New York city transit authority systems, the Long Island Rail Road and the Metro-North Commuter Railroad Company for individuals serving as personal care attendants accompanying an Americans With Disabilities Act paratransit eligible individual.

(b) In order to be eligible for such no fare program the personal care attendant must show his or her community based personal care attendant agency issued identification card.

(c) In order to be considered accompanying an Americans With Disabilities Act paratransit eligible individual the personal care attendant shall have the same origin and destination as such paratransit eligible individual.

16. Notwithstanding any other provision of law, the authority and any of its subsidiary corporations shall establish and implement a half fare rate program for persons with serious mental illness who are eligible to receive supplemental security income benefits as defined pursuant to title sixteen of the federal social security act and section two hundred nine of the social services law.

17. Notwithstanding any conflicting provisions of general, special or local law, and pursuant to the authority's 2000-2004 capital program plans approved by the metropolitan transportation authority capital program review board, the authority or any of its subsidiaries, the New York city transit authority or any of its subsidiaries, or Triborough bridge and tunnel authority, shall provide, from funds identified in such approved 2000-2004 capital program plans, up to twelve million dollars for the financing of a bus and heavy duty vehicles emission research and testing facility and related equipment located in the

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state of New York, whether within or outside of the transportation district, which facility shall be operated by the department of environmental conservation and shall be available for use on a non-exclusive basis by the authority and any of its subsidiaries, the New York city transit authority and any of its subsidiaries, and Triborough bridge and tunnel authority.

18. The authority shall conduct a campaign of public outreach to inform the public of the provisions pertaining to assault on employees described in subdivision eleven of section 120.05 of the penal law.

19. In connection with their lawful responsibilities or functions, the authority and its subsidiaries, including Metro-North Commuter Railroad, the Long Island Rail Road, MTA bus and the Staten Island rapid transit operating authority, the Triborough bridge and tunnel authority, and the New York city transit authority and its subsidiary the Manhattan and Bronx surface transit operating authority, are authorized to request, receive and review criminal history information through the division of criminal justice services with respect to any person applying for a safety sensitive position. When requested, such applicant shall submit to the authority or the requesting affiliate or subsidiary his or her fingerprints in such form and in such manner as specified by the division, for the purpose of conducting a criminal history search identifying criminal convictions and pending criminal charges and returning a report thereon in accordance with the procedures and requirements established by the division pursuant to the provisions of article thirty-five of the executive law, which shall include the payment of the reasonable prescribed processing fee for the cost of the division's full search and retention procedures and a national criminal history record check. The authority or requesting affiliate or subsidiary shall submit such fingerprints and the processing fee to the division. The division shall forward to the authority or the requesting affiliate or subsidiary a report with respect to the applicant's previous criminal history, if any, or a statement that the applicant has no previous criminal history according to its files. Fingerprints submitted to the division pursuant to this subdivision may also be submitted to the federal bureau of investigation for a national criminal history record check. If additional copies of fingerprints are required, the applicant shall furnish them upon request. Upon receipt of such criminal history information, the authority or the requesting affiliate or subsidiary shall provide such applicant with a copy of such criminal history information, together with a copy of article twenty-three-A of the correction law, and inform such applicant of his or her right to seek correction of any incorrect information contained in such criminal history information pursuant to regulations and procedures established by the division of criminal justice services. The authority or the requesting affiliate or subsidiary shall ensure that adequate notice be provided to such applicant regarding the fact that state and national criminal history record checks may be conducted. This provision shall not preclude or alter the process by which a municipal civil service commission obtains and provides background information pursuant to subdivision four of section fifty of the civil service law relating to applicants for civil service appointments at the New York city transit authority and the Triborough bridge and tunnel authority.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1965, ch 634, § 3; L 1966, ch 415, §§ 3–6; L 1967, ch 717, §§ 85, 92; L 1968, ch 420, §§ 186, 187; L 1973, ch 657, §§ 4, 5, eff June 11, 1973; L 1973, ch 789, §§ 1–3, eff June 22, 1973; L 1980, ch 279, § 1; L 1981, ch 314, § 8, eff June 29, 1981; L 1986, ch 530, § 1, eff Sept 1, 1986; L 1995, ch 307, § 1, eff July 26, 1995; L 1999, ch 422, § 1; L 1999, ch 523, § 1, eff Jan 26, 2000; L 2000, ch 24, § 1, eff July 16, 2000; L 2000, ch 25, § 1, eff July 16, 2000; L 2000, ch 61, § 8 (Part N), eff May 15, 2000; L 2000, ch 61, § 23 (Part O), eff May 15, 2000; L 2002, ch 598, § 2; L 2003, ch 607, § 2, eff Sept 30, 2003; L 2009, ch 25, § 8 (Part H); L 2009, ch 506, § 28, eff March 1, 2010; L 2013, ch 182, § 1, eff July 31, 2013; L 2015, ch 460, § 3, effective November 20, 2015; L 2020, ch 58, § 2 (Part VVV), effective April 3, 2020; L 2021, ch 261, § 1, effective July 16, 2021.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1266-a. Medical emergency services

The authority is hereby authorized and directed to prepare and develop a medical emergency services program to be implemented at a time to be specified in such program for the benefit of persons utilizing transportation and other related services of the authority. Such program may include but not be limited to provision for the following: The training of designated employees in first aid, emergency techniques and procedures, handling and positioning of stricken commuters, and knowledge of procedures and equipment used for respiratory and cardiac emergencies. Such program shall be submitted to the legislature not later than one hundred eighty days next succeeding the effective date of this section.

History

Add, L 1977, ch 928, § 1, eff Aug 11, 1977.

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§ 1266-b. Medical emergency services plan; implementation on Long Island Rail Road

1.

a. The authority in consultation with the Long Island Rail Road is hereby authorized and directed to implement a comprehensive medical emergency services program, including an emergency response protocol, not later than September first, two thousand five, for the benefit of persons utilizing transportation and other related services of the Long Island Rail Road. Such program shall include but not be limited to provision for the following: The training of designated employees in first aid, emergency techniques and procedures, handling and positioning of stricken commuters, knowledge of procedures and equipment used for respiratory and cardiac emergencies and an emergency response protocol for all employees.

b. Such program and plan shall be submitted to the temporary president of the senate, the speaker of the assembly and the governor on or before September first, two thousand five, and shall be updated as necessary. The authority will issue an annual report on or before April first of each year beginning April first, two thousand six, which will include current updates, descriptions of medical emergencies, responses and outcomes since the most recent report, information regarding training of personnel, analysis of the current plan and any recommendations for improving the program.

2. Notwithstanding any inconsistent provision of any general, special or local law, a designated employee employed upon facilities of the Long Island Rail Road who has been trained in first aid, emergency techniques and procedures, handling and positioning of stricken commuters, and the applicable procedures and equipment used for respiratory and cardiac emergencies who voluntarily and without the expectation of monetary compensation renders any of the foregoing treatment in an emergency to a commuter upon facilities of the Long Island Rail Road who is unconscious, ill or injured shall not be liable for damages for injuries alleged to have been sustained by such commuter or for damages for the death of such commuter alleged to have occurred by reason of an act or omission in the rendering of such treatment in an emergency unless it is established that such injuries were or such death was caused by gross negligence on the part of such designated employee.

History

Add, L 1978, ch 370, § 1; amd, L 1979, ch 506, § 1, eff July 10, 1979; L 2005, ch 396, § 1, eff Aug 2, 2005.

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NY CLS Pub A § 1266-c

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1266-c. Transit projects

1. Subject to the provisions of this section, the authority is hereby authorized, upon the request of the New York city transit authority and upon such terms and conditions as shall be agreed to by the authority (i) to plan, design, acquire, construct, reconstruct, rehabilitate and improve facilities, equipment, devices and appurtenances, and property or property rights constituting or to constitute part of, or used or to be used in connection with the operation of any transit facility now or hereafter owned or operated by the New York city transit authority or any of its subsidiaries (each of the foregoing activities and programs being referred to in this section as a “transit project”), (ii) to finance the costs of a transit project by the issuance of its notes, bonds or lease obligations, (iii) upon the completion of any transit project or part thereof, to cause the same to be transferred, leased or subleased to the New York city transit authority or its designated subsidiary or other designee, for consideration. The terms “facilities”, “equipment”, “devices and appurtenances”, “property” or “property rights” and “transit facility” shall have the meanings given to such terms from time to time in section twelve hundred of this article. The authority shall have no obligation to operate or, except as may otherwise be provided in any lease to which it may be a party as hereinafter provided, repair or maintain any transit project or part thereof subsequent to its completion nor shall it be liable to the transferee, lessee or sublessee by reason of any warranty, express or implied, in respect thereof. Warranties furnished in connection with such transit project shall be assignable and assigned as directed by the New York city transit authority and approved by the authority.

2. In connection with any transit project, and in order to effectuate the purposes of this section, the authority shall, subject to the provisions of this section, have all of the powers provided elsewhere in this title, and, in addition, the authority may:

- (a) issue its notes or bonds to finance all or any part of the costs of a transit project;
- (b) finance all or any part of the costs to the authority or to any other person or entity, public or private, of such transit project through, or accompanied by, a leasing of such project or any part thereof by such person or entity to the authority or through or accompanied by a sale by the authority to any such person or entity and leaseback to the authority, in each case for subleasing to the New York city transit authority, its designated subsidiary or other designee for consideration, except that such leasing or leaseback from such person or entity may be directly to the New York city transit authority or its designated subsidiary or other designee with the consent of the authority;
- (c) issue its notes or bonds to defease the lien of, refund or otherwise repay any outstanding notes, bonds or other obligations of the New York city transit authority which in the judgment of the authority would otherwise delay, impede or prevent its financing a transit project;
- (d) accept the notes, bonds, lease, sublease and other contractual obligations of the New York city transit authority and any of its designated subsidiaries in payment for a transfer, lease or sublease of a transit project;
- (e) accept from the New York city transit authority or its designated subsidiary or from the city of New York, acting by its mayor alone, a transfer of title to or the use, occupancy, control or possession of any

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real or personal property (or any interest therein) needed or useful for or in connection with any transit project;

(f) obtain security for the payment by the New York city transit authority or its designated subsidiary of its notes, bonds, lease, sublease or other contractual obligations, including a pledge of all or any part of any of their revenues, which pledge may contain covenants with respect to the charging and fixing of fares, fees and rentals, the use and disposition of such fares, fees, rentals and other revenues, and the setting aside of reserves therefrom;

(g) with the consent of the New York city transit authority or its designated subsidiary, use, with or without compensation, its agents, employees and facilities; and

(h) apply for, accept, enter into contracts for, administer and disburse any federal, state or local aid or assistance, subject to the terms and conditions thereof, which may be available for any transit project.

3. All of the provisions of this title not inconsistent with the provisions of this section shall be applicable with respect to any bonds, notes or lease obligations of the authority issued or entered into to finance any transit project, or to defease the lien of, refund or otherwise repay outstanding bonds, notes or other obligations of the New York city transit authority, subject to the following conditions:

(a) such bonds and notes shall be payable as to principal, redemption premium, if any, and interest and such other obligations shall be payable, all in the manner more particularly provided by the authority in the resolution under which the same shall be authorized to be issued;

(b) such lease obligations shall be non-recourse obligations limited to the recovery of the leased property by the lessor and as to the payments of sums of money coming due thereunder, to proceedings against the sublessee under any underlying sublease or pursuant to any pledge or assignment given to secure sums payable under such underlying sublease;

(c) no bonds or notes of the authority shall be issued for the purpose of defeasing the lien of, refunding or otherwise repaying outstanding bonds, notes or other obligations of the New York city transit authority unless (i) the city of [the] New York shall have entered into an agreement on terms satisfactory to the authority to make periodic payments to the New York city transit authority, and (ii) the New York city transit authority shall have entered into an agreement on terms satisfactory to the authority to make periodic payments to the authority, in each case sufficient to pay, when due, the principal, redemption premium, if any, and interest upon the bonds or notes of the authority issued to effect such defeasance, refunding or repayment;

(d) notwithstanding and in addition to any provisions for the redemption of such bonds or notes which may be contained in any contract with the holders thereof, the city of New York may, upon furnishing sufficient funds therefor, require the authority to redeem as a whole any issue of such bonds or notes at the time or times and at the place or places and in accordance with the terms upon which such bonds or notes are redeemable; and

(e) the city of New York shall not be liable on such bonds or notes, and such bonds or notes shall not be a debt of the city of New York, and shall contain on the face thereof a statement to such effect.

4. The authority shall not undertake any transit project unless the New York city transit authority or the subsidiary for whose benefit the transit project is to be undertaken, or both, shall pay or agree to pay, in the form of a bond, note, lease, sublease or other contractual obligation, in a manner and on terms and conditions satisfactory to the authority, any portion of the costs to the authority of such transit project and the financing thereof which is not paid to the authority from any federal, state or local aid or assistance or which is not payable from any other moneys made available or payable to the authority by others for such project.

5. Neither the provisions of section one hundred ninety-seven-c of the New York city charter, relating to a uniform land use review procedure, nor the provisions of any other local law of the city of New York of like

* Brackets have been inserted around this word by the Publisher as it is superfluous.

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or similar tenor or import shall apply (i) to the acquisition of any real property (or any interest therein) for the purposes of any transit project by the city or by the New York city transit authority or any of its subsidiaries; (ii) to the subsequent transfer of any real property (or interest therein) so acquired to the authority or its designee for the purposes of such project or to the transfer to the authority or its designee for such purposes of any real property (or interest therein) then owned by the city or by the New York city transit authority or any such subsidiary; nor (iii) to the transfer to the authority or its designee for such purposes of the right of use, occupancy, control or possession of any real property (or interest therein), whether presently owned or hereafter acquired by the city or by the New York city transit authority or any such subsidiary; provided in each such case, however, that if at the time of such proposed acquisition or transfer the real property which is the subject of such acquisition or transfer is not then being utilized for a transit or transportation purpose or is not an insubstantial addition to such property contiguous thereto; (a) the authority proposing to acquire or receive such property shall, unless a submission with respect to such property has previously been made and approved as herein provided, submit to the community board for the community district in which such property is located, data with respect to the proposed use of such property and to the design of any facility proposed to be constructed thereon; (b) such community board shall inform the board of estimate of the city of New York, with copies to the city planning commission of the city of New York and the proposing authority, of its views and recommendations with respect thereto within forty-five days of such submission, and if the community board shall fail to so inform the board of estimate within such period it shall be deemed to have recommended the proposal; and (c) the board of estimate shall, within forty-five days of the recommendation of the community board, approve or disapprove such acquisition or transfer, and if the board of estimate shall fail to act within such period it shall be deemed to have approved the same.

6. In its performance of any transit project, the authority shall not be deemed the agent or instrumentality of the city of New York or the New York city transit authority or any of its subsidiaries notwithstanding the fact that title to any real or personal property (or any interest therein) which is the subject of or is a part of such project is held by or upon completion of such project is to be transferred to such other entity. In its performance of any transit project, however, the provisions of section twelve hundred nine of this chapter shall apply to the authority as if it were the "authority" referred to therein.

7. The authority, in addition to the powers provided elsewhere in this title, shall possess all of the powers, rights and privileges of the New York city transit authority or its designated subsidiary in connection with the undertaking by the authority of any transit project. The authority, upon suitable notice to and an offer to consult with an officer designated by the city of the New York, may occupy the streets of the city of New York for the purpose of doing any work over or under the same in connection with any transit project without the consent of or payment to such city.

8. After the transfer, transfer back, lease or sublease to the New York city transit authority or its designated subsidiary or other designee of any transit project or part thereof, actions for damages for injuries to real or personal property or for the destruction thereof, or for personal injuries or death, based upon the use, condition or state of such project or part thereof may not be instituted against the authority, which shall have no liability or responsibility to the transferee, lessee or sublessee or to third parties therefor.

9. Except as the authority shall otherwise agree, title to any transit project or any part thereof or interest therein which shall have been transferred, leased or subleased to the New York city transit authority or its designated subsidiary, shall remain in such transferee, lessee or sublessee any provision of title nine of this article or of any lease or other agreement entered into under the provisions of that title to the contrary notwithstanding.

10. The providing of any transit project shall not relieve the city of New York of its obligations under law and by lease to pay the capital costs of the New York city transit authority or its subsidiaries.

11. No transit project to be constructed upon real property theretofore used for a transit or transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a

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material respect the general character of such prior transit or transportation use, nor any acts or activities in connection with such project, shall be subject to the provisions of article eight, nineteen, twenty-four or twenty-five of the environmental conservation law, or to any local law or ordinance adopted pursuant to any such article. Nor shall any transit project or any acts or activities in connection therewith taken by any person or entity, public or private, pursuant to this section be subject to the provisions of article eight of the environmental conservation law if such project, acts or activities require the preparation of a statement under or pursuant to any federal law or regulation as to the environmental impact thereof.

12. The provisions of this section and of all agreements undertaken by the New York city transit authority in accordance therewith shall in all respects be subject to the rights of the holders of any outstanding bonds or notes of such authority.

13.

a. All contracts for design, construction, services and materials pursuant to this title of whatever nature and all documents soliciting bids or proposals therefor shall contain or make reference to the following provisions:

(i) The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group persons and women are afforded equal opportunity without discrimination. Such programs shall include, but not be limited to, recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, and selections for training or retraining, including apprenticeship and on-the-job training.

(ii) At the request of the New York city transit authority, the metropolitan transportation authority, and their subsidiaries (hereinafter referred to as the authority), the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding and which is involved in the performance of the contract with the authority to furnish a written statement that such employment agency, labor union or representative shall not discriminate because of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will cooperate in the implementation of the contractor's obligations hereunder.

(iii) The contractor will state, in all solicitations or advertisements for employees placed by or on behalf of the contractor in the performance of the contract with the authority, that all qualified applicants will be afforded equal employment opportunity without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

(iv) The contractor will include the provisions of subparagraphs (i) through (iii) of this paragraph in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to its work in connection with the contract with the authority.

b. The authority shall establish procedures and guidelines to ensure that contractors and subcontractors undertake programs of affirmative action and equal employment opportunity as required by this subdivision. Such procedures may require after notice in a bid solicitation, the submission of an affirmative action program prior to the award of any contract, or at any time thereafter, and may require the submission of compliance reports relating to the operation and implementation of any affirmative action program adopted hereunder. The authority may take appropriate action including contractual sanctions for non-compliance to effectuate the provisions of this subdivision and shall be responsible for monitoring compliance with this title.

14.

(a)

(i) In the performance of projects pursuant to this title minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The authority provided for in

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this title shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this title shall be construed to limit the ability of the authority to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or American Indian, Pacific Islander or Alaskan natives and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year.

The provisions of this paragraph shall not be construed to limit the ability of any minority or women-owned business enterprise to bid on any contract.

(ii) In the implementation of this subdivision, the authority shall consider compliance by any contractor with the requirements of any federal, state, or local law concerning minority and women-owned business enterprises, which may effectuate the requirements of this subdivision. If the authority determines that by virtue of the imposition of the requirements of any such law, in respect to capital project contracts, the provisions thereof duplicate or conflict with such law, the authority may waive the applicability of this subdivision to the extent of such duplication or conflict.

(iii) Nothing in this subdivision shall be deemed to require that overall state and federal requirements for participation of minority and women-owned business enterprises in programs authorized under this title be applied without regard to local circumstances to all projects or in all communities.

(b) In order to implement the requirements and objectives of this subdivision, the authority shall establish procedures to monitor the contractors' compliance with provisions hereof, provide assistance in obtaining competing qualified minority and women-owned business enterprises to perform contracts proposed to be awarded, and take other appropriate measures to improve the access of minority and women-owned business enterprises to these contracts.

15.

(a) In connection with the performance of projects pursuant to this section, the authority shall, to the extent practicable and not inconsistent with any federal law, regulation or requirement, promote the meaningful participation of small business and New York state business enterprises in the provision of goods and services that are produced or manufactured in New York state as part of procurements undertaken by the authority.

(b) The authority shall within one hundred eighty days after the effective date of this subdivision develop, and review annually thereafter, a plan to effect the purposes of this subdivision.

History

Add, L 1981, ch 314, § 7; amd, L 1981, ch 558, §§ 2–4, eff June 29, 1981; L 1986, ch 929, § 29, eff Dec 31, 1986; L 1987, ch 13, § 19, eff March 31, 1987; L 2000, ch 61, § 24 (Part O), eff May 15, 2000; L 2009, ch 25, § 20 (Part H), eff May 7, 2009 (see 2009 note below); L 2022, ch 669, § 61, effective December 9, 2022.

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§ 1266-d. Long Island rail road commuter's council.

1. There is hereby created the Long Island rail road commuter's council, to study, investigate, monitor and make recommendations with respect to the maintenance and operation of the Long Island rail road. Such council shall study and investigate all aspects of the day to day operations of such railroad, monitor its performance and recommend changes to improve the efficiency of the operation thereof. Such council shall study and make recommendations in regard to improving bicycle and pedestrian access at bridges, stations and other facilities operated by the Long Island Railroad and submit such recommendations to the metropolitan transportation authority on or before June first, two thousand twenty-two and every five years thereafter.
2. Such council shall consist of thirteen members who shall be commuters who regularly use the transportation services of such railroad, and who shall be residents of Nassau, Suffolk, Queens or Brooklyn county. Members shall be appointed by the governor upon the recommendation of the county executive of each such county, provided, however, that such members shall be chosen from a list of ten names submitted by each such county executive and provided further however that no more than six members of such council shall be residents of either such county. Provided, however, that one member shall be appointed on the recommendation of the borough president of Queens and one member shall be appointed on the recommendation of the borough president of Brooklyn. Provided, however, that one member shall be appointed who has a demonstrated expertise or interest in the promotion and development of improved bicycle and pedestrian access at bridges, stations and other facilities operated by the authority and its affiliates and subsidiaries. Vacancies occurring in the membership of the council shall be filled in the same manner as original appointments, provided, however, that such vacancy shall be filled from a list of three names submitted by each such county executive.
3. The members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.
4. The council may request and shall receive from any department, division, board, bureau, commission, agency, public authority of the state or any political subdivision thereof such assistance and data as will enable it properly to carry out its activities hereunder and effectuate the purposes set forth herein.

History

Add, L 1981, ch 482, § 4, eff July 11, 1981; amd, L 1981, ch 483, § 2; L 1998, ch 396, § 1, eff July 22, 1998; L 2021, ch 802, § 4, effective December 28, 2021; L 2022, ch 125, § 4, effective December 28, 2021.

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§ 1266-e. Metro-North rail commuter council.

1. There is hereby created the Metro-North rail commuter council to study, investigate, monitor and make recommendations with respect to the maintenance and operation of those portions of, if any, the Hudson, Harlem, New Haven, Pascack Valley and Port Jervis commuter railroad lines remaining within the metropolitan commuter transportation district. Such council shall study and investigate all aspects of the day to day operation of such railroad lines, monitor their performance and recommend changes to improve the efficiency of the operation thereof. Such council shall study and make recommendations in regard to improving bicycle and pedestrian access at bridges, stations and other facilities operated by such railroad lines and submit such recommendations to the metropolitan transportation authority on or before June first, two thousand twenty-two and every five years thereafter.
2. Such council shall consist of twelve members and shall be commuters who regularly use the transportation services of such railroad lines. At least five of such members shall be residents of the county of Westchester. Of the other seven members, at least one of such members shall be a resident of each of the counties of Rockland, Putnam, Dutchess, Orange and Bronx, provided that such county has not withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this title; provided further, should only the county of Putnam remain in the metropolitan commuter transportation district then membership on such council shall consist of eight members, six of whom reside in the county of Westchester and two of whom reside in the county of Putnam. Members shall be appointed by the governor. In making such appointments the governor shall consult with and solicit recommendations from local officials and to the extent possible appoint members who represent the ridership of the several commuter railroad lines. Provided, however, that one member shall be appointed who has a demonstrated expertise or interest in the promotion and development of improved bicycle and pedestrian access at bridges, stations and other facilities operated by the authority and its affiliates and subsidiaries. Vacancies occurring in the membership of the council shall be filled in the same manner as original appointments.
3. The members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties hereunder from funds appropriated to the commissioner of transportation.
4. The council may request and shall receive from any department, division, board, bureau, commission, agency, public authority of the state or any political subdivision thereof such assistance and data as it requests and will enable it to properly carry out its activities for the purposes set forth herein.

History

Add, L 1981, ch 482, § 5, eff July 11, 1981; amd, L 1981, ch 483, § 3; L 1986, ch 669, § 3, eff July 26, 1986; L 1998, ch 396, § 2, eff July 22, 1998; L 2021, ch 802, § 3, effective December 28, 2021; L 2022, ch 125, § 3, effective December 28, 2021.

§ 1266-e. Metro-North rail commuter council.

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§ 1266-f. Medical emergency services plan; implementation on Metro-North Commuter Railroad Company

1. The authority is hereby authorized and directed to implement a medical emergency services program not later than April first, nineteen hundred eighty-six, for the benefit of persons utilizing transportation and other related services of the Metro-North Commuter Railroad Company. Such program shall include but not be limited to provision for the following: The training of conductors, trainmen and other designated employees in first aid, emergency techniques and procedures, handling and positioning of stricken commuters, and knowledge of procedures and equipment used for respiratory and cardiac emergencies.
2. Notwithstanding any inconsistent provision of any general, special or local law, a designated employee employed upon facilities of the Metro-North Commuter Railroad Company who has successfully completed a course in first aid, including instruction and training in cardiopulmonary resuscitation and who voluntarily and without expectation of monetary compensation renders first aid, emergency treatment or cardiopulmonary resuscitation at the scene of an accident or other emergency, in the course of his duties as an employee of the Metro-North Commuter Railroad Company to a person who is unconscious, ill or injured, shall not be liable for damages and injuries alleged to have been sustained by such person or for damages for death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid, emergency treatment or cardiopulmonary resuscitation unless it is established that such injuries were or such death was caused by gross negligence on the part of such designated employee.

History

Add, L 1985, ch 581, § 1, eff July 28, 1985.

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§ 1266-g. Excess loss fund

1. Subject to the provisions of this section, the authority is authorized to issue bonds and notes, in accordance with section twelve hundred sixty-nine of this title, in such principal amounts not in excess of the seventy-five million dollar limitation established in subdivision four of this section as, in the opinion of the authority, shall be necessary to provide sufficient funds to meet the capital and reserve requirements of a trust, pooling arrangement or other entity established for the purpose of providing reimbursement and funding to the authority and its subsidiaries, the New York city transit authority and its subsidiaries and Triborough bridge and tunnel authority for excess or extraordinary losses for damages to real or personal property or for the destruction thereof or for personal injuries or death and for certain property damage losses which may be incurred or sustained by any of them in connection with the use and operation of their respective facilities and in the conduct of their respective activities (the trust, pooling arrangement or other entity established in order to provide such benefits to such participants being referred to in this section as the "excess loss fund"). Prior to the issuance of any bonds or notes, other than refunding bonds or notes, authorized by this section, the authority shall make a finding that such issue is expected to result, on a present value basis, in a lower effective cost to the participating authorities than funding the requirements of the excess loss fund solely through the payment of premiums and assessments by such participating authorities.
2. In order to effectuate the purposes of the excess loss fund, the authority shall, subject to the provisions of this section, have all the powers provided elsewhere in this title and may:
 - (a) accept the notes, bonds and other contractual obligations of the excess loss fund for funds provided to it by the authority;
 - (b) obtain security for the payment by the excess loss fund of its notes, bonds and other contractual obligations issued to the authority, including a pledge of all or any part of the assets and revenues of the excess loss fund, including its receipts and rights to receive premiums, assessments, reimbursements and other payments from the participants in the excess loss fund, which pledge may contain covenants with respect to the charging and fixing by actuarial estimates, where appropriate, of premiums, assessments, reimbursements and other payments and the use and disposition thereof; and
 - (c) enter into contracts with the excess loss fund and with the participants therein, on such terms and conditions as the parties may agree, with respect to the payment of premiums, assessments, reimbursements and other payments to the excess loss fund and the nature and extent of the benefits to be paid by the excess loss fund to such participants.
3. The bonds and notes of the authority authorized by this section shall not constitute general obligations of the authority, but shall be special obligations of the authority payable as to principal, redemption premium, if any, and interest solely from the security, sources of payment and funds obtained from or on behalf of the excess loss fund, all in the manner more particularly provided by the authority in the resolution under which such bonds and notes shall be authorized to be issued.
4. The aggregate principal amount of bonds and notes issued for the purposes enumerated in subdivision one of this section shall not exceed seventy-five million dollars, excluding: (a) bonds and notes issued to

§ 1266-g. Excess loss fund

fund costs of issuance and any reasonably required debt service reserve fund for such bonds or notes; (b) an amount equal to any original issue discount from the principal amount of any bonds or notes issued; and (c) bonds and notes issued to refund or otherwise repay bonds or notes theretofore issued for such purposes, provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds and notes (including for purpose of such calculation the principal amount of the refunding bonds or notes then to be issued and excluding the principal amount of the bonds or notes so to be refunded or repaid and any amounts excluded under paragraph (a) or (b) of this subdivision) may be greater than seventy-five million dollars, only if the present value of the aggregate debt service of the refunding or repayment bonds or notes to be issued shall not exceed the present value of the aggregate debt service of the bonds or notes so to be refunded or repaid. For purposes of paragraph (c) of this subdivision, the present values of the aggregate debt service of the refunding or repayment bonds or notes and of the aggregate debt service of the bonds or notes so to be refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds or notes, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds or notes from the payment dates thereof to the date of issue of the refunding or repayment bonds or notes and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof.

5. The term “excess loss fund” as used in this section shall not include any trust, pooling arrangements or other entity (a) which provides or offers to provide reimbursement or funding for losses or liabilities to any entity other than the authority and its subsidiaries, the New York city transit authority and its subsidiaries and Triborough bridge and tunnel authority, or (b) in which any entity other than the authority and its subsidiaries, the New York city transit authority and its subsidiaries and Triborough bridge and tunnel authority holds an equity interest.

History

Add, L 1988, ch 646, § 1, eff Sept 1, 1988.

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§ 1266-h. Authority police force.

1. The authority is hereby authorized and empowered, to provide and maintain an authority police department and a uniformed authority police force. Each member of such uniformed police force shall be a "police officer" for the purposes of the criminal procedure law, with all of the powers of such police officers thereunder and subject to the same jurisdictional provisions on the exercise of that power as set forth in such law. The geographical area of employment of such police officers for the purposes of the criminal procedure law shall embrace the metropolitan commuter transportation district as defined in section twelve hundred sixty-two of this title. Such department and force shall have the power, in and about any or all of the facilities owned, occupied and/or operated by the authority and its subsidiary corporations, the New York city transit authority and its subsidiaries, and the triborough bridge and tunnel authority, as determined in the discretion of the authority, to enforce and prevent violation of all laws and ordinances. Nothing herein shall confer upon the authority police force or upon their collective negotiations representatives exclusive jurisdiction or claim over the exercise of police power or security work on behalf of the authority and its subsidiary corporations, the New York city transit authority and its subsidiaries, and the triborough bridge and tunnel authority. Nothing herein shall limit the authority and its subsidiary corporations, the New York city transit authority and its subsidiaries, and the triborough bridge and tunnel authority from continuing to rely on local police for police services. However, traditional police functions previously performed by the Long Island Rail Road Company and/or the Metro-North Commuter Railroad Company police force shall continue to be performed by the authority police forces.

2. Initial appointments to such authority police force shall be all incumbent police officers from the Long Island Rail Road Company and/or the Metro-North Commuter Railroad Company at the time of such appointment. The executive director of the authority, through the chief of police, shall have the power and authority to appoint and employ such number of police officers as he deems necessary to act as police officers of the authority and to administer to the officers an oath or affirmation faithfully to perform the duties of their respective positions or offices. Unless, at the time of appointment, the person is a police officer of Long Island Rail Road Company or Metro-North Commuter Railroad Company, only persons who have never been convicted of a felony and are citizens of the United States shall be appointed police officers on the authority police force. After the initial appointments are made, selection of police officer candidates shall be made pursuant to an examination process to be determined at the discretion of the authority and candidates must receive a certificate attesting to satisfactory completion of an approved municipal police basic training program, as described in section two hundred nine-q of the general municipal law. No person shall be eligible for appointment unless such person is not less than twenty years of age as of the date of appointment nor more than thirty-five years of age as of the date when the applicant takes the written examination, provided, however, that time spent on military duty or on terminal leave, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed his or her thirty-fifth birthday as provided in subdivision ten-a of section two hundred forty-three of the military law. Upon appointments made by transferring an entire group of police officers into the authority police force, thereby eliminating such other group of police officers, the authority shall recognize any representative previously chosen by the police officers for the purposes of collective negotiations consistent with the bargaining units already established and shall also assume and continue to observe any existing labor contracts covering these

§ 1266-h. Authority police force.

police officers including such provisions which relate to the grievance and disciplinary procedures and interest arbitration. Subsequent to the establishment of the consolidated police force the authority and the collective bargaining representatives shall be authorized to negotiate a merger of the separate bargaining units.

3. The authority may appoint a chief and one or more deputy chiefs of the authority police department who, in the discretion of the authority, may be selected from the ranks of the authority police force, and assign powers and duties to them and fix their compensation. The chief shall be the head of such department. The deputy chief designated by the chief shall possess all the powers and perform all the duties of the chief during his absence or disability. The authority police force shall consist of such divisions, supervisors and officers, including but not limited to police officers, detectives, sergeants, lieutenants and captains as designated by the authority. Notwithstanding any law or provision to the contrary, the members of the uniformed authority police force shall not acquire civil service status or become members of the New York state and local employees' retirement system, except as set forth below.

4. The authority shall provide for a twenty year retirement plan under the same terms and conditions as provided by section three hundred eighty-nine of the retirement and social security law as enacted by chapter six hundred twenty-eight of the laws of nineteen hundred ninety-one; except that:

(a) any benefit provided pursuant to such plan shall be subject to an offset, as defined in this paragraph, for any tier II benefit payable pursuant to the federal Railroad Retirement Act to or in the respect of a member. The offset provided for by this paragraph shall be the amount of the tier II benefit which would be payable to or in respect to such member pursuant to the federal Railroad Retirement Act multiplied by a fraction, the numerator of which is the member's years of credited service covered by the federal Railroad Retirement Act rendered to, or credited by, the authority or any subsidiary corporation of the authority, and the denominator of which is the member's total years of service covered by the federal Railroad Retirement Act;

(b) references to Long Island Rail Road shall be to the authority;

(c) the transfer of funds described in subdivision f of section three hundred eighty-nine of the retirement and social security law as enacted by chapter six hundred twenty-eight of the laws of nineteen hundred ninety-one shall include the Metro-North Commuter Railroad Company Defined Contribution Pension Plan for Agreement Employees;

(d) the provisions of subdivision g of section three hundred eighty-nine of the retirement and social security law as enacted by chapter six hundred twenty-eight of the laws of nineteen hundred ninety-one to the extent of requiring contributions for past service liability shall not be applicable; and

(e) when a police officer transferred from the Long Island Rail Road Company police force to the authority police force reaches age sixty-two the authority will offset the amount payable under this plan by the amount of tier II benefit payable from the Railroad Retirement Board for a service age annuity or disability payable at the participants age sixty-two.

5. The authority may, in its sole discretion, establish within the authority's defined benefit program, a retirement program consistent with the foregoing. If the authority has not so established such program in its defined benefit program within one hundred eighty days after enactment, then the authority shall elect to participate in article fourteen-B of the retirement and social security law.

6. If the authority elects to participate in the New York state and local employees' retirement system, such election to participate shall be made by resolution filed with the comptroller and accepted by him pursuant to section thirty-one of the retirement and social security law.

7. Nothing herein contained shall be deemed to diminish, suspend or abolish an existing benefit inured to a police officer, transferred from the Long Island Rail Road Company and/or Metro-North Commuter Railroad Company police force and subject to the provisions of this section in and to the rights, privileges or status previously earned within a pension or retirement system of which they were a member immediately prior to the enactment of this section; and any such existing right, privilege or status shall survive the effect of any

§ 1266-h. Authority police force.

decisions or determinations lawfully made in accordance with the provisions hereof so long as such right, privilege or status is greater in benefit to that which would be imposed or imputed to any subject officer as a result of actions of the authority authorized herein.

8. [Expires and repealed Dec 31, 2024]

(a) Notwithstanding any other provision of this section or of any general, special or local law to the contrary, and solely for the purpose of determining eligibility for benefits under this section, where:

(i) a member reported in person to such member's usual place of public employment at the direction of such member's public employer or to any alternate worksite as directed by such public employer, on or after March first, two thousand twenty, provided that such alternate worksite was not such member's home or residence;

(ii) such member contracted COVID-19 within forty-five days after reporting to work pursuant to subparagraph (i) of this paragraph, as confirmed by a positive laboratory test or as diagnosed before or after such member's death by a licensed, certified, registered or authorized physician, nurse practitioner, or physician's assistant currently in good standing in any state or the District of Columbia, or a physician, nurse practitioner, or physician's assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency; and

(iii) Such member died on or before December thirty-first, two thousand twenty-four, and COVID-19 caused or contributed to such member's death, as documented on such member's death certificate, or as certified by a physician, nurse practitioner, or physician's assistant described in subparagraph (ii) of this paragraph who determines with a reasonable degree of medical certainty that COVID-19 caused or contributed to the member's death, such member's statutory beneficiary shall receive an accidental death benefit, unless such statutory beneficiary elects to receive an ordinary death benefit.

(b) Any amount payable as a result of this section shall be reduced by any amount paid by such member's retirement system to any recipient of ordinary death benefits pursuant to this section.

(c) Notwithstanding any provision of this section or of any general, special or local law to the contrary, and solely for the purpose of determining eligibility for benefits under this section, where a member:

(1) retired from his or her retirement system on or after March first, two thousand twenty, and before July first, two thousand twenty;

(2) on or after March first, two thousand twenty, reported in person to such member's usual place of public employment at the direction of such member's public employer or to any alternate worksite as directed by such public employer, provided that such alternate worksite was not such member's home or residence;

(3) contracted COVID-19 within forty-five days after any such date of reporting to work in person, as confirmed by a positive laboratory test or as diagnosed before or after such member's death by a licensed, certified, registered or authorized physician, nurse practitioner, or physician's assistant currently in good standing in any state or the District of Columbia, or a physician, nurse practitioner, or physician's assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency; and

(4) Such member died on or before December thirty-first, two thousand twenty, and COVID-19 caused or contributed to such member's death, as documented on such member's death certificate, or as certified by a physician, nurse practitioner, or physician's assistant described in subparagraph three of this paragraph who determines with a reasonable degree of medical certainty that COVID-19 caused or contributed to the member's death, such member's statutory beneficiary shall receive an accidental death benefit if such statutory beneficiary elects conversion of the member's service or disability retirement benefit into an accidental death benefit.

§ 1266-h. Authority police force.

(d) Such member's statutory beneficiary, as defined pursuant to this section, for purposes of accidental death benefits payable from such member's retirement system under this section, may, within ninety days of such member's retirement or September first, two thousand twenty, whichever is later, apply to such member's retirement system to request the conversion of such member's service or disability retirement benefit into an accidental death benefit. For purposes of the salary base upon which the accidental death benefit is calculated, such member shall be deemed to have died on the date of such member's retirement. At the time of such conversion, such statutory beneficiary shall relinquish all rights to the prospective benefits payable under the service or disability retirement statute, including any post-retirement death benefits, since such member's death. If the statutory beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement statute including, but not limited to, a postretirement death benefit or benefit paid or payable pursuant to the member's option selection, the accidental death benefit payments to the statutory beneficiary will be reduced by any amounts paid or payable to any other statutory beneficiary.

(e) In order to be eligible for the benefit described in this subdivision, the applicable retirement system or systems are authorized to promulgate rules and regulations to administer this benefit including, but not limited to, requiring a statement to be filed confirming the member contracted COVID-19 and the dates and locations of such member's employment.

History

Add, L 1997, ch 327, § 1, eff July 30, 1997; amd, L 2002, ch 586, § 1, eff Sept 24, 2002; L 2020, ch 89, § 7, effective May 30, 2020; L 2021, ch 78, § 7, effective March 12, 2021; L 2022, ch 783, § 7, effective December 23, 2022.

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§ 1266-i. The permanent citizens advisory committee

There is hereby established a permanent citizens advisory committee. The members of the committee shall consist of the following members: the Long Island Rail Road commuter's council, the Metro-North commuter council, and the New York city transit authority advisory council, as defined in section twelve hundred four-e of this chapter.

History

Add, L 2009, ch 25, § 10 (Part H), eff May 7, 2009.

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§ 1266-j. Metropolitan transportation authority pledge to customers

1. A metropolitan transportation authority pledge to customers shall be created and adopted by the metropolitan transportation authority. A copy of such pledge shall be posted on the web site of the authority and shall be posted in stations where the authority makes regular postings. The authority shall post the pledge in the language or languages it deems necessary and appropriate.
2. The metropolitan transportation authority pledge to customers shall be in the form and manner as prescribed by the authority, include the contact information of the authority, and include, but not be limited to, the following:
 - (a) a description of the authority's commitment to provide safe and reliable services;
 - (b) a description of the authority's commitment to provide timely and accurate information on its services;
 - (c) a commitment that employees will provide service in a courteous manner;
 - (d) a description of the authority's commitment to maintain clean stations, facilities, subways and buses;
 - (e) a description of the authority's policies when it comes to arranging alternative transportation when service is interrupted;
 - (f) when service is interrupted, a description of the authority's policies when it comes to considering the comfort of inconvenienced customers;
 - (g) when service is interrupted due to weather conditions, a description of the authority's policies on notifying customers;
 - (h) when service is severely interrupted, a description of the authority's policies on service restoration.
3. The authority from time to time may,* update and amend the metropolitan transportation authority pledge to customers as it deems necessary and proper and may adopt rules and regulations for the proper administration of this section.

History

L 2014, ch 482, § 1, effective March 17, 2015.

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* So in original. (comma inadvertently included)

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§ 1266-k. Expired fare transfer policy. [Expires and repealed Dec 31, 2029]

Notwithstanding any other provision of law to the contrary, the authority shall, within ninety days of the effective date of this section, establish an expired fare transfer policy that may be amended from time to time. Such policy shall provide any person who purchases a fare the ability to transfer any remaining balance for two years after such fare is deemed expired.

History

L 2017, ch 483, § 1, effective December 18, 2017.

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§ 1266-I. [There are two § 1266-I] Surveillance cameras; subway stations.

The authority shall install and reasonably maintain proper operation of surveillance cameras at all subway stations operated by the authority. Such surveillance cameras may be placed in all areas, including but not limited to, areas frequented by passengers and all train platforms.

History

L 2022, ch 603, § 2, effective March 21, 2023.

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§ 1266-I. [There are two § 1266-I] Light duty for employees.

1. Should any employee engaged in the service of any commuter rail service owned or operated by the authority or its subsidiary, who is pregnant be prevented by such pregnancy from performing the activities involved in her regular assigned duties due, but is able, as determined by the employee's medical provider, to perform specified types of light duty, the employer shall make available such light duty to the employee, provided, however, that such light duty shall enable her to continue to be entitled to her concurrent assignment earnings, including increases thereof and fringe benefits, to which she would have been entitled if she were able to perform her regular assigned duties.
2. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement or employment contract.

History

L 2022, ch 668, § 1, effective December 9, 2022.

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§ 1266-m. Information concerning services for human trafficking victims.

1. The authority shall make available in plain view and in a conspicuous place and manner in the public restrooms and in any lactation rooms of any transit facility operated by the authority, informational cards and/or signs developed by:
 - (a) the office of temporary and disability assistance in consultation with the New York state interagency task force on human trafficking; or
 - (b) the United States Department of Homeland Security.
2. All informational cards and signs shall only contain information concerning services for human trafficking victims and shall prominently include the national human trafficking hotline telephone number.
3. For purposes of this section, the term “lactation room” shall mean a hygienic place, other than a restroom, that is intended to be used for the primary purpose of breastfeeding or expressing breast milk.

History

L 2023, ch 491, § 1, effective November 26, 2023.

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§ 1267. Acquisition and disposition of real property

1. [Eff until June 24, 2025] In addition to the powers provided in section twelve hundred sixty-six of this title to acquire transportation facilities, equipment and real property, the authority may acquire, by condemnation pursuant to the eminent domain procedure law, any real property it may deem necessary, convenient or desirable to effectuate the purposes of this title, provided however, that any such condemnation proceedings shall be brought only in the supreme court and the compensation to be paid shall be ascertained and determined by the court without a jury, and provided further that the rate of interest paid upon any judgment or accrued claim against the authority arising out of such condemnation proceedings shall not exceed six per centum. Notwithstanding the foregoing provisions of this subdivision, no real property may be acquired by the authority by condemnation for purposes other than a transportation facility unless the governing body of the city, village or town in which such real property is located shall first consent to such condemnation.

1. [Eff June 24, 2025] In addition to the powers provided in section twelve hundred sixty-six of this title to acquire transportation facilities, equipment and real property, the authority may acquire, by condemnation pursuant to the condemnation law, any real property it may deem necessary, convenient or desirable to effectuate the purposes of this title, provided however, that any such condemnation proceedings shall be brought only in the supreme court and the compensation to be paid shall be ascertained and determined by the court without a jury. Notwithstanding the foregoing provisions of this subdivision one, no real property may be acquired by the authority by condemnation for purposes other than a transportation facility unless the governing body of the city, village or town in which such real property is located shall first consent to such condemnation.

2. Nothing herein contained shall be construed to prevent the authority from bringing any proceedings to remove a cloud on title or such other proceedings as it may, in its discretion, deem proper and necessary or from acquiring any such property by negotiation or purchase.

3. Where a person entitled to an award in the proceedings to condemn any real property for any of the purposes of this title remains in possession of such property after the time of the vesting of title in the condemnor, the reasonable value of his use and occupancy of such property subsequent to such time as fixed by agreement or by the court in such proceedings or by any court of competent jurisdiction shall be a lien against such award subject only to the liens of record at the time of vesting of title in the condemnor.

4. Subject to the provisions of sections twelve hundred sixty-six and twelve hundred sixty-six-c of this title, title to all property acquired under this act shall vest in the authority or one of its subsidiary corporations, or in the New York city transit authority or one of its subsidiary corporations as the authority directs.

5. The authority may, whenever it determines that it is in the interest of the authority, dispose of any real property or property other than real property, which it determines is not necessary, convenient or desirable for its purposes.

6. The authority may, whenever it shall determine that it is in the interest of the authority, rent, lease, or grant easements or other rights in, any land or property of the authority.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1965, ch 634, eff July 2, 1965; L 2000, ch 61, § 25 (Part O), eff May 15, 2000; L 2019, ch 39, § 1 (Part P), effective June 24, 2019.

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§ 1267-a. Acquisition and disposition of real property by department of transportation

If funds are made available by the authority for the payment of the cost and expense of the acquisition thereof, the commissioner of transportation of the state of New York, when requested by the authority, may acquire such real property in the name of the state as may be determined from time to time by the authority as being necessary, convenient or desirable to effectuate the purposes of this title, may remove the owner or occupant thereof where necessary and obtain possession and, when requested by the authority, may dispose of any real property so acquired, all according to the procedure provided in section thirty of the highway law. The authority shall have the right to possess and use for its corporate purposes all such real property so acquired. Claims for the value of the property appropriated and for legal damages caused by any such appropriation shall be adjusted and determined by such commissioner with the approval of the authority or by the court of claims as provided in section thirty of the highway law. When a claim has been filed with the court of claims, the claimant shall cause a copy of such claim to be served upon the authority and the authority shall have the right to be represented and heard before such court. All awards and judgments arising from such claims shall be paid out of moneys of the authority. No real property may be acquired pursuant to the provisions of this section for purposes other than a transportation facility unless the governing body of the city, village or town in which such real property is located shall first consent to such acquisition. The provisions of this section shall not be applicable to the acquisition or disposition of real property required for the construction of the two highway bridges crossing Long Island sound referred to in section twelve hundred sixty-six of this chapter. The authority shall be empowered to lease for such other purposes as the authority may determine any part or parts of Republic airport not needed for transportation purposes.

History

Add, L 1968, ch 731; amd, L 1977, ch 929, § 1, eff Aug 11, 1977.

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§ 1267-b. Transit facilities for transit construction fund

1. As used in this section, unless a different meaning clearly appears from the context:
 - a. “City” shall mean the city of New York.
 - b. “Transit construction fund act” shall mean title nine-a of article five of this chapter.
 - c. “Transit construction fund” shall mean the corporation created by section one thousand two hundred twenty-five-c of this chapter.
 - d. “Transit facility” shall mean such term as defined from time to time in section one thousand two hundred twenty-five-b of this chapter.
2. In addition to the powers provided elsewhere in this title, and to effectuate the purposes of the transit construction fund act, the authority may:
 - a. Plan, design, construct, acquire, extend, reconstruct, rehabilitate, modernize and otherwise improve transit facilities in accordance with the terms and conditions of any lease or other agreement with the transit construction fund;
 - b. Occupy the streets of the city of New York, without further consent or payment, in the course of constructing and thereafter owning a transit facility which consists of a rapid transit railroad or portion thereof, provided such construction is carried out in accordance with the terms of a lease or other agreement with the transit construction fund entered into pursuant to the provisions of the transit construction fund act;
 - c. Make and execute contracts, leases, subleases, and all other instruments or agreements deemed necessary or convenient;
 - d. Authorize the use by the transit construction fund, either with or without compensation to the authority or any subsidiary of the agents, employees and facilities of the authority or any subsidiary;
 - e. Undertake planning, design and feasibility studies in accordance with the terms and conditions of any agreement with the transit construction fund or the city; and
 - f. Do any and all other things deemed necessary or convenient.
3. All of the provisions of this title not inconsistent with the provisions of this section shall be applicable with respect to any bonds or notes of the authority issued to finance any purpose authorized under this section or the transit construction fund act, subject to the following conditions and exceptions:
 - a. Payment of the principal, redemption premium, if any, and interest on such bonds and notes shall be made only from monies payable to the authority from the transit construction fund under a lease or other agreement entered into pursuant to the provisions of the transit construction fund act, and any security given by the authority for the payment of such principal, redemption premium or interest on such bonds and notes shall be limited to the monies so payable from the transit construction fund. The authority shall not grant any security interest in or otherwise encumber any transit facility leased to the transit construction fund.

§ 1267-b. Transit facilities for transit construction fund

b. The provisions of section one thousand two hundred seventy of this chapter, relating to the creation and establishment of and appropriations and payments to certain debt service reserve funds shall be inapplicable; provided that nothing herein contained shall be deemed to prohibit the creation and establishment of one or more reserve funds for debt service as authorized by section one thousand two hundred sixty-nine of this chapter;

c. In addition to the statement required by subdivision eight of section one thousand two hundred sixty-nine of this chapter, such bonds and notes shall contain on the face thereof a statement to the effect that the city shall not be liable thereon and that the same shall not be a debt of the city.

4. Notwithstanding [Notwithstanding]* the provisions of any general or special law to the contrary, or of any agreement entered into in pursuance thereof relating to the repayment of any loan or advance made by the state to the authority, the authority shall not be required to repay any such loan or advance from or by reason of the issuance of (i) bonds or notes of the authority issued to finance any purpose authorized under this section or the transit construction fund act, or the proceeds realized upon such issuance, or from (ii) any other funds of the authority derived from the transit construction fund or from any other source whatever to effectuate the purposes of the transit construction fund act.

History

Add, L 1972, ch 576, eff May 24, 1972.

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§ 1268. Co-operation and assistance of other agencies

1. To avoid duplication of effort and in the interests of economy, the authority may make use of existing studies, surveys, plans, data and other materials in the possession of any state agency or any municipality or political subdivision of the state. Each such agency, municipality or subdivision is hereby authorized to make the same available to the authority and otherwise to assist it in the performance of its functions. At the request of the authority, each such agency, municipality or subdivision which is engaged in highway or other transportation activities or in land use or development planning, or which is charged with the duty of providing or regulating any transportation facility or any other public facility, is further authorized to provide the authority with information regarding its plans and programs affecting the transportation district so that the authority may have available to it current information with respect thereto. The officers and personnel of such agencies, municipalities or subdivisions, and of any other government or agency whatever, may serve at the request of the authority upon such advisory committees as the authority shall determine to create and such officers and personnel may serve upon such committees without forfeiture of office or employment and with no loss or diminution in the compensation, status, rights and privileges which they otherwise enjoy.
2. The authority shall, at the request of any state agency, municipality or political subdivision of the state, engaged in highway or other transportation activities or in land use or development planning, provide said state agency, municipality or political subdivision with all current and relevant information regarding its plans or programs, so as to enable said agency, municipality or subdivision to properly effectuate said activities or planning.
3. To the extent that the provisions of this title authorize the authority to enter into any agreement or arrangement with, or undertake any other activity requiring the participation of, the New York city transit authority or any of its subsidiary corporations in furtherance of their respective purposes and powers or the Triborough bridge and tunnel authority in furtherance of its purposes and powers, such entities are hereby authorized and empowered to enter into and perform such contract or other arrangement and to undertake such activities.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1975, ch 258, § 1, eff June 24, 1975; L 2000, ch 61, § 26 (Part O), eff May 15, 2000.

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§ 1268-a. Promotion of qualified transportation fringes

The authority shall promote the broad use of qualified transportation fringes, under section 132(f) of the internal revenue code, in order to increase the number of participating companies and employees in such programs. The authority may also study and report on ways in which programs may be improved so as to increase public participation.

History

Add, L 2009, ch 25, § 11 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1269. Notes, bonds and other obligations of the authority

1.

(a) The authority shall have power and is hereby authorized from time to time to issue its bonds, notes and other obligations in such principal amount as, in the opinion of the authority, shall be necessary, convenient or desirable to effectuate any of its powers and purposes, including to provide sufficient funds for achieving its purposes, including the acquisition, establishment, construction, effectuation, operation, maintenance, renovation, improvement, extension, rehabilitation or repair of any transportation facility, the payment of principal, redemption premium and interest on bonds, notes and other obligations of the authority, establishment of reserves to secure such bonds[,] notes and other obligations, the provision of working capital and all other expenditures of the authority and its subsidiary corporations, and New York city transit authority and its subsidiary corporations incident to and necessary or convenient to carry out their purposes and powers. Such bonds, notes or other obligations may be issued for an individual transportation facility or issued on a consolidated basis for such groups or classes of facilities and projects as the authority in its discretion deems appropriate and be payable from and secured separately or on a consolidated basis by, among other things, all or any portion of such revenues and other monies and assets of the authority and its subsidiary corporations, and New York city transit authority and its subsidiary corporations as the authority determines in accordance with the provisions of section twelve hundred seventy-d of this title;

(b) The authority shall have power, from time to time, to issue renewal notes, to issue bonds to refund, redeem or otherwise pay, including by purchase or tender, notes of the authority and its subsidiary corporations, and New York city transit authority and its subsidiary corporations and whenever it deems refunding, redemption or payment expedient, to refund, redeem or otherwise pay, including by purchase or tender, any bonds of the authority and its subsidiary corporations, New York city transit authority and its subsidiary corporations and Triborough bridge and tunnel authority by the issuance of new bonds, whether the bonds to be refunded, redeemed or otherwise paid have or have not matured, and to issue bonds partly for such purpose and partly for any other purpose and to otherwise refund, redeem, acquire by purchase or tender, or in any other way repay any outstanding notes, bonds or other obligations of the authority, any of its subsidiary corporations, New York city transit authority, any of its subsidiary corporations and Triborough bridge and tunnel authority;

(c) Every issue of its notes, bonds or other obligations shall be general obligations or special obligations. Every issue of general obligations of the authority shall be payable out of any revenues or monies of the authority, subject only to any agreements with the holders of particular notes or bonds pledging any particular receipts or revenues. Every issue of special obligations shall be payable out of any revenues, receipts, monies or other assets of the authority and its subsidiary corporations, the New York city transit authority and its subsidiary corporations and the Triborough bridge and tunnel authority identified for such purposes in accordance with agreements with the holders of particular notes, bonds

* The bracketed punctuation has been inserted by the Publisher.

§ 1269. Notes, bonds and other obligations of the authority

or other obligations. The authority may issue transportation revenue special obligation bonds, notes or other obligations as provided in section twelve hundred seventy-d of this title;

1-a. Pension obligation bonds. The authority may from time to time issue its bonds and notes in such principal amounts as, in the opinion of the authority, shall be necessary to finance the unfunded pension fund liabilities of the authority, its affiliates and subsidiaries, provided, however, that in no event shall the cumulative amounts of bonds and notes issued pursuant to the authority of this subdivision exceed one billion two hundred million dollars or sixty percent of such unfunded pension fund liabilities, whichever is less, and provided, further, that no bonds shall be issued under this subdivision for a term longer than twenty years. The authority may not issue bonds or notes in any twelve month period in a cumulative principal amount in excess of forty percent of the total amount permitted to be issued under this subdivision. Prior to the issuance of any bonds or notes, the authority shall make a finding that such issue is expected to result, on a present value basis, in a lower effective cost to the authority than funding the unfunded pension fund liability solely through the payment of annual amounts to the pension fund, assuming that the principal component of the unfunded liability will be amortized over the same number of years as the term of the bonds or notes and that the interest payable thereon is the actuarial rate of interest determined by the actuary for the pension fund at the time of the issuance of such bonds or notes. The aggregate principal amount of bonds and notes issued for such purposes may be increased to fund costs of issuance and [may]* reasonably required debt service of [or]* other reserve funds. Bonds and notes may be issued to refund or otherwise repay bonds or notes theretofore issued for such purposes; provided, however, that upon any such refunding or repayment (including for purpose of such calculation the principal amount of the refunding bonds or notes then to be issued and excluding the principal amount of the bonds or notes so to be refunded or repaid and also excluding any amounts used to pay costs of issuance and reasonably required debt service or other reserve funds) the present value of the aggregate debt service of the refunding or repayment bonds or notes to be issued shall not exceed the present value of the aggregate debt service of the bonds or notes so to be refunded or repaid. For purposes of the preceding sentence, the present values of the aggregate debt service of the refunding or repayment bonds or notes and of the aggregate debt service of the bonds or notes so to be refunded or repaid shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds or notes, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds or notes from the payment dates thereof to the date of issue of the refunding or repayment bonds or notes and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Debt service on the bonds or notes shall be structured so that the economic benefits thereof shall be relatively uniform for each full year throughout the term of the bonds or notes. Beginning with the date of first issuance of bonds under this section, the authority and its subsidiaries shall make annual payments into the pension fund in amounts at least equal to the current pension contribution liability applicable to such year. The net proceeds of the bonds or notes intended to be invested in non-debt securities may be invested by the recipient pension fund in a fiscally prudent manner in securities consistent with any trust indentures and all applicable state and federal law over a reasonable period of time not less than 30 days following the issuance of the bonds or notes. The operating budget savings associated with the issuance of pension obligation bonds during the period from April first, two thousand five, through March thirty-first, two thousand ten, pursuant to this subdivision shall be dedicated to reducing service eliminations projected to occur within that period.

2. The notes, bonds and other obligations shall be authorized by resolution approved by not less than a majority vote of the whole number of members of the authority then in office, except that in the event of a tie vote the chairman shall cast one additional vote. Such notes, bonds and other obligations shall bear such date or dates, and shall mature at such time or times, in the case of any such note or any renewals thereof not exceeding five years from the date of issue of such original note, and in the case of any such bond not

* The bracketed word was inadvertently added by the Legislators.

* The bracketed word has been inserted by the Publisher.

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exceeding fifty years from the date of issue, as such resolution or resolutions may provide. The notes, bonds and other obligations shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption as such resolution or resolutions may provide. The notes, bonds and other obligations of the authority may be sold by the authority, at public or private sale, at such price or prices as the authority shall determine. No notes or bonds of the authority may be sold by the authority at private sale, however, unless such sale and the terms thereof have been approved in writing by (a) the comptroller, where such sale is not to the comptroller, or (b) the director of the budget, where such sale is to the comptroller.

3. Any resolution or resolutions authorizing any notes, bonds or any issue thereof, or any other obligations of the authority, may contain provisions, which shall be a part of the contract with the holders thereof, as to:

- (a) pledging all or any part of the revenues of the authority or of any of its subsidiary corporations or New York city transit authority or any of its subsidiary corporations or Triborough bridge and tunnel authority to secure the payment of the notes or bonds or of any issue thereof, or any other obligations of the authority, subject to such applicable agreements with bondholders, noteholders, or holders of other obligations of the authority, the New York city transit authority and its subsidiary corporations, and Triborough bridge and tunnel authority as may then exist;
- (b) pledging all or any part of the assets of the authority or of any of its subsidiary corporations or New York city transit authority or any of its subsidiary corporations or Triborough bridge and tunnel authority to secure the payment of the notes or bonds or of any issue of notes or bonds, or any other obligations of the authority, subject to such agreements with noteholders, bondholders, or holders of other obligations of the authority, the New York city transit authority and its subsidiary corporations, and Triborough bridge and tunnel authority as may then exist;
- (c) the use and disposition of revenues, including fares, tolls, rentals, rates, charges and other fees, made or received by the authority, any of its subsidiary corporations, New York city transit authority or any of its subsidiary corporations, or Triborough bridge and tunnel authority;
- (d) the setting aside of reserves or sinking funds and the regulation and disposition thereof;
- (e) limitations on the purpose to which the proceeds of sale of notes, bonds or other obligations of the authority may be applied and pledging such proceeds to secure the payment of the notes or bonds or of any issue thereof or of other obligations;
- (f) limitations on the issuance of additional notes, bonds or other obligations of the authority; the terms upon which additional notes, bonds or other obligations of the authority may be issued and secured; the refunding of outstanding or other notes, bonds or other obligations of the authority;
- (g) the procedure, if any, by which the terms of any contract with noteholders, bondholders, or holders of other obligations of the authority, may be amended or abrogated, the amount of notes, bonds or other obligations of the authority the holders of which must consent thereto, and the manner in which such consent may be given;
- (h) limitations on the amount of monies to be expended by the authority or any of its subsidiary corporations or New York city transit authority or any of its subsidiary corporations or Triborough bridge and tunnel authority for operating, administrative or other expenses of the authority or any of its subsidiary corporations or New York city transit authority or any of its subsidiary corporations or Triborough bridge and tunnel authority;
- (i) vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders, noteholders or holders of other obligations of the authority pursuant to this title, and limiting or abrogating the right of the bondholders, noteholders or holders of other obligations of the authority to appoint a trustee under this article or limiting the rights, powers and duties of such trustee;

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(j) any other matters, of like or different character, which in any way affect the security or protection of the notes, bonds or other obligations of the authority.

- 4.** In addition to the powers herein conferred upon the authority to secure its notes, bonds and other obligations, the authority shall have power in connection with the issuance of notes, bonds and other obligations to enter into such agreements as the authority may deem necessary, convenient or desirable concerning the use or disposition of the monies or property of any of the authority, its subsidiary corporations, New York city transit authority, or any of its subsidiary corporations, or Triborough bridge and tunnel authority, including the mortgaging of any such property and the entrusting, pledging or creation of any other security interest in any such monies or property and the doing of any act (including refraining from doing any act) which the authority would have the right to do in the absence of such agreements. The authority shall have power to enter into amendments of any such agreements within the powers granted to the authority by this title and to perform such agreements. The provisions of any such agreements may be made a part of the contract with the holders of the notes, bonds and other obligations of the authority.
- 5.** It is the intention hereof that any pledge, mortgage or security instrument made by the authority shall be valid and binding from the time when the pledge, mortgage or security instrument is made; that the monies or property so pledged, mortgaged and entrusted and thereafter received by the authority, or any of its subsidiary corporations shall immediately be subject to the lien of such pledge, mortgage or security instrument without any physical delivery thereof or further act; and that the lien of any such pledge, mortgage or security instrument shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, or any of its subsidiary corporations, irrespective of whether such parties have notice thereof. Neither the resolution nor any mortgage, security instrument or other instrument by which a pledge, mortgage lien or other security is created need be recorded or filed and neither the authority nor, any of its subsidiary corporations shall be required to comply with any of the provisions of the uniform commercial code.
- 6.** Neither the members of the authority, the New York city transit authority or the Triborough bridge and tunnel authority nor any person executing the notes, bonds or other obligations shall be liable personally on the notes, bonds or other obligations or be subject to any personal liability or accountability by reason of the issuance thereof.
- 7.** The authority, subject to such agreements with the holders of notes, bonds or other obligations as may then exist, shall have power out of any funds available therefor to purchase notes, bonds or other obligations of the authority. The authority may hold, cancel or sell such bonds, notes and other obligations, subject to and in accordance with agreements with such holders.
- 8.** Neither the state nor the city of New York shall be liable on notes, bonds or other obligations of the authority and such notes, bonds and other obligations shall not be a debt of the state or the city of New York, and such notes, bonds and other obligations shall contain on the face thereof, or in an equally prominent place, a statement to such effect.
- 9.** So long as the authority has outstanding any bonds, notes or other obligations issued pursuant to this section or any bonds, notes or other obligations issued or incurred pursuant to section twelve hundred sixty-six-c of this title, none of the authority or any of its subsidiary corporations, New York city transit authority or any of its subsidiary corporations, or Triborough bridge and tunnel authority shall have the authority to file a voluntary petition under chapter nine of the federal bankruptcy code or such corresponding chapter, chapters or sections as may, from time to time, be in effect, and neither any public officer nor any organization, entity or other person shall authorize the authority or any of its subsidiary corporations, New York city transit authority or any of its subsidiary corporations, or Triborough bridge and tunnel authority to be or become a debtor under chapter nine or said corresponding chapter, chapters or sections during any such period.
- 10.** The term "monies" as used in this section shall include, but not be limited to, all operating subsidies provided by (i) any public benefit corporation, including without limitation transfers of operating surplus by Triborough bridge and tunnel authority pursuant to section twelve hundred nineteen-a of this article, or (ii) any governmental entity, federal, state or local.

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11. Any resolution or agreement authorizing the issuance of bonds, notes or other obligations pursuant to this section may, in addition, authorize and provide for the issuance of lease obligations of the authority which may be issued for the purposes and on the terms and conditions under which the bonds, notes and other obligations authorized under this section may be issued, and may be secured in the same manner as such bonds, notes and other obligations, and which resolution with respect to such lease obligations, may contain such other provisions applicable to bonds, notes and other obligations not inconsistent with the provisions of this section, as the authority may determine.

12. The aggregate principal amount of bonds, notes or other obligations issued after the first day of January, nineteen hundred ninety-three by the authority, the Triborough bridge and tunnel authority and the New York city transit authority to fund projects contained in capital program plans approved pursuant to section twelve hundred sixty-nine-b of this title for the period nineteen hundred ninety-two through two thousand twenty-four shall not exceed ninety billion one hundred million dollars. Such aggregate principal amount of bonds, notes or other obligations or the expenditure thereof shall not be subject to any limitation contained in any other provision of law on the principal amount of bonds, notes or other obligations or the expenditure thereof applicable to the authority, the Triborough bridge and tunnel authority or the New York city transit authority. The aggregate limitation established by this subdivision shall not include (i) obligations issued to refund, redeem or otherwise repay, including by purchase or tender, obligations theretofore issued either by the issuer of such refunding obligations or by the authority, the New York city transit authority or the Triborough bridge and tunnel authority, (ii) obligations issued to fund any debt service or other reserve funds for such obligations, (iii) obligations issued or incurred to fund the costs of issuance, the payment of amounts required under bond and note facilities, federal or other governmental loans, security or credit arrangements or other agreements related thereto and the payment of other financing, original issue premiums and related costs associated with such obligations, (iv) an amount equal to any original issue discount from the principal amount of such obligations or to fund capitalized interest, (v) obligations incurred pursuant to section twelve hundred seven-m of this article, (vi) obligations incurred to fund the acquisition of certain buses for the New York city transit authority as identified in a capital program plan approved pursuant to chapter fifty-three of the laws of nineteen hundred ninety-two, (vii) obligations incurred in connection with the leasing, selling or transferring of equipment, and (viii) bond anticipation notes or other obligations payable solely from the proceeds of other bonds, notes or other obligations which would be included in the aggregate principal amount specified in the first sentence of this subdivision, whether or not additionally secured by revenues of the authority, or any of its subsidiary corporations, New York city transit authority, or any of its subsidiary corporations, or Triborough bridge and tunnel authority.

History

Add, L 1965, ch 324, § 3; amd, L 1966, ch 415, § 7; L 1967, ch 717, § 86; L 1969, ch 972, §§ 46, 47; L 1979, ch 727, § 3; L 1981, ch 1038, § 4; L 1983, ch 429, §§ 1, 2; L 1993, ch 56, § 6; L 1996, ch 637, § 12; L 2000, ch 61, § 27 (Part O), eff May 15, 2000; L 2005, ch 60, § 1 (Part B), eff April 12, 2005; L 2006, ch 59, § 1 (Part K), eff April 11, 2006; L 2010, ch 59, § 1 (Part NN), eff June 22, 2010; L 2012, ch 58, § 1 (Part E), eff March 30, 2012; L 2016, ch 54, § 4 (Part NN), effective April 4, 2016; L 2020, ch 58, § 1 (Part I), effective April 3, 2020.

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1269-a. Metropolitan transportation authority capital program review board

1. The metropolitan transportation authority capital program review board is hereby created to exercise the powers, duties and prerogatives as hereinafter provided in sections twelve hundred sixty-nine-b and twelve hundred sixty-nine-c of this title.
2. The voting membership of the board shall consist of four persons appointed by the governor of which one shall be upon the recommendation of the temporary president of the senate, one upon the recommendation of the speaker of the assembly and one upon the recommendation of the mayor of the city of New York. The member appointed upon the recommendation of the mayor of the city of New York shall participate and be entitled to vote only with respect to bond resolutions and the capital program plans and any amendments or modifications thereof for transit facilities operated by the New York city transit authority, its subsidiaries and the Staten Island rapid transit operating authority. Upon recommendation of the nominating party, the governor may replace any member in accordance with the provision contained herein for the appointment of members. The governor shall designate one of the members to serve as chairman. Any determination of the board shall be evidenced by a certification thereof executed by all the members entitled to vote on the matter so certified. Each member of the board shall be entitled to designate a representative to attend meetings of the board in his place and to vote or otherwise act on his behalf in his absence. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office. A representative shall not be authorized to delegate any of his duties or functions to any other person.
3. The governor shall also appoint two non-voting members to the metropolitan transportation authority capital program review board of which one shall be upon the recommendation of the minority leader of the senate and one upon the recommendation of the minority leader of the assembly. Each non-voting member shall be entitled to designate a representative to attend meetings of the board in his place.
4. The members of the metropolitan transportation authority capital program review board, and their representatives shall be deemed employees within the meaning of such term as provided for in section seventeen of the public officers law.

History

Add, L 1981, ch 314, § 9; amd, L 1981, ch 558, § 5, eff June 29, 1981; L 1982, ch 47, § 1, eff April 5, 1982, deemed eff from and after June 29, 1981.

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§ 1269-b. Capital program plans; approvals; effect of disapproval.

1.

(a) On or before October first, nineteen hundred eighty-one, and on or before October first of every fifth year thereafter, through and including October first, nineteen hundred ninety-one, the authority shall submit to the metropolitan transportation authority capital program review board two capital program plans for the five year period commencing January first of the following year;

(b) not later than ten days after the effective date of this paragraph the authority shall submit to the metropolitan transportation authority capital program review board two capital program plans for the five-year period commencing January first, nineteen hundred ninety-five; and

(c) on or before October first, nineteen hundred ninety-nine and every fifth year thereafter, the authority shall submit to the metropolitan transportation authority capital program review board two capital program plans for the five-year period commencing January first of the following year.

(d) [Expired]

For each of the periods described above, one such plan shall contain the capital program for the transit facilities operated by the New York city transit authority and its subsidiaries and for the Staten Island rapid transit operating authority; the other such plan shall contain the capital program for the railroad facilities, not including the Staten Island rapid transit operating authority, under the jurisdiction of the authority.

Each plan shall set system-wide goals and objectives for capital spending, establish standards for service and operations, and describe each capital element proposed to be initiated in each of the years covered by the plan and explain how each proposed element supports the achievement of the service and operational standards established in the plan. Each plan shall also set forth an estimate of the amount of capital funding required each year and the expected sources of such funding. Each plan subsequent to the first such plan and each proposed amendment or modification thereof shall also describe the current status of each capital element included in the previously approved plan, if any. Each plan shall be accompanied or supplemented by such supporting materials as the metropolitan transportation authority capital program review board shall require.

A capital element shall mean either a category of expenditure itemized in a plan, as hereinafter provided, for which a specified maximum dollar amount is proposed to be expended, or a particularly described capital project within one or more categories for which no maximum expenditure is proposed, but for which an estimate of expected cost is provided. A capital element shall be deemed to have been initiated for purposes of this section if in connection with such element the authority shall certify that (i) purchase or construction contracts have been entered into, obligating in the aggregate an amount exceeding ten percent of the maximum or estimated cost of the element as set forth in a plan, (ii) financing specific to the project has been undertaken, or (iii) in a case where such element is limited to design or engineering, a contract therefor has been entered into.

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2. Each plan shall itemize the capital elements included in each section of the plan under the following categories of expenditure: (a) rolling stock and buses; (b) passenger stations; (c) track; (d) line equipment; (e) line structures; (f) signals and communications; (g) power equipment, emergency power equipment and substations; (h) shops, yards, maintenance facilities, depots and terminals; (i) service vehicles; (j) security systems; (k) electrification extensions; and (l) unspecified, miscellaneous and emergency.

2-a.

(a) A copy of any proposed capital program plan that has been distributed to one or more committees of the authority shall be simultaneously provided, for informational purposes, to the members of the metropolitan transportation authority capital program review board. Provision of such a proposed capital program plan to the capital program review board pursuant to this provision for informational purposes shall not constitute the submission of a capital program plan for capital program review board approval.

(b) A copy of any proposed capital program plan that has been distributed to one or more committees of the authority shall be simultaneously provided to the public by the metropolitan transportation authority, via its official or shared internet website.

(c) The authority shall publish data pertaining to capital programs of the authority and any amendments to such programs as required by this section on the authority's website in a common, machine readable format, as defined by executive order number ninety-five of two thousand thirteen, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement" or any successor order. Such data shall include, but not be limited to:

(i) all data required by paragraph (c) of subdivision one of this section, including estimates of capital budget required by element for an approved capital program and expected sources of such funding for the entire capital program; and

(ii) all data required by subdivision two of this section, including proposed annual commitments for individual capital elements required.

(d) At a minimum, individual capital project data for projects that are committed for construction shall be included in a capital program dashboard maintained by the authority on its website. Any summary views provided on the website shall include the original budgets at the time of project commitment when scope and budget are defined, project scopes, and schedules, in addition to current or amended budgets, project scopes, and schedules. Data pertaining to individual projects shall include, but not be limited to:

(i) the capital project identification number delineated by agency, category, element and project as used in the capital program;

(ii) the capital plan years;

(iii) the agency or authority undertaking the project;

(iv) a project description;

(v) the project location where appropriate;

(vi) the capital needs code of the project, such as state of good repair, normal replacement, system improvement, system expansion or other category;

(vii) budget information including the original budget at the time of project commitment when scope and budget are defined, all amendments, the current budget and planned annual allocations; and

(viii) a schedule for project delivery including original, amended and current start and completion dates as projects develop at each phase.

The status of projects shall be provided and state the current phase of the project, such as planning, design, construction or completion, and shall state how far the project has progressed as

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measured in percentage by expenditure. The dashboard shall measure progress based on original budgets at the time of project commitment when scope and budget are defined. At a minimum, all changes to planned budgets of greater than ten percent, significant project scope or a three month or more change in schedule shall be provided in narrative form and describe the reason for each change or amendment. The dashboard shall include a glossary or data dictionary which contains plain language descriptions of the data, including individual project data, and any other information provided on the dashboard. The authority shall provide a definition of resiliency in the glossary or data dictionary. The dashboard shall be updated, at a minimum, on a quarterly basis, and all data fields available on the dashboard shall be made available for download on the authority's website in a single tabular data file in a common, machine readable format. Capital dashboard data shall also be made available on the data.ny.gov website or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

(e) The data required to be published pursuant to this subdivision shall be made in a single tabular data file in a common, machine readable format and shall be accessible on the authority's website and the website data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

(f) The authority shall create and maintain a separate section on its capital program dashboard website for projects related to accessibility or resiliency. Information on this website shall be updated quarterly. For the purposes of this subdivision, "accessibility" shall mean projects regarding elevators, escalators, or other projects related to compliance with the federal Americans with Disabilities Act of 1990, as amended, and corresponding guidelines, and "resiliency" shall have the same meaning as defined by the authority in its twenty-year needs assessment as required by subdivision c of section twelve hundred sixty-nine-c of this title.

3. A plan may only be approved in two ways: (i) a plan shall only be approved by the board by a unanimous vote of the members entitled to vote thereon and within ninety days or by September fifteenth, nineteen hundred ninety-six in the case of a plan submitted during the period described in paragraph (b) of subdivision one of this section, or the submission of a plan the metropolitan transportation authority capital program review board may notify the authority of its approval of the same; or (ii) if the plan is not approved by the board within such ninety day period or by September fifteenth, nineteen hundred ninety-six, as the case may be, and no individual member of the board who is entitled to vote thereon has notified the authority in writing of his or her disapproval with a written explanation of such disapproval including specific aspects of the plan that are of concern and what steps could be taken to address such concerns within such period, the plan shall be deemed to have been approved. Upon the receipt of a written disapproval, the authority shall be provided an opportunity to respond in writing within ten days of the receipt of such disapproval. Upon the receipt of such response, the disapproving member shall have ten days to reconsider and withdraw such written disapproval.

If the plan is not approved, the authority may thereafter reformulate and resubmit such plan at any time. Within thirty days of the submission of such reformulated plan the board may notify the authority of its approval of the same by the unanimous vote of the members entitled to vote thereon, or, if the reformulated plan is not approved and no individual member of the board who is entitled to vote on such reformulated plan has notified the authority in writing of his or her disapproval within such period, the reformulated plan shall be deemed to have been approved.

4. No general obligation bonds or notes of the authority, no special obligation bonds or notes of the authority to finance a transit project, as such term is defined in section twelve hundred sixty-six-c of this title, and no bonds or notes of the Triborough bridge and tunnel authority to finance a project pursuant to the authorization contained in paragraph (r) of subdivision nine of section five hundred fifty-three of this chapter shall be issued to finance the costs of a capital element unless such capital element and such

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source of funding was set forth in a plan submitted to and approved by the metropolitan transportation authority capital program review board.

5. The disapproval of a plan by the metropolitan transportation authority capital program review board shall not affect: (a) the right of the authority, of the Triborough bridge and tunnel authority, or of the New York city transit authority, or of the subsidiaries of any of them to initiate and complete any capital element which will be financed otherwise than through the issuance of the bonds or notes the issuance of which is prohibited under subdivision four of this section; (b) the right of the authority or the Triborough bridge and tunnel authority to issue bonds or notes to finance a capital element which was initiated prior to such disapproval in conformity with a previously approved plan; (c) the right of the New York city transit authority to issue its bonds, notes, lease, sublease or other contractual obligations in payment for a transit project initiated prior to such disapproval in conformity with a previously approved plan; (d) the right of the authority or of the Triborough bridge and tunnel authority to issue bonds or notes to refund or otherwise repay any of its outstanding bonds or notes or to fulfill any of their obligations to the holders of any of their outstanding bonds or notes; or (e) the right of the New York city transit authority to issue its bonds, notes, lease, sublease or other contractual obligations to refund or otherwise repay any of its outstanding bonds or notes or to fulfill any of its obligations to the holders of any of its outstanding bonds or notes.

6. Notwithstanding the provisions of subdivision four of this section, if a source of funding described in an approved plan shall be unavailable or be available in a lesser amount than that set forth in such plan, the authority and the Triborough bridge and tunnel authority may issue bonds or notes as necessary to provide the requisite funding for the capital elements included in the plan to the extent that the aggregate amount of such bonds or notes to be issued in substitution for such unavailable amounts shall not exceed the greater of fifty million dollars or twenty percent of the total amount described in such plan for either the substitute funding source or the funding source being substituted for, subject to the limitations set forth in subdivision eleven of section five hundred fifty-three-e of this chapter and paragraph (a) of subdivision four of section twelve hundred seven-m of this article.

7.

(a) The authority may from time to time submit to the metropolitan transportation authority capital program review board amendments or modifications to any five-year plan theretofore submitted, and shall submit such an amendment or modification (i) if the estimated cost of any capital element for which a specified dollar amount was proposed to be expended exceeds the amount set forth in the approved plan for such element by more than ten percent, (ii) if with respect to a particularly described capital element for which only an estimate of projected cost has been provided in the plan there is a material change in the description of such element from that contained in the approved plan, (iii) if a capital element not previously included in the approved plan is proposed to be undertaken and its cost, together with the cost of other elements included in category (l) of the plan, exceeds by ten percent the amount provided for such category (l) elements, (iv) if the authority shall propose to change by more than one year the time when any capital element is proposed to be initiated or the effect of such change will be to increase the estimated amount of capital funding required in any year covered by the plan by more than twenty percent, or (v) if the availability of funding sources changes to the degree to which the authority or the Triborough bridge and tunnel authority are precluded from exercising the authorization provided in subdivision six of this section and the authority wishes to do so.

(b) An amendment or modification may only be approved in two ways: (i) an amendment or modification shall only be approved by the board by a unanimous vote of the members entitled to vote thereon and within thirty days of the submission of an amendment or modification the metropolitan transportation authority capital program review board may notify the authority of its approval of the same; or (ii) if the amendment or modification is not approved by the board within such thirty day period and no individual member of the board who is entitled to vote thereon, has notified the authority in writing of his disapproval within such period, the amendment or modification shall be deemed to have been approved.

§ 1269-b. Capital program plans; approvals; effect of disapproval.

8. In formulating its capital program plans, the authority shall give consideration to the physical condition and urgency of need of each of the several transportation and transit systems involved, to the needs of all of the communities and areas serviced by these systems, to the extent to which other capital aid or assistance may be available to each of these systems, and to the safety, comfort and convenience of its passengers. In determining the source or method of funding which the authority is to use to finance the cost of the capital elements included in its capital program plans, the authority shall, insofar as practicable, give consideration, among other things, to (i) the potential impact of each such source or method upon the level of passenger fares, (ii) the relative cost of the several funding alternatives, and (iii) the relative ability of each source or method to provide funding at times and in amounts estimated to be required by the capital program plan. To the extent funding is proposed to be obtained through the issuance and sale of bonds or notes, the authority shall, insofar as practicable and consistent with the matters set forth in (i), (ii) and (iii) above, give preference to the use of funds appropriated or to be appropriated to the authority by virtue of service contracts with the director of the budget entered into pursuant to the provisions of the transportation systems assistance and financing act of 1981 for purposes of paying the annual cost of debt service for such bonds or notes.

9. Prior to the adoption by the authority or the New York city transit authority of its general resolution pursuant to which it is to issue any general or special obligation bonds or notes, not including any series resolution or resolutions, the authority shall submit a copy of such resolution to the metropolitan transportation authority capital program review board. Within fifteen days of such submission, the board may notify the authority of its unanimous approval of the same by the members entitled to vote thereon, or if the resolution is not approved and no individual member of the board who is entitled to vote on such resolution has notified the authority in writing of his disapproval, the resolution shall be deemed to have been approved. Neither the board nor any member thereof shall disapprove a proposed resolution by reason of any covenant requiring the authority, the New York city transit authority or their subsidiaries to charge and fix fares, fees and rentals sufficient to pay its operating expenses and the debt service, including the funding of requisite reserves, on the bonds and notes authorized by such resolution. If the board or any member thereof entitled to vote thereon shall disapprove a proposed resolution, the authority may, at any time, resubmit a reformulated resolution. Within ten days of the submission of such reformulated resolution the board may notify the authority of its unanimous approval of the same by the members entitled to vote thereon, or, if the reformulated resolution is not approved and no individual member of the board who is entitled to vote thereon has notified the authority in writing of his disapproval within such period, the reformulated resolution shall have been deemed to have been approved. Any individual member of the board who votes against a resolution or a reformulated resolution or who notifies the authority of his disapproval shall state his reasons therefor. The member appointed on the recommendation of the mayor of the city of New York shall not participate in the action of the board with respect to any bond resolution of the authority pursuant to which its general obligation bonds or notes may be issued. Neither the authority nor the New York city transit authority shall adopt a bond resolution disapproved by the board as herein provided.

10. In formulating its capital program plans, the authority shall develop criteria to determine how to best prioritize subway stations for accessibility improvements. Such criteria shall include, but not be limited to: citywide geographic coverage; transit transfer options; annual ridership volume; census tract data for senior and disabled populations and percentage of those populations in poverty; residential density of surrounding neighborhoods; and proximity to medical centers, schools, parks, business districts, cultural hubs and senior centers. Such criteria shall be made publicly available.

11. In formulating their capital program plans, the authority and its affiliates and subsidiaries shall consider bicycle and pedestrian accessibility.

History

§ 1269-b. Capital program plans; approvals; effect of disapproval.

Add, L 1981, ch 314, § 9, eff June 29, 1981; amd, L 1981, ch 558, § 6, eff June 29, 1981; L 1986, ch 929, § 30, eff Dec 31, 1986; L 1996, ch 637, §§ 13,14, eff Sept 11, 1996; L 2007, ch 384, §§ 7, 8, eff July 26, 2007; L 2009, ch 25, § 11–a, 12 (Part H), eff May 7, 2009; L 2017, ch 452, § 1, effective December 13, 2017; L 2019, ch 59, § 6 (Part ZZZ, Subpart B), effective April 12, 2019; L 2020, ch 309, § 1, effective December 2, 2020; L 2021, ch 35, § 1, effective December 2, 2020; L 2021, ch 802, § 2, effective December 28, 2021; L 2022, ch 58, § 1 (Part LLL), effective October 6, 2022; L 2022, ch 125, § 2, effective December 28, 2021; L 2023, ch 58, § 1 (Part CCC), effective May 3, 2023.

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§ 1269-c. Metropolitan transportation authority capital program review board; additional powers and duties

a. The metropolitan transportation authority capital program review board, consisting of voting and nonvoting members shall (1) monitor the progress of the capital elements described in each plan approved as provided in section twelve hundred sixty-nine-b of this title; (2) monitor the expenditures incurred and to be incurred for each such element; (3) identify capital elements not progressing on schedule; (4) ascertain responsibility therefor; and (5) recommend those actions required or appropriate to accelerate their implementation. The authority shall consult with the board upon its request and provide it with access to the records of the authority relating to such capital elements.

b. The authority shall submit to the review board within sixty days after the end of each calendar year (1) the actual commitments for the capital plan for the previous calendar year compared to planned commitments by capital element; (2) expenditures by funding source for each capital element in the previous calendar year; and (3) the proposed funding of capital elements in a plan for the current calendar year by funding source. Such submission shall be certified by the chairman of the authority and shall be entered into the permanent record of the minutes of the review board.

c. On or before October first, two thousand twenty-three, and on or before October first of every fifth year thereafter, the authority shall submit to the metropolitan transportation authority capital program review board a twenty-year capital needs assessment. Such assessment shall begin with the period commencing January first, two thousand twenty-five, and begin each assessment with every fifth year thereafter, and describe capital investments over the succeeding twenty years. Such assessment shall: (1) set forth broad long-term capital investments to be made throughout the district; and (2) establish a non-binding basis to be used by the authority in the planning of strategic investments involving capital elements in its five-year capital plans. Such assessment shall not require a vote of the metropolitan transportation authority capital program review board and shall be for informational purposes only. For purposes of this section, "broad long-term capital investments" shall include but not be limited to: system rebuilding, enhancement, and expansion needs; agency needs broken down by capital element or investment category; and projected future trends and network implications. Such assessment shall be certified by the chairman of the authority and shall be entered into the permanent record of the minutes of the review board.

History

Add, L 1981, ch 314, § 9; amd, L 1981, ch 558, § 7, eff June 29, 1981; L 1986, ch 929, § 31, eff Dec 31, 1986; L 2019, ch 59, § 1 (Part ZZZ, Subpart E), effective April 12, 2019.

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§ 1269-d. Submission of strategic operation plan

1. On or before July first nineteen hundred eighty-seven, the authority shall submit to the governor a strategic operation plan for the five year period commencing January first of the following year. One component of the plan shall be for the bus and subway services of the New York city transit authority and its subsidiaries and for the Staten Island rapid transit operating authority; the other component shall be for the commuter railroad services, not including the Staten Island rapid transit operating authority, under the jurisdiction of the authority. The plan may be amended as required but shall be updated at least annually. The plan shall include, but need not be limited to, the following:
 - a. Long-range goals and objectives for the operation of services and facilities;
 - b. Planned service and performance standards for each year of the period covered by the plan; including, in such plan submitted after July first, nineteen hundred eighty-eight, (a) standards for determining frequency of service at peak hours and off-peak hours, (b) frequency of service at peak and off-peak hours based on the application of such standards to the current period for each subway line, bus route or group of bus routes, and commuter rail lines, divisions or branches as appropriate, (c) projected performance for each subway line, bus route or group of bus routes, and commuter rail lines, divisions or branches as appropriate as measured by reliability indicators commonly utilized within the transit industry, including such measures as mean distance between failures for subway cars, planned number of vehicles with air conditioning and projected reliability of such equipment, planned standards for cleanliness of the interior and exterior of subway cars, commuter rail cars, buses, and passenger stations, and other appropriate measures of planned performance influencing the quality of services;
 - c. Level and structure of fares projected for each year of the period covered by the plan;
 - d. Estimated operating and capital resources anticipated to be available from internal sources as well as from federal, state, regional and local sources;
 - e. Estimated operating and capital costs to satisfy planned standards of performance and service;
 - f. Strategies to improve productivity; control cost growth; integrate and coordinate the delivery of services provided by the authority as well as other public and private transportation providers in the service area;
 - g. Specific allocation of operating and capital resources by mode and operation, including funds, personnel, and equipment;
 - h. Configuration by mode, operation and route of the services to be provided and the facilities to be operated, identifying major planned changes in services and routes; and
 - i. Identification of the operating and capital costs as compared to the revenues anticipated from system users for the metropolitan transportation authority and its subsidiaries and the New York city transit authority and its subsidiary.
 - j. An analysis of the relationship between specific planned capital elements contained in approved capital program plans and the achievement of planned service and performance standards. Such

§ 1269-d. Submission of strategic operation plan

analysis shall include the relationship of specific planned capital elements to the achievement of such service and performance standards for each subway line, bus route or group of bus routes, or commuter rail lines, divisions or branches as appropriate.

2. Each annual update of the plan shall include a status report summarizing the extent to which planned service and performance standards developed for the previous year were achieved, the causes of any failure to achieve projected standards of service, and corrective measures the authority intends to take to avoid non-achievement of projected standards in the next upcoming year.
3. The metropolitan transportation authority shall take into consideration any petitions from local officials for improved services, including how these service improvements relate to the service and performance standards described above, and shall consult with appropriate local officials in its preparation and periodic updates to the operation plan.

History

Add, L 1983, ch 427, § 3, eff July 11, 1983; amd, L 1986, ch 929, § 32, eff Dec 31, 1986.

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§ 1269-e. Financial and operational reports

The authority shall submit to the governor, the temporary president of the senate and the speaker of the assembly, no later than thirty days following the submission of the annual independent audit report pursuant to section twenty-eight hundred two of this chapter, a complete detailed report or reports setting forth, to the extent such matters are not fully addressed in the annual independent audit report, the following:

1. its financial reports, including:
 - a. audited financials in accordance with all applicable regulations and following generally accepted accounting principles as defined in subdivision ten of section two of the state finance law;
 - b. grant and subsidy programs;
 - c. operating and financial risks;
 - d. current ratings of its bonds issued by recognized municipal bond rating agencies and notice changes in such ratings; and
 - e. long-term liabilities, including leases and employee benefit plans; and
2. an assessment of the effectiveness of its internal control structure and procedures, including:
 - a. descriptions of the authority and its major units and subsidiaries;
 - b. the number of employees, and minority and women employees, for each;
 - c. an organizational chart;
 - d. its charter, if any and by-laws;
 - e. the extent of participation by minority and women owned enterprises in authority contracts and services in accordance with article fifteen-A of the executive law; and
 - f. a listing of material changes in internal operations and programs during the reporting year.

History

Add, L 2009, ch 25, § 13 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1269-f. Mission statement and measurement report

1. The authority shall submit to the governor, the temporary president of the senate and the speaker of the assembly, on or before October thirty-first, two thousand nine, a proposed authority mission statement and proposed measurements. The proposed mission statement and proposed measurements shall have the following components: a brief mission statement expressing the purpose and goals of the authority; a description of the stakeholders of the authority and their reasonable expectations from the authority, which stakeholders shall include at a minimum: the residents and taxpayers of the area of the state served by the authority, the persons that use the services provided by the authority, and the employees of the authority and any employee organization; the goals of the authority in response to the needs of each group of stakeholders; and a list of measures by which performance of the authority and the achievement of its goals may be evaluated.
2. The authority shall thereafter reexamine its mission statement and measurements on an annual basis, and publish on its website self evaluations based on the stated measures.

History

Add, L 2009, ch 25, § 13 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1269-g. Requirements for certain authority contracts and related subcontracts

1. Any contractor or subcontractor subject to the posting requirements of paragraph a of subdivision three of section two hundred twenty of the labor law with respect to a public works contract of the authority shall:
 - (a) post information conforming to the provisions of subdivision two of this section in one or more conspicuous places at each major workplace site where persons who perform work on the contract or subcontract, including management, are most likely to see such postings; provided that, this requirement may be satisfied by the displaying of such information with other notices that inform persons of rights under federal or state laws or rules, human resource policies, or collective bargaining agreements;
 - (b) post information conforming to the provisions of subdivision two of this section on an internet and intranet website, if any, of that person or business organization; provided that, this requirement may be satisfied by providing on such website a conspicuous hyperlink to the authority website maintained pursuant to subdivision three of this section, which hyperlink shall be labeled "Protections for Reporting Fraud in New York";
 - (c) distribute information specified in subdivision two of this section to those persons, including employees and managers, who perform work on the contract; provided that, this requirement may be satisfied by distributing such information in an employee handbook or through a specific electronic communication containing the information to a known electronic mail address maintained by the person; and
 - (d) comply with the provisions of this subdivision, and provide to the authority satisfactory evidence of such compliance, within ninety days.
2. The disclosures required by subdivision one of this section shall:
 - (a) provide the telephone numbers and addresses to report information of fraud or other illegal activity to the appropriate officers of the inspector general of the authority and the attorney-general of the state;
 - (b) describe in detail conduct prohibited by section one hundred eighty-nine of the state finance law, and the role of that act in preventing and detecting fraud and abuse in work paid for by the authority or with funds originating from the authority;
 - (c) notify prospective qui tam plaintiffs on how to file a qui tam action, including the necessity to contact private counsel skilled in filing such actions and of the potential for cash rewards in such actions based on the percentage of the funds recovered by the government; and
 - (d) describe prohibitions on employer retaliation against persons who file or assist actions under article thirteen of the state finance law (the New York false claims act) pursuant to section one hundred ninety-one of the state finance law, or who report illegal conduct that threatens the health or safety of the public pursuant to section seven hundred forty of the labor law.

§ 1269-g. Requirements for certain authority contracts and related subcontracts

3. No later than forty-five days after the effective date of this section, the authority shall establish and continuously maintain on its public website and its intranet site a page that shall provide the information specified in subdivision two of this section, and that shall also provide sample statements, displays and other materials suitable for insertion in employee handbooks or posting at workplaces or on websites that would satisfy the disclosure requirements of this section.
4. On and after the effective date of this section, the authority shall not enter into any contract described in subdivision one of this section that does not incorporate the terms of this section.
5. Material compliance by a covered person or business organization that has contracted with the authority under a contract that incorporates the terms of this section shall be a material condition of payment for the provision of goods or services.
6. The authority is authorized to adopt such rules and regulations as are necessary to effect the purposes of this section.

History

Add, L 2009, ch 25, § 13 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1270. Reserve funds and appropriations

The authority may create and establish one or more reserve funds in accordance with agreements with bondholders, noteholders or the holders of other obligations of the authority and may pay into such reserve funds (a) any monies appropriated and made available by the state for the purposes of such funds, (b) any proceeds of sale of notes, bonds or other obligations to the extent provided in the resolution of the authority authorizing the issuance thereof, and (c) any other monies which may be made available to the authority for the purpose of such funds from any other source or sources. In lieu thereof, the authority may provide for the deposit therein of, or substitute for moneys on deposit therein, a liquidity or credit facility, surety bond or other similar agreement.

History

Add, L 1965, ch 324, § 3; amd, L 1976, ch 38, § 1, eff April 1, 1976; L 2000, ch 61, § 28 (Part O), eff May 15, 2000; L 2000 ch 61, § 28 (Part O), eff May 15, 2000; L 2000, ch 61, § 28 (Part O), eff May 15, 2000.

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§ 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.

§ 1270-a. Metropolitan transportation authority special assistance fund

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)

§ 1270-a. Metropolitan transportation authority special assistance fund

(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.

History

Add, L 1987, ch 13, § 2; amd, L 1988, ch 65, § 1, eff April 24, 1988; L 2000, ch 61, § 29 (Part O), eff May 15, 2000; L 2005, ch 61, § 1-a (Part X) (amd, L 2005, ch 63, § 2 (Part A), eff June 1, 2005), eff June 1, 2005; L 2009, ch 14 (Part H), eff May 7, 2009; L 2009, ch 25, §§ 14, 15 (Part H), eff May 7, 2009; L 2019, ch 58, § 7 (Part FF), effective April 12, 2019.

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§ 1270-b. Metropolitan transportation authority Dutchess, Orange and Rockland fund

1. The authority shall create and establish a fund to be known as the “metropolitan transportation authority Dutchess, Orange and Rockland fund” which shall be kept separate from and shall not be commingled with any other moneys of the authority. The Dutchess, Orange and Rockland fund shall consist of three separate accounts: (i) the “Dutchess account”; (ii) the “Orange account”; and (iii) the “Rockland account”.
2. The metropolitan transportation authority Dutchess, Orange and Rockland fund shall consist of moneys transferred by the authority pursuant to subdivision four of section twelve hundred seventy-a of this title.
3. Moneys in the Dutchess account, the Orange account, and the Rockland account shall on a quarterly basis be (i) paid to the counties of Dutchess, Orange and Rockland, respectively, for the purposes of providing mass transportation operating assistance, including debt service on bonds or notes issued for such purposes, or for providing the following types of capital projects within such county: capacity and infrastructure improvements to state, county, town, city, village roads, highways, parkways or bridges; or state, county, town, city, village mass transportation projects; or (ii) transferred to the suburban transportation fund pursuant to a resolution, which is irrevocable during the term of any outstanding bonds or notes issued, adopted by the county legislature of Dutchess county, the county legislature of Orange county or the county legislature of Rockland county directing the authority to make all such future transfers of funds from its respective account to the suburban transportation fund. The first quarterly payment or transfer shall occur during the quarter beginning January first, nineteen hundred eighty-nine.

History

Add, L 1988, ch 65, § 2, eff April 24, 1988; amd, L 2003, ch 460, § 1, eff Sept 9, 2003 (see 2003 note below).

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§ 1270-c. Metropolitan transportation authority dedicated tax fund

1. The authority shall establish a fund to be known as the “metropolitan transportation authority dedicated tax fund” which shall be kept separate from and shall not be commingled with any other moneys of the authority. The fund shall consist of a “pledged amounts account” and an “operating and capital costs account” and such other accounts and subaccounts as the authority may determine.
2. There shall be deposited, pursuant to appropriation, into the fund the moneys deposited in the dedicated mass transportation trust fund for payment to the metropolitan transportation authority dedicated tax fund pursuant to the provisions of subdivision (d) of section three hundred one-j of the tax law, and any other moneys collected for or transferred to such fund pursuant to section eighty-eight-a of the state finance law and any other provision of law directing or permitting the deposit of moneys in such fund.
3. Moneys in the fund may be (a) pledged by the authority to secure and be applied to the payment of its bonds, notes or other obligations specified by the authority and issued to finance (i) transit projects undertaken for the New York city transit authority and its subsidiaries and (ii) transportation facilities undertaken for the authority and its subsidiaries and (b) used for payment of operating costs, and capital costs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans, security or credit arrangements or other agreements related thereto, and the payment of all costs related to such obligations, of or for the authority, the New York city transit authority and their subsidiaries as the authority shall determine. To the extent moneys in the fund have been pledged by the authority to secure and pay its bonds, notes or other obligations as herein provided, moneys deposited into the fund shall first be deposited into the pledged amounts account to the extent necessary to satisfy the requirements of any debt service or reserve requirements, if any, of the resolution authorizing such bonds, notes or other obligations. After satisfaction of such requirements of the resolution, or if the authority has not so pledged the moneys in the fund, moneys deposited in the fund shall be directly deposited into the operating and capital costs account and, subject to the provisions of any resolutions of the authority not secured by the pledged amounts account, transferred forthwith to or for the benefit of the New York city transit authority and its subsidiaries and the Staten Island rapid transit operating authority (the “TA”) and to and for the benefit of the Long Island Rail Road company and the Metro-North commuter rail road company (the “CRR”) as provided in this section.

Moneys in the operating and capital costs account which were deposited in the fund pursuant to appropriation from moneys deposited in the dedicated mass transportation trust fund for payment to the metropolitan transportation authority dedicated tax fund pursuant to subdivision (d) of section three hundred one-j of the tax law (the “remaining PBT amount”) shall be distributed by the authority as follows: an amount equal to the debt service incurred in such calendar year as a result of obligations issued and secured by moneys in the fund, to the extent such debt service is to be paid from money deposited in the fund pursuant to appropriation from moneys deposited in the dedicated mass transportation trust fund for payment to the metropolitan transportation authority dedicated tax fund pursuant to subdivision (d) of section three hundred one-j of the tax law (“PBT debt service”), shall be added to the remaining PBT amount. The sum of these figures shall then be allocated as follows: eighty-five per centum of such sum shall be allocated to the TA

§ 1270-c. Metropolitan transportation authority dedicated tax fund

and fifteen per centum of such sum shall be allocated to the CRR. The amounts so allocated shall then be reduced respectively by the proportional amount of PBT debt service attributable to the payments for transit projects undertaken for the TA and transportation facility projects undertaken for the CRR. The remaining amounts shall constitute the respective distributable shares of the remaining PBT amount and shall be distributed to or for the benefit of the TA and the CRR.

Moneys in the operating and capital costs account which were deposited in the fund pursuant to section eighty-eight-a of the state finance law (the "remaining MMTOA amount") shall be distributed by the authority as follows: an amount equal to the debt service incurred in such calendar year as a result of obligations issued and secured by money in the fund, to the extent such debt service is to be paid from money deposited in the fund pursuant to section eighty-eight-a of the state finance law ("MMTOA debt service"), shall be added to the remaining MMTOA amount. The sum of these figures shall then be allocated as follows: there shall be allocated (i) to the TA an amount of such sum which bears the same proportion to such sum as the amount appropriated and paid during such calendar year from the metropolitan mass transportation operating assistance account to the authority for the operating expenses of the TA bears to the total amounts so appropriated and paid from such operating assistance account during such calendar year to the TA and CRR combined and (ii) to the CRR an amount of such sum which bears the same proportion to such sum as the amount appropriated and paid during such calendar year from the metropolitan mass transportation operating assistance account to the CRR bears to the total amounts so appropriated and paid from such operating assistance account during such calendar year to the TA and CRR combined. The amounts so allocated shall then be reduced respectively by the proportional amount of MMTOA debt service attributable to the payments for transit projects undertaken for the TA and transportation facility projects undertaken for the CRR. The remaining amounts shall constitute the respective distributable shares of the remaining MMTOA amount and shall be distributed to or for the benefit of the TA and the CRR. In no event shall the authority utilize any measure or calculation for determining such distributable shares other than the formula prescribed herein nor shall the authority take any action which would result in the use of such money which is different from or inconsistent with the use prescribed in this section.

To the extent that amounts described in the preceding two paragraphs are distributed more frequently than annually, each such distribution shall be made as nearly as may be practicable in accordance with the allocations described above to the TA and the CRR. Within thirty days after the end of each calendar year, the authority shall certify to the director of the budget, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee, the amount of money deposited in the fund pursuant to appropriation from moneys deposited in the dedicated mass transportation trust fund for payment to the metropolitan transportation authority dedicated tax fund pursuant to subdivision (d) of section three hundred one-j of the tax law and section eighty-eight-a of the state finance law, the amounts expended from the pledged amounts account for the benefit of the TA and the CRR, and the amounts of the remaining PBT amount and the remaining MMTOA amount distributed during the prior calendar year to the TA and the CRR and specifying in each case the appropriation or appropriations which was the source of such amounts.

4. Any money deposited in the fund shall be held in the fund free and clear of any claim by any person arising out of or in connection with article thirteen-A of the tax law. Without limiting the generality of the foregoing and without limiting the rights and duties of the commissioner of taxation and finance under article thirteen-A of the tax law, no petroleum business, as defined in section three hundred of the tax law, or any other person, including the state, shall have any right or claim against the authority, any of its bondholders, the TA or the CRR to any moneys in or distributed from the fund or in respect of a refund, rebate, credit or reimbursement of taxes paid under article thirteen-A of the tax law.

History

Add, L 1993, ch 56, § 7, eff April 15, 1993; amd, L 2000, ch 61, § 30 (Part O), eff May 15, 2000.

§ 1270-c. Metropolitan transportation authority dedicated tax fund

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§ 1270-d. Consolidated financings

1. Notwithstanding any inconsistent provisions of this or any other law, general, special or local, the authority may issue its notes, bonds and other obligations to finance transportation facilities, including transit projects and Triborough bridge and tunnel authority projects, utilizing a consolidated pledge of all or any portion of the revenues and other monies and assets of the authority and its subsidiaries, New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority, together with those other sources of payment described in this section. In connection therewith, at its discretion, the authority, subject to the rights of the holders of notes, bonds or other obligations of the authority, New York city transit authority or Triborough bridge and tunnel authority, may (a) agree with the New York city transit authority or Triborough bridge and tunnel authority that any such entity will deposit all or any portion of the revenues, other monies and assets received by it or its subsidiaries into one or more funds or accounts, and (b) deposit or cause to be deposited into one or more funds and accounts (i) all or any portion of the revenues, other monies and assets received by the authority and its subsidiaries, (ii) all or any portion of the annual operating surplus of Triborough bridge and tunnel authority as certified pursuant to paragraph (b) of subdivision two of section twelve hundred nineteen-a of this article, (iii) all or any portion of the amounts from the operating and capital costs account of the metropolitan transportation authority dedicated tax fund required to be distributed to New York city transit authority and the commuter railroad subsidiaries of the authority under the provisions of section twelve hundred seventy-c of this title, (iv) all or any portion of the available monies in the transit account of the metropolitan transportation authority special assistance fund established under the provisions of section twelve hundred seventy-a of this title available for payment of operating and capital costs of New York city transit authority and its subsidiaries and Staten Island rapid transit operating authority as provided in subdivision two of section twelve hundred seventy-a of this title, (v) all or any portion of the available monies in the commuter railroad account of the metropolitan transportation authority special assistance fund established under the provisions of section twelve hundred seventy-a of this title available for payment of operating and capital costs of Long Island Rail Road company and Metro-North commuter railroad company as provided in subdivision three of section twelve hundred seventy-a of this title, (vi) all or any portion of the available monies in the corporate transportation account of the metropolitan transportation authority special assistance fund established under the provisions of section twelve hundred seventy-a of this title available for use 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 provided in paragraph (a) of subdivision four of section twelve hundred seventy-a of this title, and (vii) any other monies of the authority, its subsidiaries, the New York city transit authority and its subsidiaries, and the Triborough bridge and tunnel authority from any source whatsoever.

2. Amounts so deposited in such funds or accounts may be (a) pledged by the authority to secure, and be applied to, the payment of its bonds, notes or other obligations issued to finance transportation facilities undertaken for the authority and its subsidiaries, transportation facilities, including transit projects, undertaken for New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority projects undertaken for Triborough bridge and tunnel authority, and (b) used for payment of operating costs, and capital costs, including debt service, reserve requirements, if any, the payment of

§ 1270-d. Consolidated financings

amounts required under bond, note or other financing facilities or agreements, and the payment of all costs related to such obligations, of or for the authority and its subsidiaries, and the New York city transit authority and its subsidiaries as the authority in its full discretion shall determine. To the extent moneys so deposited have been pledged by the authority to secure and pay its bonds, notes or other obligations as herein provided, such moneys shall first be applied to satisfy the requirements of any debt service or reserve requirements of the resolution or resolutions or other contractual arrangements authorizing such bonds, notes or other obligations. After satisfaction of such requirements of any such resolution, resolutions, or other contractual arrangements or if the authority has not so pledged such moneys, such moneys so deposited, subject to the provisions of any other resolutions or contractual arrangements of the authority and the New York city transit authority and applicable provisions of law, may be transferred to or for the benefit of the authority and its subsidiaries and New York city transit authority and its subsidiaries. Revenues and other monies of the authority and its subsidiaries and New York city transit authority and its subsidiaries, respectively, which are deposited in the funds or accounts authorized by this section, as reduced by any application of such revenues or monies to the payment of debt service, reserve requirements, if any, and other costs attributable to the funding of the capital costs of such entity, shall be allocated, credited and distributed to such source entity. Any other revenues or monies which are deposited in the funds or accounts authorized by this section which are required by law to be allocated or paid to the authority or its subsidiaries or New York city transit authority or its subsidiaries, shall be allocated or paid to the entity to which it is required to be allocated or paid by law after reduction by an amount equal to the portion thereof applied to the payment of debt service, reserve requirements, if any, and other costs attributable to the funding of the capital costs of such entity. In determining the amount of debt service, reserve requirements, if any, and other costs attributable to the authority and its subsidiaries and the New York city transit authority and its subsidiaries, the authority shall make such calculation based upon the percentage of the proceeds of the bonds, notes and other obligations expended for the capital costs attributable to each such entity. The authority may utilize any interim allocation of such distributions, provided that within ninety days after the end of each calendar year, the authority shall certify to the director of the budget, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee, that the aggregate amount of monies transferred to each of the authority and its subsidiaries, and New York city transit authority and its subsidiaries in respect of such calendar year, taking into account any interagency repayments or reimbursements anticipated to be made in the next succeeding calendar year, is not less than the amounts required to be paid or transferred to such entities.

3. For the purpose of appropriately aligning and allocating the ultimate responsibility for debt service among and between the authority and its subsidiaries, New York city transit authority and its subsidiaries, or Triborough bridge and tunnel authority (each, an “affiliated group”), and except as otherwise authorized or required by law, in connection with the application of revenues, subsidies or other monies or securities of an affiliated group to pay the debt service attributable to bonds, notes or other obligations which provide funding of the capital costs of another affiliated group or to refund or redeem bonds, notes or other obligations the proceeds of which were used to fund the capital costs of another affiliated group, the affiliated group for whose benefit debt service is paid or obligations refunded or redeemed, shall repay, through payments, adjustments or other form of reconciliation, such amounts to the affiliated group that made such payments not later than the end of the next succeeding fiscal year, provided, however, that in connection with any refunding or redemption of bonds, notes or other obligations, such repayment, adjustments or other form of reconciliation shall be completed within the period of the applicable capital program plan.

History

Add, L 2000, ch 61, § 31 (Part O), eff May 15, 2000.

NY CLS Pub A § 1270-e

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§ 1270-e. [See History below:] Implementation of the Transportation Infrastructure Bond Act of 2000

1. In accordance with the provisions of the Transportation Infrastructure Bond Act of 2000 authorizing the creation of general obligation debt in the amount of three billion eight hundred million dollars (\$3,800,000,000), the moneys received by the state from the sale of the bonds and/or notes shall be expended for uses eligible pursuant to the Transportation Infrastructure Bond Act of 2000 pursuant to annual appropriations as follows:

- (a) One billion nine hundred million dollars (\$1,900,000,000) as authorized by paragraph (a) of subdivision two of section four hundred seventy of the transportation law;
- (b) Three hundred million dollars (\$300,000,000) as authorized by paragraph (b) of subdivision two of section four hundred seventy of the transportation law; and
- (c) One billion six hundred million dollars (\$1,600,000,000) as authorized by subdivision two of this section.

2. One billion six hundred million dollars of moneys received by the state from the sale of bonds and/or notes sold pursuant to the Transportation Infrastructure Bond Act of 2000 for uses eligible pursuant to subdivision c of section four of the Transportation Infrastructure Bond Act of 2000 shall be expended pursuant to annual appropriations for the construction, reconstruction, replacement, improvement, reconditioning, rehabilitation and preservation including engineering, construction management, the preparation of designs, plans, specifications, estimates, environmental impact statements, appraisals and surveys, and the acquisition of real property and interests therein and site preparation and clearances, required or expected to be required in connection therewith, of urban and commuter passenger and freight rail, omnibus, mass transit and rapid transit systems, facilities and equipment, including acquisition, and including the full-length Second Avenue subway and the Long Island Rail Road East-Side access project, all of which are capital elements described in the two thousand—two thousand four capital program plans approved by the metropolitan transportation authority capital program review board.

3. All actions taken by the authority in connection with the receipt and expenditure of moneys received from the state from the sale of bonds pursuant to the Transportation Infrastructure Bond Act of 2000 shall be reviewed for consistency with provisions of the federal internal revenue code and regulations thereunder, in accordance with procedures established in connection with the issuance of any such tax exempt bonds, to preserve the tax exempt status of such bonds.

History

Add, L 2000, ch 61, § 2 (Part N), not effective due to defeat of the Transportation Bond Act of 2000.

§ 1270-e. [See History below:] Implementation of the Transportation Infrastructure Bond Act of 2000

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NY CLS Pub A § 1270-f

Current through 2024 released Chapters 1-49, 61-90

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§ 1270-f. Implementation of the rebuild and renew New York transportation bond act of two thousand five

1. In accordance with the provisions of the rebuild and renew New York transportation bond act of two thousand five authorizing the creation of general obligation debt in the amount of two billion nine hundred million dollars (\$2,900,000,000), the moneys received by the state from the sale of the bonds and/or notes shall be expended for uses eligible pursuant to the rebuild and renew New York transportation bond act of two thousand five pursuant to annual appropriations as follows:

(a) One billion four hundred fifty million dollars (\$1,450,000,000) as authorized by subdivision two of section four hundred eighty of the transportation law;

(b) One billion four hundred fifty million dollars (\$1,450,000,000) as authorized by subdivision two of this section.

2. One billion four hundred fifty million dollars (\$1,450,000,000) of moneys received by the state from the sale of bonds and/or notes sold pursuant to the rebuild and renew New York transportation bond act of two thousand five for uses eligible pursuant to subdivision b of section four of the rebuild and renew New York transportation bond act of two thousand five shall be expended pursuant to annual appropriations for the construction, reconstruction, replacement, improvement, reconditioning, rehabilitation and preservation including engineering, construction, management, the preparation of designs, plans, specifications, estimates, environmental impact statements, appraisals and surveys, and the acquisition of real property and interests therein and site preparation and clearances, required or expected to be required in connection therewith, of urban and commuter passenger and freight rail, omnibus, mass transit and rapid transit systems, facilities and equipment, including acquisition, all of which are capital elements described in the two thousand five–two thousand nine capital program plans as submitted to and approved by the metropolitan transportation authority capital program review board, whether before, on, or after the effective date of the chapter of the laws of two thousand five which added this section.

3. All actions taken by the authority in connection with the receipt and expenditure of moneys received from the state from the sale of bonds pursuant to the rebuild and renew New York transportation bond act of two thousand five shall be reviewed for consistency with provisions of the federal internal revenue code and regulations thereunder, in accordance with procedures established in connection with the issuance of any such tax exempt bonds, to preserve the tax exempt status of such bonds.

History

Add, L 2005, ch 60, § 2 (Part A), eff Nov 8, 2005 (see 2005 note below).

§ 1270-f. Implementation of the rebuild and renew New York transportation bond act of two thousand five

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NY CLS Pub A § 1270-g

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New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1270-g. Regulation of certain authority expenditures

The authority shall implement policies as appropriate to minimize unwarranted expenses and to protect against abuses in connection with (i) the granting of any privileges or benefits having financial value, other than wage payments or expense reimbursements, to members or staff of the authority, or any subsidiary or other authority created by the authority; and (ii) the full-time and part-time assignment and use of automobiles owned or leased by the authority, or any subsidiary or other authority created by the authority, and the use by authority employees and board members of livery vehicles, as defined in section one hundred twenty-one-e of the vehicle and traffic law.

History

Add, L 2009, ch 25, § 16 (Part H), eff May 7, 2009 (see 2009 note below).

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NY CLS Pub A § 1270-h

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§ 1270-h. Metropolitan transportation authority finance fund

1. The authority shall establish a fund to be known as the “metropolitan transportation authority finance fund” which shall be kept separate from and shall not be commingled with any other moneys of the authority.
2. The comptroller shall deposit into the metropolitan transportation authority finance fund (a) monthly, pursuant to appropriation, the moneys deposited in the mobility tax trust account of the metropolitan transportation authority financial assistance fund pursuant to any provision of law directing or permitting the deposit of moneys in such fund, and (b) without appropriation, the revenue including taxes, interest and penalties collected in accordance with article twenty-three of the tax law.
3. Moneys in the fund may be (a) pledged by the authority to secure and be applied to the payment of the bonds, notes or other obligations of the authority issued on or after the effective date of this section to finance capital projects of the authority and its subsidiaries and the New York city transit authority and any subsidiaries; or (b) used for payment of capital costs, including debt service, reserve requirements, if any, the payment of amounts required under bond and note facilities or agreements related thereto, the payment of federal government loans, security or credit arrangements or other agreements related thereto, and the payment of all costs related to such obligations, of or for the authority, the New York city transit authority and their subsidiaries as the authority shall determine. Subject to the provisions of any such pledge, or in the event there is no such pledge, any excess moneys in this fund 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. To the extent moneys in the fund have been pledged by the authority to secure and pay the bonds, notes or other obligations of the authority issued to finance capital projects of the authority and its subsidiaries and the New York city transit authority and any subsidiaries as herein provided, monies deposited into the fund shall be deposited to the extent necessary to satisfy the requirements of any debt service or reserve requirements, if any, of the resolution authorizing such bonds, notes or other obligations.
4. Any monies deposited in the fund shall be held in the fund free and clear of any claim by any person arising out of or in connection with article twenty-three of the tax law. Without limiting the generality of the foregoing and without limiting the rights and duties of the commissioner of taxation and finance under article twenty-three of the tax law, no entity paying a mobility tax under article twenty-three of the tax law shall have any right or claim against the authority, any of their bondholders, any of the authority’s other subsidiaries or the New York city transit authority or any subsidiary to any moneys in or distributed from the fund or in respect of a refund, rebate, credit or reimbursement of taxes paid under article twenty-three of the tax law.

History

Add, L 2009, ch 25, § 16 (Part H), eff May 7, 2009 (see 2009 note below); L 2018, ch 59, § 13 (Part UU), effective April 1, 2018.

§ 1270-h. Metropolitan transportation authority finance fund

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§ 1270-i. New York city transportation assistance fund.

1. The authority shall create and establish a fund to be known as the “New York city transportation assistance fund” which shall be kept separate from and shall not be commingled with any other moneys of the authority. The New York city transportation assistance fund shall consist of three separate accounts: (i) the “subway action plan account”; (ii) the “outer borough transportation account”; and (iii) the “general transportation account”. The authority shall make deposits in the subway action plan account of the moneys received by it pursuant to the provisions of subdivision (c) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, shall make deposits in the outer borough transportation account of the moneys received by it pursuant to the provisions of subdivision (d) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, and shall make deposits in the general transportation account of the moneys received by it pursuant to the provisions of subdivision (e) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, and pursuant to the provisions of section eleven hundred eleven-C of vehicle and traffic law.
2. Moneys in the subway action plan account shall be used for the exclusive purpose of funding the operating and capital costs of the metropolitan transportation authority’s New York city subway action plan. Such funds may be used for infrastructure including construction, reconstruction, reconditioning and preservation of transportation systems, facilities and equipment, acquisition of property, and for operating costs including personal services, non-personal services, fringe benefits, and contractual services. Funds may also be used to pay or to reimburse the authority for its payment of debt service and reserve requirements on that portion of authority bonds and notes issued by the authority for capital costs of the metropolitan transportation authority’s New York city subway action plan.
3. Moneys in the outer borough transportation account shall be used for the exclusive purpose of funding the operating and capital costs of metropolitan transportation authority facilities, equipment and services in the counties of Bronx, Kings, Queens and Richmond, and any projects improving transportation connections from such counties to New York County. Such funds may be used for infrastructure including construction, reconstruction, reconditioning and preservation of transportation systems, facilities and equipment, acquisition of property, and for operating costs including personal services, non-personal services, fringe benefits, and contractual services. Funds may also be used to fund a toll reduction program for any crossings under the jurisdiction of the metropolitan transportation authority or its subsidiaries or affiliates. Funds may also be used to pay or to reimburse the authority for its payment of debt service and reserve requirements on that portion of authority bonds and notes that have been issued by the authority specifically for the authorized purpose of this account. Notwithstanding any law to the contrary, final approval of the use of any funds paid into the outer borough transportation account shall be unanimously approved by three members of the Metropolitan Transportation Authority Capital Program Review Board, established pursuant to section twelve hundred sixty-nine-a of this title so designated pursuant to this subdivision. For purposes of such final approvals the three voting members are: the member appointed upon recommendation by the temporary president of the senate; the member appointed upon recommendation of speaker of the assembly; and the member appointed by the governor.

§ 1270-i. New York city transportation assistance fund.

4. Moneys in the general transportation account shall be used for funding the operating and capital costs of the metropolitan transportation authority. Such funds may be used for infrastructure including construction, reconstruction, reconditioning and preservation of transportation systems, facilities and equipment, acquisition of property, and for operating costs including personal services, non-personal services, fringe benefits, and contractual services. Funds may also be used to pay or to reimburse the authority for its payment of debt service and reserve requirements on that portion of authority bonds and notes that have been issued by the authority specifically for the purposes of this account.
5. Any revenues deposited in the subway action plan account, the outer borough transportation account, or the general transportation account pursuant to subdivision one of this section shall be used exclusively for the purposes described, respectively, in subdivisions two, three, and four of this section. Such revenues shall only supplement and shall not supplant any federal, state, or local funds expended by the metropolitan transportation authority, such authority's affiliates or subsidiaries for such respective purposes.
6. Any revenues deposited into the New York city transportation assistance fund pursuant to subdivision one of this section shall not be diverted into the general fund of the state, any other fund established by the chapter of the laws of two thousand eighteen which added this subdivision, any other fund maintained for the support of any other governmental purpose, or for any other purpose not authorized by subdivisions two, three and four of this section.
7. The authority shall report on the receipt and uses of all funds received by the New York city transportation assistance fund, and in each of its accounts, to the director of the budget, the temporary president of the senate, and the speaker of the assembly, on an annual basis no later than the first day of February.

History

L 2018, ch 59, § 4 (Part NNN), effective April 12, 2018.

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§ 1270-j. Metropolitan transportation authority commercial gaming revenue fund.

1. The authority shall establish a fund to be known as the “metropolitan transportation authority commercial gaming revenue fund” which shall be kept separate from and shall not be commingled with any other moneys of the authority.
2. The gaming commission shall deposit into the metropolitan transportation authority commercial gaming revenue fund, without appropriation, the revenue including taxes collected in accordance with the relevant provisions of paragraphs (b), (c), (d) and (e) of subdivision one of section thirteen hundred fifty-two of the racing, pari-mutuel wagering and breeding law and licensing fees collected in accordance with the relevant provisions of subdivision three of section thirteen hundred twenty-one-e of the racing, pari-mutuel wagering and breeding law.
3. Moneys in the fund may be used by the authority for payment of operating costs of or for the authority, the New York city transit authority and their subsidiaries as the authority shall determine, including debt service. Monies in the fund shall not be pledged to secure bonds, notes or other obligations of the authority, the New York city transit authority and their subsidiaries.
4. Nothing contained in this section shall be deemed to restrict the right of the State to amend, repeal, modify or otherwise alter statutes imposing or relating to the taxes, interest and penalties, fees and charges producing revenues for deposit in the metropolitan transportation authority commercial gaming revenue fund or, if applicable, any appropriations relating thereto.

History

L 2023, ch 58, § 3 (Part R), effective May 3, 2023.

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§ 1271. Agreement of the state

The state does hereby pledge to and agree with the authority and its subsidiaries, New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority, and the holders of any notes, bonds or other obligations, including lease obligations, issued or incurred under this title, that the state will not limit or alter the denial of authority under subdivision nine of section twelve hundred sixty-nine of this title, or the rights and powers vested in the authority and its subsidiaries, New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority by this title to fulfill the terms of any agreements made by any of them with the holders thereof, or in any way impair the rights and remedies of such holders until such notes, bonds or other obligations, including lease obligations, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses for which the authority or its subsidiaries, New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority is liable in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority and its subsidiaries, New York city transit authority and its subsidiaries, and Triborough bridge and tunnel authority are each authorized to include this pledge and agreement of the state in any agreement with the holders of such notes, bonds or other obligations, including lease obligations.

History

Add, L 1965, ch 324, § 3; amd, L 1981, ch 1038, § 5; L 2000, ch 61, § 32 (Part O), eff May 15, 2000.

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§ 1272. Right of state to require redemption of bonds

Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, the state may, upon furnishing sufficient funds therefor, require the authority to redeem, prior to maturity, as a whole, any issue of bonds on any interest payment date not less than twenty years after the date of the bonds of such issue at one hundred five per centum of their face value and accrued interest or at such lower redemption price as may be provided in the bonds in case of the redemption thereof as a whole on the redemption date. Notice of such redemption shall be published in at least two newspapers publishing and circulating respectively in the cities of Albany and New York at least twice, the first publication to be at least thirty days before the date of redemption.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965.

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§ 1273. Remedies of noteholders and bondholders

1. In the event that the authority shall default in the payment of principal of or interest on any issue of notes or bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title or shall default in any agreement made with the holders of any issue of notes or bonds, the holders of twenty-five per centum in aggregate principal amount of the notes or bonds of such issue than [then]* outstanding, by instrument or instruments filed in the office of the clerk of any county in which the authority operates and has an office and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such notes or bonds for the purposes herein provided.
2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such notes or bonds then outstanding shall, in his or its own name:
 - (a) by suit, action or proceeding in accordance with the civil practice law and rules, enforce all rights of the noteholders or bondholders, including the right to require the authority to collect fares, tolls, rentals, rates, charges and other fees adequate to carry out any agreement as to, or pledge of, such fares, tolls, rentals, rates, charges and other fees and to require the authority to carry out any other agreements with the holders of such notes or bonds and to perform its duties under this title;
 - (b) bring suit upon such notes or bonds;
 - (c) by action or suit, require the authority to account as if it were the trustee of an express trust for the holders of such notes or bonds;
 - (d) by action or suit, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such notes or bonds;
 - (e) declare all such notes or bonds due and payable, and if all defaults shall be made good, then, with the consent of the holders of twenty-five per centum of the principal amount of such notes or bonds then outstanding, to annul such declaration and its consequences.
3. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.
4. The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of such noteholders or bondholders. The venue of any such suit, action or proceeding shall be laid in the county in which the instrument or instruments are filed in accordance with subdivision one of this section.
5. Before declaring the principal of notes or bonds due and payable, the trustee shall first give thirty days' notice in writing to the governor, to the authority, to the comptroller and to the attorney general of the state.

* The bracketed word has been inserted by the Publisher.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965.

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§ 1274. Notes and bonds as legal investment

The notes and bonds of the authority are hereby made securities in which all public officers and bodies of the state and all municipalities and political subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or who may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. Notwithstanding any other provisions of law, the bonds of the authority are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965.

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§ 1275. Exemption from taxation

It is hereby found, determined and declared that the creation of the authority and the carrying out of its purposes is in all respects for the benefit of the people of the state of New York and for the improvement of their health, welfare and prosperity and is a public purpose, and that the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this title. Without limiting the generality of the following provisions of this section, property owned by the authority, property leased by the authority and used for transportation purposes, and property used for transportation purposes by or for the benefit of the authority exclusively pursuant to the provisions of a joint service arrangement or of a joint facilities agreement or trackage rights agreement shall all be exempt from taxation and special ad valorem levies. The authority shall be required to pay no fees, taxes or assessments, whether state or local, including but not limited to fees, taxes or assessments on real estate, franchise taxes, sales taxes or other excise taxes, upon any of its property, or upon the use thereof, or upon it [its]* activities in the operation and maintenance of its facilities or on any fares, tolls, rentals, rates, charges or other fees, revenues or other income received by the authority and the bonds of the authority and the income therefrom shall at all times be exempt from taxation, except for gift and estate taxes and taxes on transfers. This section shall constitute a covenant and agreement with the holders of all bonds issued by the authority. The terms "taxation" and "special ad valorem levy" shall have the same meanings as defined in section one hundred two of the real property tax law and the term "transportation purposes" shall have the same meaning as used in titles two-a and two-b of article four of such law.

History

Add, L 1965, ch 324, § 3; amd, L 1965, ch 634; L 1966, ch 415, § 8, eff May 23, 1966, deemed eff Jan 20, 1966.

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§ 1276. Actions against the authority

1. As a condition to the consent of the state to such suits against the authority, in every action against the authority for damages, for injuries to real or personal property or for the destruction thereof, or for personal injuries or death, the complaint shall contain an allegation that at least thirty days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the authority or other officer designated for such purpose and that the authority has neglected or refused to make an adjustment or payment thereof.
2. An action against the authority founded on tort, except an action for wrongful death, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been served on the authority within the time limited by and in compliance with all the requirements of section fifty-e of the general municipal law. 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.
3. The authority shall be liable, 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 owned or otherwise under the jurisdiction and control of the authority in the discharge of a duty imposed upon such officer or employee at the time of the accident, injury or damages complained of, while otherwise acting in the performance of his duties and within the scope of his employment.
4. The authority may require any person, presenting for settlement an account or claim for any cause whatever against the authority, to be sworn before a member, counsel or an attorney, officer or employee of the authority designated for such purpose, concerning such account or claim and when so sworn to answer orally as to any facts relative to such account or claim. The authority shall have power to settle or adjust all claims in favor of or against the authority.
5. The rate of interest to be paid by the authority upon any judgment for which it is liable shall not exceed four per centum per annum.
6. The provisions of this section which relate to the requirement for service of a notice of claim shall not apply to a subsidiary corporation of the authority. In all other respects, each subsidiary corporation of the authority shall be subject to the provisions of this section as if such subsidiary corporation were separately named herein, provided, however, that a subsidiary corporation of the authority which is a stock corporation shall not be subject to the provisions of this section except with respect to those causes of action arising on and after the first day of the twelfth calendar month following that calendar month in which such stock corporation becomes a subsidiary corporation of the authority.

History

§ 1276. Actions against the authority

Add, L 1965, ch 324, § 3, eff June 1, 1965; amd, L 1966, ch 415, § 9; L 1976, ch 745, § 4, eff Sept 1, 1976; L 1990, ch 804, § 27, eff Aug 24, 1990 (see 1990 note below); L 2012, ch 500, § 27, eff June 15, 2013 (see 2012 note below).

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§ 1276-a. Annual audit of authority

The comptroller shall conduct an annual audit of the books and records of the authority and its subsidiary corporations. Such audit shall include a complete and thorough examination of such authority's receipts, disbursements, revenues and expenses during the prior fiscal year in accordance with the categories or classifications established by such authority for its own operating and capital outlay purposes; assets and liabilities at the end of its last fiscal year including the status of reserve, depreciation, special or other funds and including the receipts and payments of these funds; schedule of bonds and notes outstanding at the end of its fiscal year and their redemption dates, together with a statement of the amounts redeemed and incurred during such fiscal year; operations, debt service and capital construction during the prior fiscal year.

The comptroller, upon completion of such audit, shall within sixty days thereafter, report to the governor and the legislature his findings, conclusions and recommendations thereof.

History

Add, L 1970, ch 968; amd, L 1971, ch 811, eff June 25, 1971.

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§ 1276-b. Authority budget and financial plan

1. In addition to the requirements of section twenty-eight hundred two of this chapter, each authority budget and plan shall be posted on its website and shall: (a) present information relating to the authority and each of its agencies in a clear and consistent manner and format; (b) be prepared in accordance with generally accepted accounting principles, except as otherwise consented to by the comptroller upon good cause shown; (c) be based on reasonable assumptions and methods of estimation; (d) include estimates of projected operating revenues and expenses; (e) identify any planned transaction that would shift resources, from any source, from one fiscal year to another, and the amount of any reserves; and (f) contain a summary in plain English of the principal information in the budget and conclusions to be drawn from it.
2. Supporting documentation. The authority shall prepare and make available for public inspection on its website information that details the sources of data and the assumptions and methods of estimation used to calculate all operating and capital budget projections, consistent with generally accepted budgetary practices.
3. The authority shall establish at least annually the quarterly revenue and expense targets for the authority, and for each subsidiary or other authority created by the authority itself and for which it reports financial data.
4. Monitoring the budget and financial plan. The authority shall prepare and make available for public inspection on its website: (a) within sixty days of the release of the adopted budget and any updates to the budget (except updates released within ninety days of the close of the fiscal year), monthly projections for the current fiscal year of all revenues and expenses, staffing for the authority and each of its agencies, and utilization for each of the authority's agencies that operate transportation systems, including bridges and tunnels; (b) within sixty days after the close of each quarter, a comparison of actual revenues and expenses, actual staffing and actual utilization to planned or projected levels for each of the authority's agencies that operate transportation systems, including bridges and tunnels, with an explanation of each material variance and its budgetary impact; and (c) within ninety days after the close of each quarter, the status of each gap-closing initiative with a projected value greater than one million dollars in any given fiscal year; the status of capital projects by capital element, including but not limited to commitments, expenditures and completions; and an explanation of material variances from the plan, cost overruns and delays.
5. Strategic operation plan. Financial information required to be submitted by the authority pursuant to paragraphs d and e of subdivision one of section twelve hundred sixty-nine-c of this title shall be presented in a format consistent with the budget and plan, in downloadable, searchable format.
6. The authority shall publish all data pertaining to each authority's budget and financial plans as required by this section in a common, machine readable format on the authority's website as defined by executive order number ninety-five of two thousand thirteen, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement" or any successor order. Such data shall include, but not be limited to:

§ 1276-b. Authority budget and financial plan

- (a) estimates of projected operating revenues and expenses, including monthly projections for the current fiscal year of all revenues and expenses;
- (b) quarterly revenue and expense targets;
- (c) staffing for the authority and each of its agencies;
- (d) a comparison of actual revenues and expenses, actual staffing and actual utilization to planned or projected levels for each of the authority's agencies that operate transportation systems;
- (e) the status of each gap-closing initiative with a projected value greater than one million dollars in any given fiscal year; and
- (f) the status of capital projects by capital element, including but not limited to commitments, expenditures and completions; and material variances from the plan, cost overruns and delays.

7. The data required to be published pursuant to this section shall be made in a single tabular data file in a common, machine readable format and shall be accessible on the authority's website and the website data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

History

Add, L 2009, ch 25, § 17 (Part H), eff May 7, 2009; L 2023, ch 58, § 2 (Part CCC), effective October 30, 2023.

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§ 1276-c. Independent audit of authority

The independent auditor retained by the authority shall not provide to the authority, contemporaneously with the audit unless it shall have previously received written approval by the audit committee any non-audit service, including:

1. routine bookkeeping or other services;
2. financial information systems design and implementation;
3. appraisal or valuation services, fairness opinions, or contribution-in-kind reports;
4. actuarial services;
5. outsourcing services;
6. authority management functions or human resources;
7. broker or dealer, investment advisor or investment banking services;
8. legal services and expert services unrelated to the audit.

History

Add, L 2009, ch 25, § 17 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1276-d. Independent audit by the legislature

After the submission of the annual independent audit report to the legislature pursuant to section two thousand eight hundred two of this chapter, and after review of such report, the temporary president of the senate and the speaker of the assembly may commission an auditing firm, every two years, after the year two thousand nine, to conduct an independent audit of the authority, including its subsidiaries. The temporary president of the senate and the speaker of the assembly shall set the scope of such audit, and determine the terms of the request for proposal for such audit. Such audit shall be performed for the year two thousand nine. The authority shall fully cooperate with and assist in such an audit.

History

Add, L 2009, ch 25, § 17 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1276-e. Reporting

The authority shall post on its website on or before the first of May, the law firms retained by the authority which in the past year received payment for services in such year.

History

Add, L 2009, ch 25, § 19 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1276-f. Metropolitan transportation authority transit performance metrics.

1. Definitions. For the purposes of this section, the following terms shall have the following meanings:
 - (a) “additional platform time” means for the subways the average added time that customers spend waiting on the platform for a train, compared with their scheduled wait time.
 - (b) “additional train time” means for the subways the average additional time customers spend onboard the train, compared with their scheduled on-train time.
 - (c) “customer journey time performance” means for the subways the percentage of customer trips with an estimated total travel time within five minutes of the scheduled total travel time.
 - (d) “elevator availability” means percentage of facilities that require the use of stairs and have an operational elevator.
 - (e) “escalator availability” means percentage of facilities that require the use of stairs and have an operational escalator.
 - (f) “additional journey time” means for the subways comparison of measured or estimated actual journey time compared to schedule.
 - (g) “journey time” means for the subways time on platform and the time on train. Journey time is calculated as either actual journey times that customers experience, or as scheduled journey times. Journey time and its components may be based on a manual or an automatically generated sample.
 - (h) “major incidents” mean (1) for the subway incidents that delay fifty or more trains where a train is considered delayed if it is more than five minutes late or skips planned stops, and (2) for the commuter railroads incidents that delay ten or more trains greater than five minutes and fifty-nine seconds.
 - (i) “lost time accidents” means a job related incident that results in the inability of an employee to perform full job duties for at least one working day beyond the day of the incident. Rates are based on lost time accidents per one hundred employees.
 - (j) “employees’ lost time days” means for the commuter railroads the total number of calendar days employees’ treating medical professionals have determined that they cannot work due to an occupation injury or illness.
 - (k) “employee lost time rate” means for the commuter railroads the number of occupational injuries or illnesses per two hundred thousand employee hours worked.
 - (l) “terminal on-time performance” means (1) for the subways the percentage of trains arriving at their destination terminals as scheduled with a train counted as on-time if it arrives at its destination early, on time, or no more than five minutes late, and has not skipped any planned stops, and (2) for the commuter railroads the percentage of trains arriving at their final destination terminals as scheduled with a train counted as on-time if it arrives at its destination early, on-time or no more than five minutes and fifty-nine seconds late. Provided that the percentage of trains not arriving at their final destinations shall include unscheduled cancellations.

§ 1276-f. Metropolitan transportation authority transit performance metrics.

(m) “additional data” means (1) for the subways the percentage of trains arriving at their scheduled terminals between four and five minutes after their scheduled arrival time; (2) for the commuter railroads the percentage of trains arriving at their scheduled terminals between four and five minutes and fifty-nine seconds after their scheduled arrival time; and (3) for commuter rails the percentage of cancelled trains.

2. Reporting. The authority shall take all practicable measures to collect, compile and publish meaningful and informative performance metrics for all customer trips provided by the New York city transit authority subways, Long Island rail road and Metro-North commuter railroad on a monthly basis including all applicable performance metrics as defined in subdivision one of this section.

If the authority cannot practicably collect and compile any such performance metric for a customer trip type, it may, subject to the approval by the chairman of the metropolitan transportation authority, substitute an equivalent performance metric based on international public transport benchmarking and best practices that comparably measures system performance and service delivery.

3. International benchmarking.

(a) The authority shall publish an annual report presenting the authority’s performance in comparison with other national and international peer agencies. This report shall include, but not be limited to, the following metrics:

- (i)** total operating cost per car per mile;
- (ii)** maintenance cost per car per mile;
- (iii)** passenger journeys per total staff and contractor hours; and
- (iv)** staff hours lost to accidents.

(b) The authority shall also provide an annual implementation report to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the assembly and senate, and the chairs and ranking members of the transportation and corporations, authorities and commissions committees on or before January thirty-first every year, and publish such report on its website.

History

L 2019, ch 39, § 1 (Part A), effective October 9, 2019; L 2019, ch 59, § 2 (Part ZZZ, Subpart D), effective October 9, 2019.

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§ 1277. Station operation and maintenance.

1. The operation, maintenance and use of passenger stations shall be public purposes of the city of New York and the counties within the district. The total cost to the authority and each of its subsidiary corporations of operation, maintenance and use of each passenger station within the district serviced by one or more railroad facilities of the authority or of such subsidiary corporation, including the buildings, appurtenances, platforms, lands and approaches incidental or adjacent thereto, shall be borne by the city of New York if such station is located in such city or, if not located in such city, by such county within the district in which such station is located. On or before June first of each year, the authority shall, in accordance with the method specified herein, determine and certify to the city of New York and to each county within the district the respective allocation of costs related to the operation, maintenance and use of passenger stations within such city and each such other county, for the twelve month period ending the preceding March thirty-first.

a. For the year commencing April first, nineteen hundred ninety-nine, the total payment amount to be billed by the authority for the operation, maintenance and use of each passenger station within the city of New York and the counties of Nassau, Suffolk, Westchester, Dutchess, Putnam, Orange, and Rockland shall be calculated by summing the total amount listed in the base amount table plus an adjustment to such base year amount equal to the base amount times the increase or decrease in the Consumer Price Index for Wage Earners and Clerical Workers for the New York, Northeastern-New Jersey Standard Metropolitan Statistical Area for the twelve-month period being billed.

BASE AMOUNT TABLE

County	Base Amount
Nassau	\$19,200,000
Suffolk	\$11,834,091
Westchester	\$13,269,310
Dutchess	\$ 1,581,880
Putnam	\$ 618,619
Orange	\$ 327,247
Rockland	\$ 34,791
City of New York	\$61,435,330

b. For each year thereafter, such total payment for each such county shall be the same amount as the total payment during the immediately prior year, plus an adjustment equal to the prior year amount times the increase or decrease in the Consumer Price Index for Wage Earners and Clerical Workers for the New York, Northeastern-New Jersey Standard Metropolitan Statistical Area for the twelve-month period being billed.

2. On or before the following September first, of each year, such city and each such county shall pay to the authority such cost or amount so certified to it on or before the preceding June first. Such city and each such county shall have power to finance such costs to it by the issuance of budget notes pursuant to section 29.00 of the local finance law. For the year beginning April first, two thousand four, the authority, the city of New York and the counties of Nassau, Suffolk, Westchester, Dutchess, Putnam, Orange, and Rockland may, after having reached an agreement, recommend to the legislature modifications to the

§ 1277. Station operation and maintenance.

amounts set forth above based upon changes made to commuter services including but not limited to changes in the number of passenger stations within such counties or the level of commuter rail service provided to any such passenger stations. Failure between the authority and between the counties to reach agreement will be referred to the state comptroller for mediation. If the mediation is unsuccessful, each party and the state comptroller may submit a recommendation to the governor and the legislature for legislative action.

3. In the event that a city or county shall fail to make payment to the authority for station maintenance as required pursuant to this section, or any part thereof, the chief executive officer of the authority or such other person as the chairman shall designate shall certify to the state comptroller the amount due and owing the authority at the end of the state fiscal year and the state comptroller shall withhold an equivalent amount from the next succeeding state aid allocated to such county or city from the motor fuel tax and the motor vehicle registration fee distributed pursuant to former section one hundred twelve of the highway law, or amounts distributed pursuant to section ten-c of the highway law, or per capita local assistance pursuant to section fifty-four of the state finance law subject to the following limitations: prior to withholding amounts due the authority from such county or city, the comptroller shall pay in full any amount due the state of New York municipal bond bank agency, on account of any such county's or city's obligation to such agency; the city university construction fund pursuant to the provisions of the city university construction fund act; the New York city housing development corporation, pursuant to the provisions of the New York city housing development corporation act (article twelve of the private housing finance law); and the transit construction fund pursuant to the provisions of title nine-A of article five of this chapter. The comptroller shall give the director of the budget notification of any such payment. Such amount or amounts so withheld by the comptroller shall be paid to the authority and the authority shall use such amount for the repayment of the state advances hereby authorized. When such amount or amounts are received by the authority, it shall credit such amounts against any amounts due and owing by the city or county on whose account such amount was withheld and paid.

History

Add, L 1965, ch 324, § 3; amd, L 1966, ch 415, § 10; L 1981, ch 314, § 25; L 1981, ch 558, § 14, eff June 29, 1981; L 1995, ch 260, § 1, eff July 26, 1995, deemed eff April 1, 1994; L 2000, ch 161, § 2, eff July 18, 2000 (see 2000 note below); L 2018, ch 521, § 1, effective December 28, 2018; L 2019, ch 224, § 1, effective August 30, 2019.

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§ 1277-a. Transfer and receipt of surplus funds

Notwithstanding any provision of this title or any other provision of law, general, special or local, the authority may from time to time transfer and pay over to New York city transit authority or triborough bridge and tunnel authority all or any part of its surplus funds; and may accept and use any moneys transferred and paid over to it by New York city transit authority or triborough bridge and tunnel authority.

History

Add, L 1967, ch 717, § 87; amd, L 2000, ch 61, § 33 (Part O), eff May 15, 2000.

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§ 1278. Title not affected if in part unconstitutional or ineffective

If any provision of any section of this title or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section of this title or the application of any part thereof to any other person or circumstance and to this end the provisions of each section of this title are hereby declared to be severable.

History

Add, L 1965, ch 324, § 3, eff June 1, 1965.

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§ 1279. Metropolitan transportation authority inspector general

1. There is hereby created in the metropolitan transportation authority an office of metropolitan transportation authority inspector general. The inspector general shall be appointed by the governor with the advice and consent of the senate. The inspector general shall, prior to his appointment, have had at least ten years experience in the management of transportation services, in auditing and investigation of governmental operations, or in services related to management and productivity improvement. The term of office of the inspector general shall be five years from the effective date of appointment, and he shall serve at the pleasure of the governor. The salary of the inspector general shall be determined by the authority board.
2. The inspector general shall annually submit to the board of the metropolitan transportation authority a budget request for the operation of the office. If the board disapproves any portion of such request and the commissioner of transportation determines such disapproval to be unreasonable, such commissioner shall withhold from payments due such authority, the amount so determined to be unreasonable and transfer such amount to the office of the metropolitan transportation authority inspector general.
3. The inspector general shall have full and unrestricted access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence and any other materials of the authority and its subsidiaries, the Long Island railroad, metro-north railroad, metropolitan suburban bus authority and Staten Island rapid transit operating authority, of the Triborough bridge and tunnel authority, and of the New York city transit authority and its subsidiary, the Manhattan and Bronx surface transit operating authority, or any other agency that may come under the control of the authority, or within their custody or control.
4. The inspector general, notwithstanding the provisions of title nine of this article and this title, and of title three of article three, shall have the following functions, powers and duties:
 - (a) to receive and investigate complaints from any source or upon his own initiative concerning alleged abuses, frauds and service deficiencies, including deficiencies in the maintenance and operation of facilities, relating to the authority and its subsidiaries as listed in subdivision two above, the Triborough bridge and tunnel authority and the New York city transit authority and its subsidiary;
 - (a-1) to receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse by any police officer under the jurisdiction of the office of the metropolitan transportation authority and promptly inform the division of criminal justice services, in the form and manner as prescribed by the division, of such allegations and the progress of investigations related thereto unless special circumstances require confidentiality. Nothing in this paragraph shall require the division of criminal justice services to participate in the investigation of such allegations or take action or prevent the division of criminal justice services from taking action authorized pursuant to subdivision three of section eight hundred forty-five of the executive law in the time and manner determined by the commissioner of the division of criminal justice services.
 - (b) to initiate such reviews as he may deem appropriate of the operations of the authority and its subsidiaries as listed in subdivision two above, the Triborough bridge and tunnel authority, or the New

§ 1279. Metropolitan transportation authority inspector general

York city transit authority and its subsidiary, in order to identify areas in which performance might be improved and available funds used more effectively;

(c) to recommend remedial actions to be taken by the authority and its subsidiaries as listed in subdivision two of this section, the Triborough bridge and tunnel authority, and the New York city transit authority and its subsidiary, to overcome or correct operating or maintenance deficiencies and inefficiencies that he determines to exist;

(d) to make available to appropriate law enforcement officials information and evidence which relate to criminal acts that he may obtain in carrying out his duties;

(e) to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents as he may deem to be relevant to any inquiry or investigation undertaken pursuant to this section and to delegate such powers to a duly authorized deputy inspector general;

(f) to monitor the implementation by the authority and its subsidiaries, the Triborough [Triborough] bridge and tunnel authority and the New York city transit authority and its subsidiary of recommendations made by the inspector general or other audit agencies; and

(g) to do all things necessary to carry out the functions, powers and duties set forth in this section.

5. The inspector general shall cooperate, consult and coordinate with the state public transportation safety board with regard to any activity concerning the operations of the metropolitan transportation authority. With respect to any accident on the facilities of the metropolitan transportation authority, the primary responsibility for investigation shall be that of the board which shall share its findings with the metropolitan transportation authority inspector general.

6. The inspector general shall make annual public reports on his findings and recommendations. Such a report shall be filed in the office of the governor and with the legislature on or before the first day of February for the preceding year. The metropolitan transportation authority and its applicable constituent agencies shall prepare a response to the annual report and to any and all other final reports made by the inspector general within thirty days of receipt, which time may be extended by the inspector general in his discretion, indicating whether such authority intends to implement the recommendations in such reports, and, if not, why not. In addition, the metropolitan transportation authority and its applicable constituent agencies shall give quarterly reports to the inspector general outlining the status of each of the recommendations made by the inspector general in his final reports. Copies of all of these reports shall be sent to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the senate transportation committee, the chairman of the senate finance committee, the chairman of the assembly corporations, authorities and commissions committee and the chairman of the assembly ways and means committee.

7. To effectuate the purposes of this section, the inspector general may request from any department, board, bureau, commission, office or other agency of the state, or of any of its political subdivisions, such cooperation, assistance, services and data as will enable him to carry out his functions, powers and duties hereunder, and they are authorized and directed to provide said cooperation, assistance, services and data.

History

Add, L 1983, ch 427, § 4, eff July 11, 1983; amd, L 1984, ch 927, § 1, eff Sept 1, 1984; L 1985, ch 322, § 1, eff July 11, 1985; L 2020, ch 104, § 3, effective April 1, 2021; L 2021, ch 59, § 15 (Part BBB), effective October 16, 2021.

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§ 1279-a. Management advisory board

1. There is hereby created in the office of the metropolitan transportation authority inspector general a management advisory board, consisting of thirteen members appointed by the governor, of whom two shall be appointed upon nomination by the temporary president of the senate, two upon nomination by the speaker of the assembly, one upon nomination by the minority leader of the senate and one upon nomination by the minority leader of the assembly. All members shall serve for a term of three years, except that, of the two members first appointed upon nomination by the temporary president of the senate, one shall serve for a term of two years and one shall serve for a term of one year; of the two members first appointed upon nomination by the speaker of the assembly, one shall serve for a term of two years and one shall serve for a term of one year; and, of two of the members first appointed by the governor without nomination by any other person, two shall each serve for a term of two years and two shall each serve for a term of one year. One of the members appointed to the management advisory board directly by the governor shall be designated by the governor to serve as its chairman.
2. All members of the management advisory board shall be residents of the metropolitan transportation district, and shall be persons with substantial experience in the management of private enterprise, in the delivery of public services, or in labor or labor-management relations.
3. The management advisory board shall assist the metropolitan transportation authority inspector general in identifying ways to improve services, reduce costs and increase the efficiency of the authority and its subsidiaries, the Triborough bridge and tunnel authority or the New York city transit authority and its subsidiary.
4. No later than April first, nineteen hundred eighty-four, and annually thereafter, the management advisory board shall submit to the governor and the legislature a report on its activities during the previous year.
5. The office of the metropolitan transportation authority inspector general shall provide the management advisory board with such staff support as may be required for the performance of its duties.
6. Members of the management advisory board shall serve without compensation, but shall be reimbursed for expenses reasonably incurred in the performance of their duties.

History

Add, L 1983, ch 427, § 5, eff July 11, 1983.

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§ 1279-b. Transition—election to withdraw from the metropolitan commuter transportation district.

1. The counties of Dutchess, Orange and Rockland shall have an option to withdraw from the metropolitan commuter transportation district and have such withdrawal take effect on either:

(a) January first, nineteen hundred eighty-seven. If any such county plans to withdraw from the district on January first, nineteen hundred eighty-seven, it shall (i) no later than seventy-five days after the effective date of this section, furnish the commissioner of transportation, and chairman of the authority and the other counties which have an option to withdraw, a resolution adopted by the county legislature providing notice of intent to withdraw, (ii) on or before October first, nineteen hundred eighty-six, furnish to the commissioner of transportation, the chairman of the authority and other counties which have an option to withdraw, a resolution adopted by the county legislature providing for a public transportation plan. For the purposes of this section, a “public transportation plan” shall mean a plan that maintains adequate and continuous public transportation services from the withdrawing county to the city of New York or any terminus previously served, provides a reasonable level of rail passenger service, provides a schedule for implementing such service, protects the public investment in the rail transportation system and any other criteria deemed necessary by the commissioner of transportation. Prior to withdrawal pursuant to this paragraph or paragraph (b) of this subdivision, a county must receive approval of its public transportation plan pursuant to paragraph (c) of this subdivision, (iii) on or before December fifteenth, nineteen hundred eighty-six, furnish the commissioner of transportation, a copy of an agreement with the authority or an operator of rail passenger service for the provision of rail passenger service to and from such county and the city of New York or any terminus previously served.

If a county planning to withdraw on January first, nineteen hundred eighty-seven is unable to withdraw because it could not meet the requirements of this paragraph, it may elect to withdraw pursuant to paragraph (b) of this subdivision hereafter.

(b) January first, nineteen hundred eighty-eight or January first, nineteen hundred eighty-nine. If any such county plans to withdraw on either January first, nineteen hundred eighty-eight or January first, nineteen hundred eighty-nine, it shall (i) no later than ninety days after the first of January of the year immediately preceding the year in which such county plans to withdraw from the district, furnish the commissioner of transportation, the chairman of the authority and the other counties which have an option to withdraw, a resolution adopted by the county legislature providing notice of intent to withdraw from the district, (ii) no later than one hundred twenty days after the first of January of the year immediately preceding the year in which such county plans to withdraw from the district furnish to the commissioner of transportation, the chairman of the authority and the counties which have an option to withdraw a resolution adopted by the county legislature providing a public transportation plan as described in this section, (iii) on or before October first of the year immediately preceding the year in which such county plans to withdraw from the district, furnish to the commissioner a copy of an agreement with the authority or an operator of rail passenger service for the provision of rail passenger service to and from such county and the city of New York or any terminus previously served.

§ 1279-b. Transition—election to withdraw from the metropolitan commuter transportation district.

(c) No later than thirty days after receipt of the public transportation plan the commissioner of transportation shall, in writing, either approve such plan as conforming with the requirements heretofore described or disapprove such plan as failing to meet such requirements and the reasons therefor. Disapproval of a plan shall not prohibit a county from resubmitting a public transportation plan and such resubmitted plan shall be approved or disapproved no later than fifteen days after receipt by the commissioner of transportation. The public transportation plan shall be subject to any state or federal public hearing requirements which the authority would be subject to if the authority made the changes proposed by such plan.

(d) Any such county which plans to withdraw from the district must meet the requirements of this section prior to the effective date of withdrawal, and no withdrawal for the purposes of this section shall take effect unless such county furnishes the resolutions and agreement prior to the effective date of withdrawal.

- 2.** The authority and any subsidiary corporation of the authority shall enter into an agreement or agreements with a county that plans to withdraw from the district to transfer and assign to such county all authority and subsidiary railroad facilities and operations, rights and obligations, and contract rights and obligations, including operating contract rights and obligations, which are owned, operated, maintained or used directly or by contract or which are otherwise involved in the provision of railroad services to such counties. Such agreement shall provide, in the event a facility, operation, right or obligation is necessary and material to the provision of rail passenger service in the district or is not assignable under applicable bond covenants or contracts or the parties agree that it should not be assigned, that the authority or subsidiary thereof shall continue to hold and be responsible for such facility, operation, right or obligation and that such county shall reimburse to the authority that portion of the cost to the authority or subsidiary of its retention of such facility, operation, right or obligation that is allocable to such county. If the parties agree that the authority or subsidiary thereof shall operate the railroad facilities in a county after the effective date of such county's withdrawal, the agreement also shall provide for the terms and conditions of the operation of such service.
- 3.** Within forty-five days of the effective date of this section, the authority and any subsidiary corporation of the authority shall provide to the counties of Dutchess, Orange and Rockland a written statement, including cost estimates and the useful life, if any, of all of its facilities, operations, rights and obligations relating to the provision of rail service in such counties.
- 4.** The authority and any subsidiary corporation of the authority is authorized to enter into an agreement or agreements with a county that plans to withdraw from the district, pursuant to which the authority or subsidiary thereof will provide technical assistance to such county prior to, during and after the withdrawal, with respect to the transfer of ownership, operation, maintenance and use of railroad facilities within such county. Such agreement may provide that the county reimburse the authority or its subsidiary for the cost to the authority and its subsidiary for the provision of such technical assistance.
- 5.** The authority shall have no obligation to undertake or continue any project or part thereof in a current or future capital program plan which pertains to railroad facilities within or services to a county that withdraws from the district on or after such date of withdrawal nor shall the authority enter into any contract for a project or part thereof which would increase liabilities pursuant to subdivision six of this section in a county after such county notifies the authority of its intent to withdraw as provided in subdivision one of this section, provided, however, that if the authority has executed a contract for the effectuation of a project or part thereof in a capital program plan in such county, it shall be assigned to such county in accordance with subdivision two of this section, unless the parties agree that it shall not be assigned and that the authority or its subsidiary shall continue to be responsible therefor, in which event the county shall reimburse the authority or its subsidiary in accordance with the provisions of subdivision two of this section.
- 6.** Any county which withdraws from the district shall reimburse to the authority or its subsidiary, within the time period agreed to by the parties, any capital expenditures heretofore undertaken by the authority or its subsidiary for railroad facilities only within such county which were financed by commuter railroad revenue bonds issued by the metropolitan transportation authority pursuant to section twelve hundred sixty-nine of

§ 1279-b. Transition—election to withdraw from the metropolitan commuter transportation district.

this article and are assigned to such county in accordance with the provisions of subdivision two of this section.

7. The obligations of a county that withdraws from the district to reimburse the authority and any subsidiary corporation of the authority for the costs of operation, maintenance and use of passenger stations pursuant to section twelve hundred seventy-seven of this article, shall continue for any such costs incurred up to the effective date of the county's withdrawal from the district and for costs incurred thereafter that result from acts preceding such withdrawal, and the applicability of the payment provisions and procedures of such section twelve hundred seventy-seven to such county shall continue thereafter with respect to the aforesaid costs.

8. In the event of a county's failure to make payment of any monies determined by the authority to be owed and due it or any subsidiary corporation of the authority pursuant to the terms of any agreement entered into pursuant to this section, the authority is authorized to recover such payments in the same manner as in section twelve hundred seventy-seven of this article and the state comptroller shall withhold and pay monies to the authority in accordance with the procedures set forth in that section.

9. The term of office of any resident of a county that withdraws from the district under this section, as a member of the board of the authority, the Metro-North rail commuter council or the management advisory board, which is based upon residence in such county, shall terminate upon the county's withdrawal and the office shall be deemed vacant and filled in the manner provided by law.

10. The provisions of this section and all agreements undertaken in accordance herewith shall be subject to the rights of the holders of any outstanding bonds or notes issued by the authority.

History

Add, L 1986, ch 669, § 4, eff July 26, 1986, deemed eff July 15, 1986 (see 1986 note below); amd, L 1986, ch 670, § 1, eff July 26, 1986, deemed eff July 15, 1986.

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§ 1279-c. The office of legislative and community input

1. The chairperson of the authority shall establish the office of legislative and community input for the purpose of communicating information to, and receiving comments, concerns and recommendations from, members of the legislature, and members of the permanent citizens advisory committee to the authority, as defined in section twelve hundred sixty-six-i of this chapter, on the following:

(a) the operations of the rapid transit, omnibus and commuter rail line facilities of the authority including, but not limited to:

(i) the quality of service provided on any rapid transit, omnibus, and commuter rail line or route;

(ii) the frequency of operating service on the authority's mass transit facilities;

(iii) the maintenance and condition of the authority's mass transit facilities including, but not limited to, rapid transit and commuter rail stations, railcars, buses, rail lines, fare collection systems and sound systems; and

(iv) proposed service changes, including any reductions or expansion of services, as it relates to the authority's mass transit facilities; and

(b) any proposed, submitted and/or approved capital program plan, its components, elements and projects, and associated expenditures. Any such comments, concerns and recommendations relating to the capital program plan, its components, elements and projects, and associated expenditures shall be taken into consideration in the development of the current and each successive capital program plan and/or any amendment to such plan.

2. The office shall establish a process to ensure timely notification of the receipt of, and response to, comments, concerns, and recommendations by members of the legislature or members of the permanent citizens advisory committee to the authority.

3. The chair and office shall prepare a report containing the following information:

(a) a compilation of the comments, concerns, and recommendations received by the office;

(b) how these comments, concerns or recommendations were or will be addressed, such as the authority's response by the incorporation or initiation of system and operational adjustments, improvements or expansions if applicable; and

(c) how these comments, concerns or recommendations were or will be addressed, such as the authority's response by changing or amending the capital plan, as well as providing status updates on the progress of such plan.

4. Such report shall on a biannual basis, commencing September first, two thousand nine, be submitted to the governor, the temporary president of the senate and the speaker of the assembly, be posted on the authority's website and also be made readily available to the public.

History

§ 1279-c. The office of legislative and community input

Add, L 2009, ch 25, § 18 (Part H), eff May 7, 2009 (see 2009 note below).

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§ 1279-d. Supplemental revenue reporting program.

1. On or before January first, two thousand nineteen, the authority shall develop a supplemental revenue reporting program. Such program shall provide a detailed accounting of the amount spent from supplemental revenues on actions, measures or projects undertaken to reduce major incidents that have been found to cause delays to the New York city subway system, including but not limited to: track incidents; signal failure; persons on the track; police and medical activity; structural and electrical problems; and broken traincar equipment. The information described in this subdivision, including the spending details and the associated category of major incident, shall be updated quarterly and be prominently posted together on the authority's website.

2. Definitions. For purposes of this section, "supplemental revenues" shall include any funds appropriated by the state or the city of New York to support the NYC subway action plan approved by the board of the authority and any revenues received pursuant to section twelve hundred ninety-nine-H of the tax law.

History

L 2018, ch 59, § 5 (Part NNN), effective April 12, 2018.

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§ 1279-e. Assignment, transfer, sharing or consolidating powers, functions or activities.

1.

(a) Notwithstanding any provision of this title or any other provision of law, general, special or local, the authority shall develop and complete a personnel and reorganization plan no later than June thirtieth, two thousand nineteen which shall, in whole or in part, assign, transfer, share, or consolidate any one or more of its powers, duties, functions or activities or any department, division or office established therewith, or any of those of its subsidiaries, or affiliates or their subsidiaries, within or between itself, its subsidiaries or affiliates or their subsidiaries, including, but not limited to the New York City Transit Authority, the Long Island Rail Road, the Metro North Commuter Railroad Company, MTA Capital Construction, MTA New York City Bus, Triborough bridge and tunnel authority, and the MTA Staten Island Railway, in a manner consistent with the provisions of this section. Such plan shall identify common functions and assign, transfer, share or consolidate, in whole or in part, such functions between the authority and its subsidiaries, affiliates and subsidiaries of affiliates and shall be accompanied by an independent evaluation of existing personnel within or between itself, its subsidiaries, or affiliates or their subsidiaries in coordination with the authority's senior management. This plan shall be approved by the board of the authority by July thirtieth, two thousand nineteen. Upon such approval, the board shall also appoint a director of MTA transformation whose responsibilities shall include implementing the personnel and reorganization plan and reporting directly to the board regarding the director's activities.

(b) Upon receipt of the review pursuant to section twelve hundred seventy-nine-f of this title the authority shall revise the personnel and reorganization plan to consider and incorporate the findings of such review within ninety days of receipt. Such revised personnel and reorganization plan shall be approved by the board of the authority.

2. Such assignment, transfer, sharing, or consolidation pursuant to this section shall occur only if approved by resolution of the board of the authority, serving on behalf of the authority and any affected subsidiary or affiliate or their subsidiary, adopted by not less than a majority vote of the whole number of members of the authority then in office, with the chairman having one additional vote in the event of a tie vote.

3. Pursuant to this section, any such assigning, transferring, sharing, or consolidating of powers, duties, functions or activities shall not be authorized where it would impair any rights and remedies of any holders of notes, bonds or other obligations issued by the authority, its subsidiaries, or affiliates or their subsidiaries. Nothing set forth in this section shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements, or impact or change an employee's membership in a bargaining unit.

4. No consolidation shall result in the complete dissolution or merger within or between the authority or its subsidiaries, affiliates or their subsidiaries.

History

§ 1279-e. Assignment, transfer, sharing or consolidating powers, functions or activities.

L 2019, ch 59, § 1 (Part ZZZ, Subpart B), effective April 12, 2019; L 2019, ch 39, § 1 (Part C), effective June 24, 2019.

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§ 1279-f. Independent forensic audit.

1. The authority shall contract with a certified public accounting firm for the provision of an independent, comprehensive, forensic audit of the authority. Such audit shall be performed in accordance with generally accepted government auditing standards. Such audit shall include, but is not limited to a complete and thorough examination and detailed accounting of the authority's capital elements, broken down by agency, including but not limited to: rolling stock and omnibuses, passenger stations, track, line equipment, line structures, signals and communications, power equipment, emergency power equipment and substations, shops, yards, maintenance facilities, depots and terminals, service vehicles, security systems, electrification extensions, and unspecified, miscellaneous and emergency.

The authority shall also contract with a financial advisory firm with a national practice for the provisions of a review of: (a) any fraud, waste, abuse, or conflicts or interest occurring within any department, division, or office of the authority, its subsidiaries, affiliates, and subsidiaries of affiliates; (b) any duplication of functions or duties between the departments, divisions or office of the authority, its subsidiaries, affiliates, and subsidiaries of affiliates; (c) options for potential cost efficiencies and savings that could be achieved through changes in internal controls and management reforms, functional and process streamlining, internal procurement process reforms; (d) the two thousand fifteen to two thousand nineteen capital plan for cost overages and duplication; (e) the development of standardized performance metrics for planning, design, approvals, change orders, project management and delivery; and (f) cash flow and accounting of expenditures of the authority, its subsidiaries, affiliates, and subsidiaries of affiliates for the preceding three fiscal years.

2. Such audit shall be completed and submitted to the board no later than January first, two thousand twenty and posted publicly on the authority's website within thirty days of submission to the board. Such reviews shall be completed and submitted to the board no later than July thirty-first, two thousand nineteen and posted publicly on the authority's website within thirty days of submission to the board.

3. The certified independent public accounting firm providing the authority's independent, comprehensive, forensic audit shall adhere to the requirements in paragraphs (a), (b) and (c) of this subdivision; provided, however, the authority may contract with an accounting firm notwithstanding paragraphs (a), (b) and (c) of this subdivision and notwithstanding section twelve hundred seventy-six-c of this title upon a written determination by the board of the authority which shall detail that such accounting firm was awarded such contract on the basis that no accounting firm meets the requirements set forth in paragraphs (a), (b) and (c) of this subdivision.

(a) Such certified independent public accounting firm shall be prohibited from providing audit services to the authority if the audit partner having primary responsibility for the audit or the audit partner responsible for reviewing the audit has performed audit services for the authority in any of the five previous fiscal years of the authority.

(b) Such certified independent public accounting firm shall be prohibited from performing any non-audit services to the authority contemporaneously with the audit, including: (1) bookkeeping or other services related to the accounting records or financial statements of such authority; (2) financial information

§ 1279-f. Independent forensic audit.

systems design and implementation; (3) appraisal or valuation services, fairness opinions, or contribution-in-kind reports; (4) actuarial services; (5) internal audit outsourcing services; (6) management functions or human services; (7) broker or dealer, investment advisor, or investment banking services; and (8) legal services and expert services unrelated to the audit.

(c) Such certified independent public accounting firm shall be prohibited from providing audit services to the authority if an employee assigned to the audit has performed audit services for the authority or has been employed by the authority in any of the three previous fiscal years of the authority.

4. Within one year of the effective date of this subdivision, the authority shall publish a report detailing the steps it has taken to implement the recommendations of the audit and the reviews, and provide estimates of the recurring and non-recurring cost savings and efficiencies that have been realized or are anticipated from implementing such recommendations. The authority shall also review its two thousand twenty to two thousand twenty-four capital plan for cost overages and duplication and include its findings in the report. The authority shall publish an additional updated report no later than July first, two thousand twenty-five.

5. To the extent practicable, the findings and recommendations made pursuant to this section and to section twelve hundred seventy-nine-g of this title shall be incorporated into any twenty-year capital needs assessment submitted prior to January first, two thousand twenty-five to the metropolitan transportation authority capital program review board pursuant to subdivision c of section twelve hundred sixty-nine-c of this title.

History

L 2019, ch 59, § 4 (Part ZZZ, Subpart B), effective April 12, 2019; L 2023, ch 58, § 3 (Part CCC), effective May 3, 2023.

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§ 1279-g. Major construction review unit.

The authority shall establish the major construction review unit within the authority that shall consist of a panel of internal and external experts appointed by the board. Panel members shall have extensive background or executive experience in at least one of the following areas: engineering; design; construction; or, project management. The major construction review unit shall review all large scale projects of the authority, its subsidiaries, affiliates and the subsidiaries of its affiliates before award and shall also review any plans involving signal system upgrades, including, but not limited to the use of communications based train control and ultra-wideband technology for use within the New York City subway system before they shall be implemented. The review of any project or system upgrade referred to the review unit shall be completed within thirty days from the submission of such project or system to the review unit.

History

L 2019, ch 59, § 5 (Part ZZZ, Subpart B), effective April 12, 2019.

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§ 1279-h. Debarment.

The authority shall establish, pursuant to regulation, a debarment process for contractors of the authority that prohibits such contractors from bidding on future contracts, after a debarment determination by such authority, for a period of five years from such determination. Such regulations must ensure notice and an opportunity to be heard before such debarment determination and provide as a defense acts such as force majeure. Such regulations shall only provide for a debarment in situations involving a contractor's failure to substantially complete the work within the time frame set forth in the contract, or in any subsequent change order, by more than ten percent of the contract term; or where a contractor's disputed work exceeds ten percent or more of the total contract cost where claimed costs are deemed to be invalid pursuant by the contractual dispute resolution process.

History

L 2019, ch 59, § 8 (Part ZZZ, Subpart B), effective April 12, 2019.

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§ 1279-i. Open data reporting.

1. The metropolitan transportation authority and its subsidiaries and affiliates, including the New York city transit authority and the Triborough bridge and tunnel authority, shall fully comply with the provisions of Executive Order 95 of 2013, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement," and shall provide the New York state office of information technology services and legislature all data as defined in this section.
2. For the purposes of this section, the following terms shall have the following meanings:
 - (a) "open data website" shall mean the website data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under Executive Order 95 of 2013, or any successor agency or order;
 - (b) "data" shall mean final versions of statistical or factual information that (i) are in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; (ii) are regularly created or maintained by or on behalf of the metropolitan transportation authority, its subsidiaries and affiliates and are controlled by such entities; and (iii) record a measurement, transaction or determination related to the mission of the metropolitan transportation authority, its subsidiaries and affiliates. The term "data" shall not include image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that the term "data" shall include statistical or factual information about image files and geographic information system data;
 - (c) "data set" shall mean a named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form; and
 - (d) "publishable MTA data" shall mean data that is collected by the metropolitan transportation authority, its subsidiaries and affiliates where the authority, subsidiary or affiliate is permitted, required or able to make the data available to the public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements or rights associated with the publishable MTA data, including but not limited to contractual or other legal orders, restrictions or requirements. Data shall not be publishable MTA data if making such data available on the open data website would violate statute or regulation, including, but not limited to, disclosures that would constitute an unwarranted invasion of personal privacy, endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational or administrative burden on the authority or its subsidiaries or affiliates.
3. As required by Executive Order 95 of 2013, the metropolitan transportation authority shall designate a data coordinator, who shall:
 - (a) have authority equivalent to that of a deputy commissioner or the head of a division or department;
 - (b) have knowledge of data and resources in use by the entity; and
 - (c) be responsible for the compliance of the authority, its subsidiaries and affiliates with the order.

§ 1279-i. Open data reporting.

4. The authority and its subsidiaries and affiliates shall make their publishable MTA data available on its website and the open data website as follows:
 - (a) The authority shall create a catalogue of publishable MTA data within one hundred eighty days of the effective date of this section;
 - (b) The metropolitan transportation authority shall within one hundred eighty days of the effective date of this section, submit to the legislature and publish on its shared internet website a schedule for making its publishable MTA data publicly available. Such schedule shall provide for updating the data catalogue as appropriate; and
 - (c) The metropolitan transportation authority shall create schedules for publishing all publishable MTA data within three years of the effective date of this section.
5. The metropolitan transportation authority, its subsidiaries and affiliates shall not be prevented from publishing data in advance of the dates set in their schedules.

History

L 2021, ch 482, § 3, effective October 19, 2021.

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NY CLS Pub A § 1279-I

Current through 2024 released Chapters 1-49, 61-90

New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 5 Public Utility Authorities (Titles 1 — 11-D) > Title 11 Metropolitan Commuter Transportation Authority (§§ 1260 — 1279-I)

§ 1279-I. Right to share employees.

1. It is hereby found and declared to be necessary and proper to authorize the authority, its subsidiaries, affiliates, and subsidiaries of affiliates, powers to effectuate and ensure such entities continued financial viability, which is at issue given sizable operating deficits and significant capital needs. Allowing wholesale internal management reforms will create savings, combat entrenched bureaucracies, create streamlined, uniform, and efficient services, ensure public accountability and reestablish public trust. In order to facilitate these necessary goals it is both reasonable and a legitimate public purpose to provide systematic authority for the sharing of employees within and between the respective entities.
2. Notwithstanding any provision of law to the contrary, the authority, its subsidiaries, affiliates, and subsidiaries of affiliates shall each have the right to share employees within and between such entities and to assign such employees to perform any operation or function subject only to a determination that they are substantially similar to any operation or function currently performed. Substantially similar operation or function shall be determined exclusively by the authority.
3. Nothing set forth in this subdivision shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements, or impact or change an employee's membership in a bargaining unit.

History

L 2019, ch 59, § 10 (Part ZZZ, Subpart B), effective April 12, 2019.

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NY CLS Econ Dev § 142

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***New York Consolidated Laws Service > Economic Development Law (Arts. 1 — 26) > Article 4-C
Procurement Opportunities Newsletter (§§ 140 — 146)***

§ 142. Procurement opportunities newsletter.

1. The commissioner shall publish on a daily basis a procurement opportunities newsletter, which shall contain notices of procurement contract opportunities and any other information the commissioner deems necessary to effectuate the purposes of this article. Notices of procurement contract opportunities shall be available on the internet for at least fifteen days.
2. Notices of procurement contract opportunities shall mean:
 - (a) for procurement contracts to be awarded by the office of general services, (i) a description of the centralized commodity contracting program of such office and an explanation of how to apply for placement on any prequalified bidders list established as part of such program; (ii) a description of the centralized construction contracting program of such office and an explanation of how to subscribe to any bid notice publication established as part of such program; and (iii) for all other procurement contracts awarded by the office, the provisions of paragraph (c) of this subdivision shall apply.
 - (b) for procurement contracts in excess of ten thousand dollars and less than fifty thousand dollars to be awarded by the state university of New York or the city university of New York, (i) a quarterly listing of projected procurement purchases by commodity for each institution of the state university of New York or the city university of New York; (ii) an explanation of how to apply for placement on any bidder lists maintained by the state university of New York or the city university of New York; and (iii) a description of procedures for providing advance notification by mail to individuals or business entities on such bidder lists of any request for proposals, in accordance with rules and regulations promulgated by the state university or the city university; and
 - (c) for all other procurement contracts issued by agencies (i) the name of the contracting agency; (ii) the contract identification number; (iii) a brief description of the goods or services sought, the location where goods are to be delivered or services provided and the contract term; (iv) the address where bids or proposals are to be submitted; (v) the date when bids or proposals are due; (vi) a description of any eligibility or qualification requirement or preference; (vii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (viii) any other information deemed useful to potential contractors; (ix) the name, address, and telephone number of the person to be contacted for additional information; (x) a statement as to whether the goods or services sought had in the immediately preceding three year period been supplied by a foreign business enterprise; and (xi) the name of any individual or business enterprise that has been awarded an identical or substantially similar procurement contract as determined by the contracting agency, within the past five years; provided, however, that in the case of multiple award contracts only, the contracting agency may provide a link to a publicly accessible website listing the information required pursuant to this subparagraph. Such link shall be exclusive to each multiple award contract.
3. The commissioner shall provide for electronic publication, updated daily, accessible at no charge to the general public and may set subscription rates for enhanced access services, including, but not limited to, automated notification of bid opportunities based upon the amounts estimated to be necessary to defray the expenses of preparing, publishing, marketing and distributing the procurement opportunities newsletter. In addition, the commissioner shall immediately make available, upon request, a printed copy of all notices from the date of such request and the fifteen days preceding, and if requested, make available on a weekly

§ 142. Procurement opportunities newsletter.

basis, the procurement opportunities newsletter, at a subscription rate determined by the commissioner based upon an estimated expense of producing and distributing such printed copy.

4. The commissioner may publish in the procurement opportunities newsletter (a) notices of procurement opportunities originating from political subdivisions of the state or business enterprises, and (b) notices from government or potential government contractors seeking subcontractors and suppliers, in such form and manner as the commissioner shall determine. The commissioner may charge a fee for the publication of such notices of procurement opportunities based upon the amounts estimated to be necessary to defray the expenses of preparing, publishing, marketing and distributing such additional notices of procurement opportunities.

5. In addition to any other notice of procurement contract opportunities required in this section, for procurement contracts in the amount of two hundred thousand dollars or more to be awarded by all state agencies, each agency shall prepare for inclusion in the procurement opportunities newsletter (a) a semi-annual listing of projected procurement purchases by category; (b) an explanation of how to apply for placement on any bidder list maintained by the agency; and (c) a description of procedures for providing advance notification by mail to individuals or business entities on such bidder lists of any request for proposals, in accordance with rules and regulations promulgated by the agency. The commissioner, in consultation with each agency, shall arrange a schedule for each agency's semi-annual listing.

6. The commissioner shall include in the procurement opportunities newsletter the procurement contract award information submitted by agencies pursuant to subdivision three of section one hundred forty-three of this article.

7. Upon receipt of an announcement that an agency has entered into a contract, as provided in subdivision five of section one hundred forty-three of this article, the commissioner shall publish such announcement in the procurement opportunities newsletter. The announcement shall identify the contract, specify the date of the award of the contract and provide the name and contact information for each recipient of the contract.

History

Add, L 1988, ch 564, § 1; amd, L 1992, ch 844, § 12, eff Feb 3, 1993; L 1993, ch 504, § 1, eff July 26, 1993; L 1994, ch 353, § 1, eff July 20, 1994; L 2008, ch 137, § 6, eff Dec 31, 2009; L 2012, ch 55, § 15 (Part L), eff March 30, 2012; L 2019, ch 448, § 1, effective December 8, 2019; L 2021, ch 662, § 1, effective March 10, 2022; L 2022, ch 82, § 1, effective March 10, 2022.

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NY CLS STATE TECHNOLOGY LAW § 103-b

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New York Consolidated Laws Service > State Technology Law (Arts. I — 4) > Article I Office of Information Technology Services (§§ 101 — 107)

§ 103-b. Website accessibility; state agencies. [Effective June 19, 2024]

Each state agency shall, to the extent practicable, conform any of their websites, created or modified with changes to form or function after the effective date of this section, by January first, two thousand twenty-seven, to the most current version of the Web Content Accessibility Guidelines, specifically level AA, adopted by the World Wide Web Consortium for accessibility, or any successor standards. A state agency that cannot comply with the requirements of this section shall, by January first, two thousand twenty-seven, post publicly on its website a written progress report that describes with specificity the steps the agency has taken to comply with this section, the impediments that prevented compliance, the efforts undertaken by the agency to come into compliance, and an estimated time frame for compliance. The written report shall be updated annually from the date of the original posting. This section shall not require an agency to take any action that would result in a fundamental alteration in the nature of a service, program, or activity.

For purposes of this section, “changes to form or function” shall mean modifications to the visual presentation, informational organization, website infrastructure, or user utility of the website, including but not limited to: 1. redesigns of site layout, color schemes, graphics, branding elements, or other aesthetic components; and 2. integration of dynamic interfaces. Nothing in this section shall be construed to be inconsistent with any current or future applicable federal laws or regulations.

History

L 2023, ch 734, § 1, effective June 19, 2024; L 2024, ch 42, § 1, effective June 19, 2024.

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