

PUBLIC AUTHORITIES LAW
ARTICLE 2. PARK, PARKWAY AND HIGHWAY AUTHORITIES
TITLE 9. NEW YORK STATE THRUWAY AUTHORITY

§ 350. Short title

This title may be cited as "New York State thruway authority act".

§ 351. 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 corporation created by section three hundred fifty-two of this title.

2. The term "thruway" shall mean generally a divided highway under the jurisdiction of the authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections, and such bridges, buildings, tunnels, and other structures and facilities related thereto as the authority may determine.

3. The terms "bonds" and "notes" shall mean bonds and notes, respectively, issued by the authority pursuant to this title.

4. The term "comptroller" shall mean the comptroller of the state of New York.

5. The term "commissioner" shall mean the commissioner of transportation of the state of New York.

6. The term "municipality" shall mean a county, town, city, village, special district or other political subdivision.

7. The term "highway" shall mean a public road or parkway, maintained by the state or a municipality.

8. The term "real property" shall mean lands, waters, rights in lands or waters, structures, franchises and interests in land, including lands under water, riparian rights, property rights in air space and/or subsurface space and any and all other things and rights usually included within the said term and includes also any and all interests in such property less than full title, such as easements permanent or temporary, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right legal or equitable.

9. The term "state" shall mean the state of New York.

10. The term "New York state canal system" shall mean all of the canals, canal lands, feeder canals, reservoirs, canal terminals, canal terminal lands and other property under the jurisdiction of the authority pursuant to article one-A of the canal law.

11. The term "Tappan Zee ferry service" shall mean a high speed ferry service for use by commuters and others between Rockland county, Westchester county and the city of New York. It shall include all real property, buildings, terminals, vessels, structures and other facilities related thereto as the authority may determine.

12. The term "thruway system" shall mean: (a) the thruway; (b) the New York state canal system; and (c) the Tappan Zee ferry service.

13. The term "canal corporation" shall mean the New York state canal corporation created pursuant to section three hundred eighty-two of this title.

§ 352. New York State thruway authority

1. A board to be known as "New York state thruway authority" is hereby created. Such board shall be a body corporate and politic constituting a public corporation. It shall consist of seven members appointed by the governor by and with the advice and consent of the senate. The members first appointed shall serve for terms ending three, six and nine years, respectively from January first next succeeding their appointment. Provided, however, that two board members first appointed on or after the effective date of the chapter of the laws of two thousand five which amended this subdivision shall serve an initial term of two years; provided further that two other board members first appointed on or after the effective date of the chapter of the laws of two thousand five which amended this subdivision shall serve an initial term of three years. Their successors shall be appointed for terms of nine years each. A member to be designated as chairman in his or her appointment as a member shall be chairman of such board until his or her term as member expires. The chairman and the other members shall serve without salary or other compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

2. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, or of any civil division thereof, shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the board created by this section; provided, however, a member who holds such other public office or employment shall receive no additional compensation for services rendered pursuant to this title.

3. The power of such corporation shall be vested in and exercised by a majority of the members of the board then in office. Such board may delegate to one or more of its members or its officers, agents and employees such powers and duties as it may deem proper.

4. Such board and its corporate existence shall continue so long as it shall have notes, bonds or other obligations outstanding (including notes, bonds or obligations hereafter issued or incurred) 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.

§ 353. Purposes of the authority and benefits therefrom

The authority is created to and shall have power to finance, construct, reconstruct, improve, develop, maintain or operate a thruway system as provided by and subject to the provisions of this

title together with facilities for the public incidental thereto. 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 for the increase of their pleasure, convenience and welfare, for the improvement of their health, to facilitate transportation for their recreation and commerce and for the common defense; 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.

§ 354. 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 to alter the same at pleasure;
3. To acquire, hold and dispose of personal property for its corporate purposes;
4. To acquire and hold in the name of the state by purchase or appropriation real property or rights or easements therein and to sell, exchange, or otherwise dispose of any real property not necessary for its corporate purposes or whenever the board shall determine that it is in the interest of the authority; and upon such terms and conditions and uses as the board shall determine, to lease or to grant permits to occupy real property not presently required for thruway purposes but held for future use in carrying out its corporate purposes;
5. To make by-laws for its organization and internal management and, subject to agreements with noteholders or bondholders, rules and regulations governing the use of the thruways and all other properties and facilities under its jurisdiction, which shall be filed with the department of state in the manner provided by section one hundred two of the executive law;
6. To appoint officers, agents and employees and fix their compensation, provided, however, that the appointment of the executive director shall be subject to confirmation by the senate in accordance with section twenty-eight hundred fifty-two of this chapter; subject however to the provisions of the civil service law, which shall apply to the authority and to the subsidiary corporation thereof as a municipal corporation other than a city;
7. To make contracts, and to execute all instruments necessary or convenient;
8. Subject to agreements with noteholders or bondholders, to fix and collect such fees, rentals and charges for the use of the thruway system or any part thereof necessary or convenient, with an adequate margin of safety, 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 its notes or bonds, and to establish the rights and privileges granted upon payment thereof; provided, however, that tolls may only be imposed for the passage through locks and lift bridges by vessels which are propelled in whole or in part by mechanical power; and provided further that no tolls shall be imposed or collected prior to the first day of April, nineteen hundred ninety-three.
9. To retain and employ private consultants on a contract basis for rendering professional and technical assistance and advice;
10. To construct, reconstruct or improve on or along the thruway system in the manner herein provided, suitable facilities for gas stations, restaurants, and other facilities for the public, or to lease the right to construct, reconstruct or improve and operate such facilities; such facilities shall be

publicly offered for leasing for operation, or the right to construct, reconstruct or improve and operate such facilities shall be publicly offered under rules and regulations to be established by the authority, provided, however, that lessees operating such facilities at the time this act becomes effective, may reconstruct or improve them or may construct additional like facilities, in the manner and upon such terms and conditions as the board shall determine; and provided further, however, that such facilities constructed, reconstructed or improved on or along the canal system shall be consistent with the canal recreationway plan approved pursuant to section one hundred thirty-eight-c of the canal law and section three hundred eighty-two of this title;

11. To construct and maintain over, under, along or across a thruway under its jurisdiction telephone, telegraph, television, electric power and other wires or cables, pipe lines, water mains and other conduits and mechanical equipment, not inconsistent with the appropriate use of the thruways, or to contract for such construction; and upon such terms and conditions as the board shall determine, to lease all or any part of such property and facilities or the right to use the same, whether such facilities are constructed by the authority or under a contract for such construction, or to lease the right to construct and use such facilities or to grant permits or easements for such purposes to any governmental agency of the state of New York or to any public corporation, or to the United States of America or any governmental agency thereof for any public purposes or to individuals, partnerships and corporations, provided, however, that no lease or renewal thereof shall be granted for a period of more than thirty years from the date when such lease is made;

12. To borrow money and issue negotiable notes, bonds or other obligations and to provide for the rights of the holders thereof;

13. To enter on any lands, waters, or premises for the purpose of making borings, soundings, and surveys;

14. To accept any gifts or any grant of funds or property from the federal government or from the state of New York or any other federal or state public body or political subdivision or any other person and to comply with the terms and conditions thereof;

15. To do all things necessary or convenient to carry out its purposes and exercise the powers expressly given in this title.

§ 355. Officers and employees; transfer, promotion and seniority

1. Officers and employees of state departments, agencies, or the canal corporation may be transferred to the authority and officers, agents and employees of the authority may be transferred to state departments, agencies, or the canal corporation, without examination and without loss of any civil service status or rights. No such transfer from the authority or canal corporation to any state department, agency, or division may, however, be made except with the approval of the head of the state department, agency, or division involved and the director of the budget and in compliance with the rules and regulations of the state civil service commission.

2. Promotions from positions in state departments and agencies to positions in the authority or canal corporation, and vice versa, may be made from interdepartmental promotion lists resulting from promotion examinations in which employees of the authority, employees of the canal corporation, and employees of the state are eligible to participate.

3. In computing seniority for purposes of promotion or for purposes of suspension or demotion upon the abolition of positions in the service of the authority or in the service of the state, in the case of an employee of the authority a period of prior employment in the service of the state shall be counted in the same manner as though such period of employment had been in the service of the authority, and in the case of an employee of the state a period of prior employment in the service of the authority shall be counted in the same manner as though such period of employment had been in the service of the state. For the purposes of the establishment and certification of preferred lists, employees suspended from the authority shall be eligible for reinstatement in the service of the state, and employees suspended from the service of the state shall be eligible for reinstatement in the service of the authority, in the same manner as though the authority were a department of the state. All provisions contained within this subdivision shall apply to the canal corporation in the same manner that they apply to the authority.

§ 356. Thruway sections and connections; assuming jurisdiction

At any time after this title shall become effective the authority may adopt a resolution assuming jurisdiction for its corporate purposes of any or all of the thruway sections or connections below described and such connections with highways, hereinafter referred to as "highway connections," as the authority may deem advisable in the interest of the public to serve traffic needs, and the authority shall continue to have such jurisdiction so long as its corporate existence shall continue.

Pending the adoption of such resolution, the commissioner shall have all the powers herein conferred upon the authority to construct, reconstruct, improve, maintain, and operate such thruway sections and connections, and highway connections, and to acquire in the name of the state real property therefor. Subject to such deviations therefrom as the authority may deem advisable in the interest of the public to serve traffic needs, such thruway sections and connections shall be as follows:

1. Southern Westchester connection. Beginning at the northerly terminus of the Major Deegan expressway in the vicinity of Jerome avenue at the New York city corporate line, thence extending in a general northerly direction through the city of Yonkers to connect with the southerly end of the Hudson section at a point in the vicinity of Tuckahoe road to be determined by the commissioner. No fees or other charges may be imposed for vehicular use of this connection.

2. The Hudson section. Beginning at the northerly end of the southern Westchester connection at or near Tuckahoe road, thence in a general northerly and westerly direction crossing the Hudson river at a point south of Highland Falls, which crossing shall be known as "The Governor Malcolm Wilson Tappan Zee Bridge", including a highway connection between "The Governor Malcolm Wilson Tappan Zee Bridge" and the New England section of the thruway presently known as interstate route two hundred eighty-seven, thence in a general westerly direction to intersect with existing route number seventeen or to a connection with that route, including a thruway connection from that portion of the section west of the Hudson river, generally southerly to a point to be determined by the authority on the New York-New Jersey boundary line.

3. The Catskill section. Beginning at the northerly end of the Hudson section, extending in a general northerly direction in the vicinity of Central Valley, Highland Mills, Woodbury Falls, Vails Gate, thence through or passing Newburgh on the west, including a highway connection which runs from the Pennsylvania line at Port Jervis to the Connecticut border east of Brewster, presently

known as interstate route 84, except for that portion of the highway connection between the interchange with the easternmost state highway on the west shore of the Hudson river (currently designated state touring route 9W) and the interchange with the westernmost state highway on the east shore of the Hudson river (currently designated state touring route 9D) which is subject to the jurisdiction of the New York state bridge authority, thence northerly past Plattekill and New Paltz, thence passing through or near the city of Kingston and continuing northerly to the west of Saugerties and Catskill, continuing northerly passing in the vicinity of West Coxsackie and Ravena, thence northerly passing the Feura Bush railroad yards in the vicinity of either their easterly or westerly extremities, thence continuing northerly passing to the west or through the westerly part of the city of Albany, and intersecting United States route number twenty in the vicinity of McKownville.

4. The Mohawk section. Starting at the northerly end of the Catskill section on United States route number twenty in the vicinity of McKownville, continuing in a northwesterly direction toward the city of Schenectady, and thence around the southerly side of Schenectady, continuing through or along the Mohawk Valley bypassing or passing through the city of Utica, thence westerly passing in the vicinity of Whitesboro and continuing to the north of the city of Oneida, thence westerly to the south of the Cicero swamp to a point on United States route number eleven north of the village of Liverpool.

5. The Ontario section. Starting at the westerly end of the Mohawk section at a point on United States route number eleven north of the village of Liverpool, thence westerly north of Onondaga lake, thence in a westerly direction passing in the vicinities of Warners, Memphis, Jordan and Weedsport, crossing the New York Central and West Shore railroads in the vicinity of the village of Port Byron, thence southwesterly crossing the Seneca river in the vicinity of May's Point, thence westerly north of the villages of Seneca Falls and Waterloo and passing in the vicinities of West Junius, Phelps, Clifton Springs and Manchester, passing north of Victor and in the vicinity of Fisher and Severance, continuing westerly to a point in the vicinity of the city of Batavia, thence westerly to a point in the vicinity of Williamsville, including a spur to Main street, in the vicinity of Kensington Avenue in the town of Amherst, thence southerly generally parallel to and west of Union road to a point south of the Lehigh Valley railroad tracks, thence southwesterly to a point at the junction of the Erie and Niagara sections in the vicinity of the crossing of Dingsen street and the Lehigh Valley railroad in the town of Cheektowaga.

6. The Erie section. Starting at its junction with the Niagara section at a point in the vicinity of the crossing of Dingsen street and the Lehigh Valley railroad in the town of Cheektowaga, thence southerly generally paralleling the Lehigh Valley railroad to Cazenovia creek and extending southerly and southwesterly to a point north of the village of Hamburg, thence in a southwesterly direction generally paralleling the existing Southwestern Boulevard to a point near the village of Irving, thence bypassing the village of Silver Creek to the south, thence extending in a general southwesterly direction to the Pennsylvania state line on a location lying in the vicinity of United States route number twenty and state touring route number five.

7. The New England section. Beginning at or near the point of intersection of the Bronx and Pelham parkway and the extension of Bruckner boulevard in New York city, extending in a generally northerly direction to a point on or near east two hundred twenty-second street, thence generally in an eastern direction to the New York city-Westchester county line north of Pelham Bay park, thence generally in a northeasterly direction through the town of Pelham, the city of New

Rochelle, the town of Mamaroneck, the village of Mamaroneck, the town of Harrison, the city of Rye, the town of Rye and the village of Port Chester, to a point on the New York-Connecticut state line.

8. The Niagara section. Starting at the junction of the Erie and the Ontario sections at a point in the vicinity of the crossing of Dingens street and the Lehigh Valley railroad in the town of Cheektowaga, thence generally in a westerly direction to Erie street in the city of Buffalo, thence continuing in a general northwesterly direction to the Front, thence through the Front and north between Niagara street and the ship canal to the right of way of the abandoned Erie canal near the northern end of such ship canal, thence generally along such right of way, deviating therefrom to make a connection with the easterly approach of the South Grand Island bridge, thence across the Niagara river, utilizing the existing South Grand Island bridge or constructing another bridge parallel to such bridge, or both, thence along or parallel to existing Grand Island boulevard, across the Niagara river, utilizing the existing North Grand Island bridge, or constructing another bridge parallel to such bridge, or both.

9. The Berkshire section. Starting at a point or points on the Catskill section northeast of Becker's Corners, thence easterly to a point on the West bank of the Hudson river, which point shall be more than fifteen miles north of the Rip Van Winkle bridge, thence across a bridge to be constructed by the authority and which crossing shall be known as "The Castleton-on-Hudson Bridge"; and thence generally in a southeasterly direction and passing in the vicinity of the hamlets of Brookview, North Chatham, Old Chatham, and East Chatham to a point on the New York-Massachusetts boundary line near the hamlet of State Line.

The thruway constructed along the routes designated in this section shall be known as "The Governor Thomas E. Dewey Thruway".

§ 356-a. Names and designations of thruway sections and connections

To facilitate travel thereon, certain sections and connections of the thruway may be adequately marked by lettering, devices, emblems or signs by the authority to afford the following designations:

1. The thruway constructed along the routes described in subdivisions one, two, three, four and five of section three hundred fifty-six of this article shall be known as "The Iroquois Trail".

2. The thruway constructed along the route described in subdivision six of section three hundred fifty-six of this article shall be known as "The Erie Path".

3. The thruway constructed along the route described in subdivision seven of section three hundred fifty-six of this article shall be known as "The Mohican Path".

4. The thruway constructed along the route described in subdivision eight of section three hundred fifty-six of this article shall be known as "The Tuscarora Path".

5. The thruway constructed along the route described in subdivision nine of section three hundred fifty-six of this article shall be known as "The Algonquin Path".

§ 356-b. Thruway to be designated as a section of a national network of Blue Star memorial highways

The thruway sections and connections constructed as provided in section three hundred fifty-six, collectively, shall be designated, in addition to any official name, as the New York state section of a national network of Blue Star memorial highways as a living memorial and tribute to those men and women who served in the nation's armed forces in world wars I and II, the Korean conflict [fig 1] , the Vietnam conflict, the Grenadan conflict, the Lebanese conflicts, the Panamanian conflict and the Persian Gulf War known as Operation Desert Shield - Operation Desert Storm.

§ 357. Right of authority to use state property; payment for improvements

On assuming jurisdiction of a thruway highway section or connection or any part thereof, or of a highway connection, or of the New York state canal system, the authority shall have the right to possess and use for its corporate purposes so long as its corporate existence shall continue, any real property and rights in real property theretofore acquired by the state, including all improvements thereon and state canal lands and properties; provided that the use by the authority of canal lands and properties for highway purposes shall not interfere with the use thereof for canal purposes.

§ 357-a. State Police - payment for services

1. Enforcement assistance shall be provided by the division of state police at a level consistent with historical precedents, as a matter of state interest, on all section of the thruway. The authority shall provide goods and services to the division of state police in connection with its enforcement activity on the thruway. The division of state police and the authority shall enter into an agreement identifying those goods and services that the authority will provide to the division of state police and determine reporting and other requirements related thereto. Any costs borne by the state police outside of such agreement shall not be reimbursed by the authority nor shall they be deemed costs of the authority.

2. The state shall be responsible for additional goods and services provided by the authority equal to twenty-four million dollars in each calendar year. Such goods and series shall be deemed to be costs to the state and not operating costs of the authority. The authority and the director of the division of the budget shall enter into an agreement identifying any such state costs and determine reporting and other requirements related thereto.

Such agreement and any amendments thereto shall be transmitted by the authority, within ten business days of the execution of such agreement and amendments thereto, to the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate transportation committee and the chair of the assembly transportation committee. By February first of each year, a report identifying all state costs paid pursuant to such agreement in the preceding calendar year will be transmitted by the authority to the director of the budget, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate transportation committee and the chair of the assembly transportation committee.

3. Notwithstanding any law to the contrary, the authority shall not constitute a public benefit corporation within the meaning of section twenty-nine hundred seventy-five of this chapter and shall not be assessed an annual cost recovery charge under said section.

§ 358. Acquisition of real property by the commissioner

1. On assuming jurisdiction of a thruway section or connection or any part thereof, or of a highway connection, the authority may from time to time determine what real property is necessary for the construction, improvement and operation thereof, in addition to real property theretofore acquired by the state. If funds are made available by the authority for payment of the cost and expense of the acquisition thereof, the commissioner when requested by the authority shall acquire such real property in the name of the state by appropriation, and, where necessary, remove the owner or occupant thereof and obtain possession according to the procedure provided by section three hundred forty-seven of the highway law. The authority shall have the right to possess and use for its corporate purposes so long as its corporate existence shall continue all such real property and rights in real property so acquired.

2. 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 with the approval of the authority, or by the court of claims as provided in said section three hundred forty-seven. 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 said court. All awards and judgments arising from such claims shall be paid out of moneys of the authority.

§ 358-a. Acquisition of real property by the authority

On assuming jurisdiction of a thruway section or connection or any part thereof, or of a highway connection, the authority may from time to time determine what real property is necessary for the construction, improvement and operation of such thruway section or connection or part thereof, or of a highway connection, in addition to real property acquired or to be acquired by the state, and thereupon may acquire such real property by condemnation pursuant to the condemnation law. The authority may also, and in any case, acquire real property in the name of the state by deed and may pay such price therefor as shall be agreed with the owner thereof.

§ 359. Construction, reconstruction and improvement

1. On assuming jurisdiction of a thruway section or connection or any part thereof, or of a highway connection, or of the New York state canal system, the authority shall proceed with the construction, reconstruction or improvement thereof. All such work shall be done pursuant to a contract or contracts which shall be let to the lowest responsible bidder, by sealed proposals publicly opened, after public advertisement and upon such terms and conditions as the authority shall require; provided, however, that the authority may reject any and all proposals and may advertise for new proposals, as herein provided, if in its opinion, the best interests of the authority will thereby be promoted; provided further, however, that at the request of the authority, all or any portion of such work, together with any engineering required by the authority in connection

therewith, shall be performed by the commissioner and his subordinates in the department of transportation as agents for, and at the expense of, the authority.

2. All construction, reconstruction and improvements and any engineering work required in connection therewith which are performed on behalf of the authority by the commissioner shall be carried on, generally, in the same manner and subject to the same provisions of law as apply to the construction and improvement of state highways.

3. Highway and railroad grade crossings shall in general be separated by structures to be determined by the authority, and the authority is hereby authorized to combine or relocate intersecting highways, to adjust traffic to such grade separation structures, except that the grade crossing elimination structures involved in public service commission cases number fifty-four hundred seventy-two and nine thousand fifty-eight shall remain under the jurisdiction of such commission. The cost of all such structures, except such part as is otherwise payable, shall be borne by the authority. Telephone and telegraph wires, power transmission and gas, oil and water lines, conduits, cables of every kind and nature which may be affected by thruway construction, reconstruction or improvement, may, in the discretion of the authority, be relocated in suitable facilities and the expense of such relocation and of installing such facilities shall be borne by the authority. The work of such relocation may be done by the owner of such wires, lines, conduits and cables, and the authority is hereby empowered to enter into an agreement with such owner for the performance of all or any part of the work of such relocations at the expense of the authority.

4. In the case of a separation of a grade crossing pursuant to the preceding subdivision, the structure shall be maintained and repaired by the authority. Whenever the authority determines that a separation structure carrying a highway under the jurisdiction of a municipality requires major repair or reconstruction, the authority, with the approval of the commissioner of transportation and after consultation with such municipality, may close the bridge and provide adequate alternative detour routing and signing. In the case of municipal highways, the responsibility for rehabilitation and reconstruction of the wearing surface, sidewalks, curbs and railings shall be the responsibility of the authority. Highways combined, relocated or carried over or under a thruway section or connection, or a highway connection, under the provisions of the preceding subdivision, shall, upon completion of the work, revert to and become the responsibility, with regard to maintenance and repair, of the state or municipality, as the case may be, formerly having jurisdiction there over.

§ 359-a. Procurement contracts

For the purposes of section twenty-eight hundred seventy-nine of this chapter as applied to the authority or the canal corporation, the term "procurement contract" shall mean any written agreement for the acquisition of goods or services of any kind by the authority or the canal corporation in the actual or estimated amount of fifteen thousand dollars or more.

§ 360. Operation and maintenance

Operation and maintenance by the authority of any thruway section or connection or any part thereof or of a highway connection, the New York state canal system of which it has assumed jurisdiction shall be performed (a) by the use of authority forces and equipment at the expense of

the authority or by agreement at the expense of the state or other parties; (b) by contract with municipalities or independent contractors; (c) at the request of the authority, by the commissioner and his subordinates in the department of transportation as agents for, and at the expense of the authority, or (d) by a combination of such methods.

§ 361. Traffic control

1. (a) In addition to the powers conferred by the vehicle and traffic law, the authority is hereby authorized to promulgate such rules and regulations for the use and occupancy of the thruway as may be necessary and proper for the public safety and convenience, for the preservation of its property and for the collection of tolls and provided further that the authority, in consultation with the departments of environmental conservation and transportation, is hereby authorized to promulgate rules and regulations necessary to implement a heavy duty vehicle roadside inspection program pursuant to section 19-0320 of the environmental conservation law.

(b) Notwithstanding any inconsistent provisions of any general, special or local law, the thruway authority shall mark, with appropriate directional signs, the exits nearest to any state owned unique natural attraction within forty miles of the thruway which lies wholly or partially within the state of New York, such as, lakes more than ten miles in length, excepting Lake Ontario and Lake Erie, and mountains more than five thousand feet in height.

(c) Notwithstanding any inconsistent provisions of the general business law or of any other law, general, special or local, the landing and take-off of planes on the thruway system shall be governed by rules and regulations promulgated by the thruway authority.

(d) The violation of any such rule or regulation promulgated pursuant to this section shall be an offense and a first conviction thereof shall be punishable by a fine of not more than fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; a second such conviction within eighteen months thereafter shall be punishable by a fine of not more than one hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; and a third or subsequent conviction within eighteen months after the first conviction shall be punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment; provided, however, that the violation of any such rule or regulation relating to the transportation of explosives class a or class b shall be a misdemeanor, punishable by a fine not exceeding twenty-five hundred dollars or by imprisonment for a term not exceeding one year or by both such fine and imprisonment.

(e) For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of those rules and regulations of the authority which are herein defined as offenses shall nevertheless be deemed misdemeanors for the sole purpose of making applicable all procedural provisions of law relating to misdemeanors, and courts of special sessions outside the city of New York and in the city of New York, the criminal court of the city of New York, in the first instance, shall have exclusive jurisdiction to hear and determine charges of such violations and provided, further, that no jury trial shall be allowed for such violations.

2. Enforcement of the rules and regulations of the thruway authority and of those provisions of the vehicle and traffic law applicable to the thruway shall be by authority forces, provided however, that at the request of the authority, such enforcement shall be the duty of the division of state police.

Violators shall be apprehended and prosecuted in the same manner as provided for the apprehension and prosecution of violators of the vehicle and traffic law who commit violations thereof upon the state highway system. Authority forces specifically employed for the enforcement of such rules and regulations, during the term of such employment, shall be uniformed, shall have the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, and shall have, within the limits of any municipality within which any portion of the thruway system under the jurisdiction of the authority shall be located, all the powers of a peace officer in the execution of criminal processes; and criminal process issued by any court or magistrate of a municipality within which any portion of the thruway system under the jurisdiction of the authority shall be located, may be directed to and executed by any such employee notwithstanding the provisions of any local or special law, ordinance or regulation.

§ 361-a. Restriction and regulation of advertising devices

1. Except as otherwise provided in this section, the erection or maintenance of any advertising device located within six hundred sixty feet of the nearest edge of the right-of-way of the thruway without a written permit therefor granted by the authority pursuant to this section is prohibited.

2. The term "advertising device" as used in this section shall include any billboard, sign, notice, poster, display or other device intended to attract or which does attract the attention of operators of motor vehicles on the thruway, and shall, where so determined by the authority, include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in conjunction therewith.

3. The authority may from time to time adopt, modify, amend or repeal regulations governing the issuance of permits or renewals thereof for the erection and maintenance of advertising devices. Such regulations shall be designed to effectuate the general purposes of this article and the specific objectives and standards hereinafter set forth:

- (a) To provide for maximum visibility along the thruway system and connecting roads or highways;
- (b) To prevent unreasonable distraction of operators of motor vehicles;
- (c) To prevent confusion with regard to traffic lights, signs or signals or otherwise interfere with the effectiveness of traffic regulations;
- (d) To preserve and enhance the natural scenic beauty or the aesthetic features of the thruway system and adjacent areas;
- (e) To promote maximum safety, comfort and well-being of the users of the thruway.

4. To effectuate the purposes of this section, the authority may limit the application of any regulation adopted hereunder to exclude or include, in whole or in part:

- (a) Specified areas of the thruway system based upon use, population density, nature of the surrounding community, special conditions prevailing therein, or such other factors as may make differentiation or separate classification or regulation necessary, proper or desirable;

(b) Particular types or classes of advertising devices based upon size, design, lighting or such other factors as may make differentiation or separate classification or regulation necessary, proper or desirable;

(c) The erection or maintenance of advertising devices on particular sections or portions of the thruway system.

(d) Notwithstanding any contrary provisions of this section, the authority shall permit the erection of not more than six advertising billboard signs in the city of New Rochelle along interstate route ninety-five where the location and erection of such signs are:

(1) consistent with and part of an urban renewal program which decreases the total number of advertising billboard signs in the renewal area;

(2) approved by such city;

(3) part of the subject of a United States District Court settlement order regarding the regulation of such signs within such city ; and

(4) consistent with the size, lighting, spacing and all other requirements of federal law, including those established in the agreements entered into by the state pursuant to sections eighty-six and eighty-eight of the highway law.

5. Application for permits or renewals thereof shall be on forms prescribed by the authority and shall contain such information as the authority may require. The authority may by regulation adopt, modify, amend or repeal permit application fees, annual permit fees and permit renewal fees, provided, however, that such fees shall not exceed the advertising device fees established by regulation by the commissioner of transportation. Each permit shall be valid for a period to be established by the authority and may be renewed from time to time for such periods, as established by the authority, within thirty days of the expiration date thereof upon payment to the authority of the renewal fee.

6. The permit or renewal thereof shall be revocable at any time on thirty days notice to the permittee in the event of a violation of the requirements of this section or any regulation lawfully adopted hereunder. Any advertising device erected or maintained after September first, nineteen hundred fifty-two in violation of this section or any regulation adopted hereunder is hereby declared to be, and is, a public nuisance and such device may without notice be abated and removed by any officer or employee of the authority, or upon request of the authority, by any peace officer acting pursuant to his special duties, or police officer.

7. The authority by regulation may exclude from the coverage of this section advertising devices which it finds do not interfere with safety on the thruway system or contravene any of the other standards set forth in this section, including but not limited to

(a) Advertising devices which are to be erected or maintained on property for the purpose of setting forth or indicating

(1) The name and address of the owner, lessee or occupant of such property, or

(2) The name or type of business or profession conducted on such property, or

(3) Information required or authorized by law to be posted or displayed thereon.

(b) Advertising devices which are not visible from any traveled portion of the thruway system;

(c) Advertising devices indicating the sale or leasing of the property upon which they are placed.

(d) Directional or other official signs and signals erected or maintained by the state or other public agency having jurisdiction.

8. Nothing in this section shall apply with respect to any property which is owned or leased by the state of New York or any agency thereof or with respect to which the state of New York or any agency thereof has or shall have a valid easement or covenant with the owner thereof concerning the restriction, removal or prohibition of advertising devices.

9. Nothing in this section shall be construed to abrogate or affect the provisions of any municipal ordinance, regulation or resolution which are more restrictive concerning advertising devices than the provisions of this section or of the regulations adopted hereunder.

10. [Repealed]

§ 361-b. Jurisdiction in certain suits against the authority

Exclusive jurisdiction is hereby conferred upon the court of claims to hear and determine the claims of any person against the authority (a) for its tortious acts and those of its agents, and (b) for breach of a contract relating to construction, reconstruction, improvement, maintenance or operation, in the same manner and to the extent provided by and subject to the provisions of the court of claims act with respect to claims against the state, and to make awards and render judgments therefor. All awards and judgments arising from such claims shall be paid out of moneys of the authority.

§ 361-c. Tourist information facilities

The authority shall provide tourist information services at all service areas where food is offered for sale, provided that: the department of commerce and or local and regional tourist promotion agencies shall provide the authority with ample supplies of such literature and brochures necessary for distribution to the traveling public.

§ 361-d. Agreement with the office of parks, recreation and historic preservation

Notwithstanding any other provision of law, and consistent with agreements with bondholders and noteholders, the authority may enter into agreements and contracts with the office of parks, recreation and historic preservation permitting the use of an electronic toll collection system used by the authority or components thereof for payment of any entrance fee or parking fee at any historic site, park or recreational facility subject to the provisions of this chapter, policies and such other conditions as may be established by the authority.

§ 362. Assistance by state officers, departments, boards, divisions and commissions

At the request of the authority, engineering and legal services for such authority shall be performed by forces or officers of the department of transportation and the department of law

respectively, and all other state officers, departments, boards, divisions and commissions shall render services within their respective functions. At the request of the authority, services in connection with the collection of any charges or fees for the use of the thruway, the New York state canal system or any part thereof may be performed by the department of motor vehicles.

§ 363. Annual report

The authority shall submit to the governor, to the legislature, to the comptroller and to the director of the budget on or before the first day of February of each year a detailed report setting forth its operations and fiscal transactions during the preceding calendar year with a statement of its financial condition as of the end of such year and a statement of all receipts and expenditures during such year. Such report shall include detailed information relating to additional expenditures incurred by the authority as a result of the amendments made to subdivision four of section three hundred fifty-nine of this chapter pursuant to the chapter of the laws of nineteen hundred ninety-two which enacted this sentence.

§ 364. Deposit and investment of moneys of the authority

All moneys of the authority from whatever source derived shall be paid to the comptroller as agent of the authority, who shall not commingle such moneys with any other moneys. Such moneys shall be deposited in a separate bank account or accounts. The moneys in such accounts shall be paid out on check of the comptroller on requisition of the chairman of the authority or of such other person as the authority may authorize to make such requisition. All deposits of such moneys shall, if required by the comptroller or the authority, be secured 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 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.

Notwithstanding the provisions of this section, the authority shall have power, subject to the approval of the comptroller, to contract with the holders of any of its notes or 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 notes or bonds or in any way to secure notes or bonds, and to carry out any such contract. Moneys held in trust or otherwise for the payment of notes or bonds or in any way to secure notes or 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.

Moneys of the authority not required for immediate use may, in the discretion of the authority, be invested by the comptroller in obligations in which the comptroller may invest pursuant to section ninety-eight-a of the state finance law.

Subject to agreements with noteholders and bondholders and the approval of the comptroller, the authority shall prescribe a system of accounts.

§ 365. Notes or bonds of the authority

1. (a) Subject to the provisions of section three hundred sixty-six of this title, the authority shall have the power and is hereby authorized from time to time to issue its negotiable notes and bonds 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 sufficient moneys for achieving the corporate purposes thereof, including construction, reconstruction and improvement of the thruway sections and connections, and highway connections herein described, the New York state canal system subject to the provisions of section three hundred eighty-three of this title, together with suitable facilities and appurtenances, the payment of all indebtedness to the state, the cost of acquisition of all real property, the expense of maintenance and operation, interest on notes and bonds during construction and for a reasonable period thereafter, establishment of reserves to secure notes or bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) The authority shall have power from time to time to issue renewal notes, to issue bonds to pay notes, and whenever it deems refunding expedient, to refund 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 purpose. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded.

(c) Except as may otherwise be expressly provided by the authority, every issue of the notes or bonds shall be general obligations payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of notes or bonds pledging any receipts or revenues.

2. The notes and bonds shall be authorized by resolution of the board, shall bear such date or dates and mature at such time or times, in the case of notes and any renewals thereof within five years after their respective dates and in the case of bonds not exceeding forty years from their respective dates, as such resolution or resolutions may provide. The notes and bonds 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. Bonds and notes shall be sold by the authority, at public or private sale, at such price or prices as the authority may determine. Bonds and notes of the authority shall not be sold by the authority at private sale unless such sale and the terms thereof have been approved in writing by the comptroller, where such sale is not to the comptroller, or by the director of the budget, where such sale is to the comptroller. Bonds and notes sold at public sale shall be sold by the comptroller, as agent of the authority, in such manner as the authority, with the approval of the comptroller, shall determine.

3. Any resolution or resolutions authorizing any notes or bonds or any issue thereof 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 fees, charges, gifts, grants, rents, revenues or other moneys received or to be received and leases or agreements to secure the payment of the notes or bonds or of any issue thereof subject to such agreements with bondholders as may then exist;

(b) The rates of the fees or charges to be established, and the amounts to be raised in each year thereby and the use and disposition of the fees, charges, gifts, grants, rents, revenues or other moneys received or to be received;

(c) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) limitations on the purpose to which the proceeds of sale of any issue of notes or bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the notes or bonds or of any issue thereof;

(e) limitations on the issuance of additional notes or bonds; the terms upon which additional notes or bonds may be issued and secured; the refunding of outstanding or other notes or bonds;

(f) the procedure, if any, by which the terms of any contract with noteholders or bondholders may be amended or abrogated, the amount of notes or bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(g) limitations on the amount of moneys to be expended by the authority for operating, administrative or other expenses of the authority;

(h) in the case of notes or bonds not guaranteed by the state, 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 this title, and limiting or abrogating the right of the bondholders to appoint a trustee under this title or limiting the rights, duties and powers of such trustee;

(i) the acquisition of jurisdiction over, and of property for, thruways, the New York state canal system, and the construction, reconstruction, improvement, maintenance or operation thereof;

(j) any other matters, of like or different character, which in any way affect the security or protection of the notes or bonds.

4. Whenever the authority pledges its revenues under a resolution authorized by this section, such resolution shall not prohibit the authority from financing for additional corporate transportation purposes authorized by law secured by an additional pledge of such revenues. Such additional pledge of revenues may, in the discretion of the authority, be subordinate to the pledge of such revenues securing other bonds, notes or other evidence of indebtedness of the authority. Provided, however, the authority shall not make any such additional pledge if the security of the bonds, notes or other evidences of indebtedness previously issued will be impaired as a result thereof.

5. It is the intention hereof that any pledge made by the authority shall be valid and binding from the time when the pledge is made; that the 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.

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

7. The authority shall have power out of any funds available therefor to purchase notes or bonds, which shall thereupon be cancelled, at a price not exceeding (a) if the notes or bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, or (b) if the notes or bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the notes or bonds become subject to redemption plus accrued interest to said date.

§ 366. Guaranty by the state

1. To the extent authorized by the constitution at the time of the issuance of notes or bonds, the punctual payment of the notes and bonds shall be, and the same hereby is, fully and unconditionally guaranteed by the state, both as to principal and interest, according to their terms; and such guaranty shall be expressed upon the face thereof by the signature or facsimile signature of the comptroller or a deputy comptroller. In the event that the authority shall fail to pay when due, the principal of, or interest on, the notes or bonds, the comptroller shall pay the holder thereof, and thereupon the state shall be subrogated to the rights of the noteholders or bondholders so paid.

2. The authority shall have power to issue notes and bonds without the guaranty of the state and may issue such notes or bonds before and after the issuance of notes or bonds so guaranteed.

3. When guaranteed notes or guaranteed bonds are outstanding, notes or bonds secured by a pledge of receipts or revenues having priority over such outstanding guaranteed notes or guaranteed bonds shall not be issued, except with the consent of the comptroller, and unless the authority shall by resolution first find and determine that, notwithstanding such pledge, the authority will have adequate means to meet its obligations to the holders of such outstanding guaranteed notes or bonds.

4. When notes or bonds are outstanding secured by a pledge of receipts or revenues, guaranteed notes or bonds either unsecured, or secured by a pledge of receipts or revenues subordinate to the pledge securing such outstanding notes or bonds, shall not be issued unless the authority shall first find and determine by resolution that notwithstanding the pledge securing such outstanding notes or bonds, the authority will have adequate means to meet its obligations on the guaranteed notes or bonds about to be issued.

§ 367. State's right 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 fifteen years after the date of the bonds of such issue at one hundred four 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 published 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. The provisions of this section relating to the state's right to require redemption of bonds, shall not apply to state-supported debt, as defined by section sixty-seven-a of the state finance law, issued by the authority. Such authority bonds shall remain subject to redemption pursuant to any contract with the holders of such bonds.

§ 368. 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 then outstanding, by instrument or instruments filed in the office of the clerk of the county of Albany 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 mandamus or other suit, action or proceeding at law or in equity enforce all rights of the noteholders or bondholders, including the right to require the authority to collect fees, rentals and charges adequate to carry out any 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 in equity, 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 in equity, 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; provided, however, that this clause (e) shall not be applicable in the case of notes or bonds guaranteed by the state.

3. 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 thruway, the fees, rentals, charges or other revenues of 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 thruway 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 thruway and proceed with any construction thereon which the authority is under obligation to do and shall operate, maintain and

reconstruct such part or parts of the thruway, and collect and receive all fees, rentals, charges 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 tolls, rentals and other revenues derived from such part or parts of the thruway.

4. 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.

5. 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 of Albany.

6. Before declaring the principal of notes or bonds not guaranteed by the state due and payable, the trustee shall first give thirty days' notice in writing to the authority.

§ 369. Liability of state

The state shall be liable on notes or bonds guaranteed hereunder but shall not be liable on notes or bonds not guaranteed by the state which shall not be a debt of the state.

§ 370. Notes and bonds legal investments for public officers and fiduciaries

The notes and 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 notes and bonds are also hereby made securities which may be deposited with and may 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.

§ 371. Tax exemption

The property of the authority and its income and operations shall be exempt from taxation.

§ 372. Tax covenant

The state covenants with the purchasers and with all subsequent holders and transferees of notes and bonds issued by the authority, in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the authority issued pursuant to this title and the income therefrom and all its fees, charges, rents, gifts, grants, revenues, receipts and other moneys received or to be received, pledged to pay or secure the payment of such notes or bonds shall at all times be free from taxation except for estate or gift taxes and taxes on transfers.

§ 373. Agreement of the state

1. The state does pledge to and agree with the holders of notes, bonds, or other obligations of the authority not guaranteed by the state that the state will not limit or alter the rights hereby vested in the authority to establish and collect such fees, rentals and charges 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 thereof, or in any way impair the rights and remedies of such holders until such notes, bonds, and other obligations, together with the 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.

2. The state does pledge to and agree with the holders of any notes or bonds of the authority, not guaranteed by the state, secured by a pledge of the tolls or other revenues or any part thereof from any bridge constructed by the authority across the Hudson river south of Bear mountain bridge or from any part of the thruway which includes such bridge, that no bridge or tunnel constituting a connection for vehicular traffic over, under or across the Hudson river between the present location of the Bear mountain bridge and the boundary line between the state of New York and the state of New Jersey at the west side of the Hudson river will be constructed or maintained so long as the obligations of such bonds for principal and interest shall not have been paid or otherwise discharged.

§ 374. Title not affected if in part unconstitutional

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.

§ 375. 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, the provisions of this title shall be controlling.

§ 376. Further additional powers of the authority

The authority shall have the power, in addition to the powers granted in other sections of this title:

1. (a) To enter into a cooperative highway contractual agreement or agreements with the commissioner of transportation for the financing by the authority of expenditures made in advance by the state for design, acquisition, construction, reconstruction or the reconditioning and

preservation of transportation facilities pursuant to the provisions of section eighty-eight-b of the state finance law, state highways, state parkways, state arterial highways in cities and related facilities and structures thereon, including bridges, the reconditioning and preservation of structures separating highways and railroads, and the traffic operations program to increase capacity and safety on existing street and highway systems in urban areas, capacity and infrastructure improvements to state, county, town, city or village roads, highways, parkways and bridges, in any case where the expense thereof is paid in whole or in part by the state.

(b) To issue use permits to the commissioner of transportation for projects financed by the authority of expenditures made in advance by the state in accordance with the provisions of a cooperative highway contractual agreement or agreements provided, that such projects are maintained and operated under the supervision of the department of transportation or the municipal agency designated by the commissioner of transportation without cost to the New York State thruway authority for the full term of such agreement or agreements, and, provided further that such use permit shall be granted by the authority for the use of such projects by the department of transportation or the municipal agency designated by the commissioner of transportation on a toll free basis.

2. From time to time to issue emergency highway reconditioning and preservation bonds and notes for the purposes of this section. All the provisions of this title relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to the bonds and notes authorized by this section. The authority shall not issue emergency highway reconditioning and preservation bonds and notes in an aggregate principal amount exceeding:

(a) one hundred million dollars, excluding bonds issued to refund outstanding notes, in the period from April first, nineteen hundred seventy-two through March thirty-first, nineteen hundred eight-two; and

(b) an additional one hundred thirty-six million dollars, excluding bonds issued to refund outstanding notes, on or after April first, nineteen hundred eighty-two but before April first, nineteen hundred eight-six.

2-a. From time to time issue emergency highway construction and reconstruction bonds and notes for the purposes of this section. All the provisions of this title relating to bonds and notes which are not inconsistent with the provisions of this section shall apply to the bonds and notes authorized by this section. The authority shall not issue emergency highway construction and reconstruction bonds and notes in an aggregate principal amount exceeding: (a) one hundred million dollars, excluding bonds or notes issued to refund outstanding bonds or notes, before April first, nineteen hundred ninety and (b) an additional thirty-four million dollars, excluding bonds or notes issued to refund outstanding bonds or notes, on or after April first, nineteen hundred ninety and (c) an additional ninety-three million dollars, excluding bonds or notes, issued to refund outstanding bonds or notes on or after April first, nineteen hundred ninety-one and (d) an additional ninety million dollars, excluding bonds or notes issued to refund outstanding bonds or notes, on or after April first, nineteen hundred ninety-two.

2-b. From time to time to enter into agreements with the commissioner of transportation to finance the capital costs of projects authorized pursuant to section eighty-eight-b of the state finance law, and to issue bonds and notes for capital projects approved by metropolitan planning organizations or transportation coordinating committees pursuant to the provisions of such section eighty-eight-b. All the provisions of this title relating to bonds and notes which are not inconsistent with the provisions of this section shall apply to the bonds and notes authorized by this section. No

bonds or notes shall be issued for the purposes authorized by this subdivision after the thirty-first day of March, two thousand.

2-c. From time to time to issue additional emergency highway reconditioning and preservation bonds and notes for the purposes of this section. All the provisions of this title relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to the bonds and notes authorized by this section. The authority shall not issue such additional emergency highway reconditioning and preservation bonds and notes in an aggregate principal amount exceeding (a) forty-eight million dollars, excluding bonds or notes issued to refund outstanding bonds or notes, on or after April first, nineteen hundred ninety, and (b) an additional eighty-four million dollars excluding bonds or notes issued to refund outstanding bonds or notes on or after April first, nineteen hundred ninety-one, and (c) an additional eighty-five million dollars, excluding bonds or notes issued to refund outstanding bonds or notes, on or after April first, nineteen hundred ninety-two.

3. In addition to the provisions authorized by this title any resolution or resolutions authorizing any bonds or notes for the purposes of this section may contain provisions which may be a part of the contract with the holders of such bonds providing for the creation and establishment and maintenance of reserve funds and payments to such reserve funds as hereinafter in this subdivision set forth.

The authority may create and establish reserve funds to be known as the emergency highway reconditioning and preservation debt service reserve fund, the emergency highway construction and reconstruction debt service reserve fund and the suburban transportation debt service reserve fund and may pay into such reserve funds (a) moneys made available by the state for the purposes of such funds from the emergency highway reconditioning and preservation fund, or the emergency highway construction and reconstruction fund or the suburban transportation fund as created by section eighty-nine, eighty-nine-a or eighty-eight-b of the state finance law, respectively; (b) any proceeds of sale of bonds and notes to the extent provided in the resolution of the authority authorizing the issuance thereof; and (c) any other moneys which may be made available to the authority for the purposes of such funds from any other source or sources. The moneys held in or credited to such debt service reserve funds established under this subdivision, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the authority secured by such reserve funds, as the same mature, the purchase of such bonds of the authority, the payment of interest on such bonds of the authority or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that moneys in any such funds shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such funds to less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds of the authority then outstanding and secured by such reserve funds, except for the purpose of paying principal and interest on the bonds of the authority secured by such reserve funds maturing and becoming due and for the payment of which other moneys of the authority are not available. Any income or interest earned by, or increment to, any such debt service reserve funds due to the investment thereof may be transferred to any other fund or account of the authority established for the purposes of this section to the extent it does not reduce the amount of such debt service reserve funds below the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all bonds of the authority then outstanding and secured by such reserve funds.

4. The authority shall not issue bonds at any time for the purposes of this section if the maximum amount of principal and interest maturing and becoming due in a succeeding calendar year on the bonds outstanding and then to be issued and secured by any debt service reserve fund will exceed the amount of such reserve fund at the time of issuance, unless the authority at the time of issuance of such bonds, shall deposit in such reserve fund from the proceeds of the bonds so to be issued, or otherwise, an amount which together with the amount then in such reserve fund, will be not less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds then to be issued and on all other bonds of the authority then outstanding and secured by such reserve fund.

5.

(a) To assure the continued operation and solvency of the authority for the carrying out of the purposes relating to this section provision is made in this section for the accumulation in the debt service reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all bonds of the authority then outstanding and secured by such reserve fund. In order further to assure the maintenance of such debt service reserve fund, with respect to bonds of the authority issued pursuant to this section prior to April first, nineteen hundred ninety, there shall be annually apportioned and paid to the authority for deposit in such debt service reserve fund such sum, if any, as shall be certified by the chairman of the authority to the governor and state director of the budget as necessary to restore such reserve fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the bonds of the authority then outstanding and secured by such reserve fund. The chairman of the authority shall annually, on or before December first, make and deliver to the governor and state director of the budget his certificate stating the sum, if any, required to restore such debt service reserve fund to the amount aforesaid, and the sum or sums so certified, if any, shall be apportioned and paid to the authority during the then current state fiscal year.

(b) To assure the continued operation and solvency of the authority for the carrying out of the purposes relating to this section, provision is made in this section for the accumulation in the debt service reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all bonds of the authority then outstanding and secured by such reserve fund; provided however for such bonds issued by the authority after April first, nineteen hundred ninety-two, such debt service reserve fund may in the discretion of the authority and consistent with any covenants with any existing bondholders and without impairing the rights of any existing bondholders be sized in an amount equal to not less than one-half of the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on such bonds of the authority then outstanding and secured by such debt service reserve fund. In order to further assure the maintenance of such debt service reserve fund, with respect to bonds of the authority issued pursuant to subdivisions two-a, two-b and two-c of this section after April first, nineteen hundred ninety, the authority shall create a special subaccount in each revenue fund established pursuant to any resolution or resolutions authorizing such bonds. Such subaccounts shall consist of the moneys available after April first, nineteen hundred ninety, pursuant to sections two hundred eighty-two-b, two hundred eighty-two-c, two hundred eighty-four-a and two hundred eighty-four-c of the tax law, respectively, in the emergency highway reconditioning and preservation fund reserve account established pursuant to paragraph (b) of subdivision two of section eighty-nine of the state finance law and in the emergency highway construction and reconstruction fund reserve account established pursuant to paragraph (b) of subdivision two of

section eighty-nine-a of the state finance law, apportioned and paid to the authority for deposit in such subaccount of the revenue fund. Amounts in each such subaccount shall be kept separate and shall not be commingled with any other moneys in the custody of the authority. Amounts in each such subaccount shall be applied solely to pay such sum, if any, as shall semi-annually, (on such dates as are established under the terms of any cooperative highway contractual agreement of the department of transportation with the New York state thruway authority entered into on or after April first, nineteen hundred ninety which is then in effect), be certified by the chairman of the authority to the governor and state director of the budget as necessary to provide funds in an amount sufficient together with other moneys available to the authority for such purpose, to pay one-half of the total annual principal and interest maturing and becoming due during the next succeeding twelve calendar months on all bonds of the authority issued pursuant to subdivisions two-a, two-b and two-c of this section after April first, nineteen hundred ninety and maintaining or funding debt service reserve funds therefor. Any surplus of funds in excess of such certified amounts remaining in each such subaccount after such payments, if any, have been made shall on the dates established under the terms of such cooperative highway agreements, be paid over for deposit, respectively, in the emergency highway reconditioning and preservation fund reserve account established pursuant to paragraph (b) of subdivision two of section eighty-nine of the state finance law and in the emergency highway construction and reconstruction fund reserve account established pursuant to paragraph (b) of subdivision two of section eighty-nine-a of the state finance law.

6. In computing the debt service reserve fund for the purposes of this section, securities in which all or a portion of such reserve fund shall be invested shall be valued at par, or if purchased at less than par, at their cost to the authority.

7. The authorization, sale and issuance of bonds, notes or other obligations pursuant to this section shall not be deemed an action as such term is defined in article eight of the environmental conservation law for the purposes of such article. Such exemption shall be strictly limited in its application to such financing activities of the authority and does not exempt the department of transportation or any other entity from compliance with such article.

§ 377. Provision for servicing state vehicles with petroleum, etc.

The authority shall have the power to provide and shall provide to state-owned or leased motor vehicles, gasoline and other petroleum by-products that are presently provided or will be provided to motor vehicles owned, leased or operated by the authority. The charge for providing such goods and services shall be equal to the cost to provide such to vehicles owned, leased or used by the authority except that a fee may also be charged to cover the necessary operating costs incurred as a result of providing such goods and services. Payment shall be accomplished by charging such cost-back against the centralized services fund established by state finance law section ninety-seven-g.

§ 378. Specially priced commuter tickets

In the event that the authority offers specially priced commuter tickets for use on its Grand Island bridges, such tickets shall be made available for any vehicle regularly operated by a resident of Grand Island, whether such vehicle is owned by, leased to or loaned by an employer to such resident.

§ 379. Further additional powers of the authority to finance certain repayment obligations of the state in connection with the purchase of real property for highway purposes

1. (a) The authority is hereby authorized, as a corporate purpose thereof, to issue bonds and notes in an aggregate principal amount not to exceed fifty million dollars and to make available the proceeds from the sale of such bonds and notes, net of all costs to the authority in connection therewith, to the commissioner, for the purposes of financing a portion of the repayment to the treasurer of the United States of funds in an amount as determined by the secretary of the United States department of transportation to be equal to the amount of federal funds previously expended as adjusted by credits received to acquire real property for the portion of Interstate-478 which was withdrawn from the federal interstate system in accordance with federal law. Provided, however, that the authority shall not issue any bonds or notes authorized by this section until the federal highway administration has ruled on an application by the state, or the state and the city of New York, seeking a waiver of the repayment obligation of the state and city for federal funds expended to acquire real property for a portion of Interstate 478.

(b) Such bonds and notes shall be issued with the approval of the director of the budget and shall be special limited obligations of the authority, secured by and payable solely out of certain lease payments made by the state and funds and accounts held under the resolution pursuant to which such bonds and notes are issued, without recourse against other assets, revenues or funds of or other payments due to the authority.

(c) Such bonds and notes shall contain on the face thereof a statement to the effect that they shall not be deemed to be an obligation of the state and the state shall not be liable thereon.

(d) Such bonds shall be scheduled to mature over a term not to exceed thirty years.

(e) The provisions of title ten of article nine of this chapter, shall not apply in any way to the bonds or notes authorized to be issued by this section.

(f) All the provisions of this title relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to the bonds and the notes authorized by this section, including, but not limited to, the power to issue renewal notes or refunding bonds thereof.

2. (a) Notwithstanding any general, special or local law, the state, acting by and through the commissioner, shall have the power to convey to the authority or its successor agency, without public bidding, public sale, or public notice, for such term, and upon such terms and conditions as the parties thereto shall agree, a leasehold interest in the real property purchased in part with federal funds in the name of the state for the portion of then-designated Interstate-478 which was withdrawn from the interstate system in accordance with federal law. Any lease entered into pursuant to the provisions of this section shall be for a period not less than that for which debt service is due and payable on any bonds and notes issued by the authority pursuant to this section and not more than thirty days after the period for which debt service is due and payable on any bonds and notes issued by the authority pursuant to this section.

(b) Notwithstanding the provisions of any general, special or local law, the state, acting by and through the commissioner, is hereby authorized to lease from the authority or its successor agency its interest in the real property purchased in part with federal funds in the name of the state for the portion of the then-designated Interstate-478 which was withdrawn from the interstate system in

accordance with federal law, such lease to be upon such terms and conditions as the parties thereto shall agree, provided that such lease shall: (i) be for a period not less than that for which debt service is due and payable on any bonds and notes issued by the authority pursuant to this section and not more than thirty days after the period for which debt service is due and payable on any bonds and notes issued by the authority pursuant to this section, (ii) provide for lease rental payments equal to the amount needed to pay debt service on said notes or bonds as the same become due and equal to the amount needed to cover all direct and/or indirect costs incurred by the authority and not reimbursed from bond proceeds, (iii) provide that during any year in which no debt service is due and payable on any such bonds and notes such lease rental payments shall be in an amount equal to one dollar, (iv) provide that the authority shall have no obligations or duties with respect to such real property except as set forth in this section, (v) provide that during such leasehold any future proposed acquisition, disposition or new or different utilization, development or improvement of the real property subject to such leasehold interest shall be subject to the provision of paragraph b of subdivision five of section three hundred forty-b of the highway law, if applicable by the terms thereof, (vi) provide that the lease rental revenue stream thereunder may be assigned to a trustee for the payment of holders of bonds authorized by this chapter but prohibit the assignment of any other interests in the land subject to such lease to said trustee, and (vii) provide that the obligation of the state to make such lease 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, and that any obligation to make lease rental payments shall be subject to annual appropriation by the legislature.

(c) The attorney general shall approve or disapprove of the form and sufficiency and manner of execution of any lease executed by the commissioner pursuant to the provisions of this section.

§ 380. Further additional powers of the authority to finance certain local highway and bridge improvements and payments to the authority

1. (a) The authority is hereby authorized, as additional corporate purposes thereof: (i) to issue bonds and notes and to incur obligations secured by the moneys as provided in the service contracts authorized pursuant to section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended; (ii) to make available the proceeds from the sale of such bonds and notes, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the capital costs of local highway and bridge projects pursuant to sections ten-c, ten-f and ten-g of the highway law and sections sixteen and sixteen-a of the chapter of the laws of nineteen hundred ninety-one which enacted this section, section eighty-b of the highway law and section fifteen of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one which enacted this section, and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city

and village roads, highways, parkways and bridges, and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes; (iii) to enter into agreements with the commissioner with respect to financing any such local highways and bridges owned, maintained or operated by a municipality, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes. The director of the budget and the commissioner of transportation are each hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for the financing by the authority of the project costs specified in subparagraph (iv) of the preceding sentence.

(b) Such obligations shall be issued or incurred with the approval of the director of the budget and shall be special limited obligations of the authority secured by and payable solely out of amounts appropriated by the legislature as authorized pursuant to such section eleven of chapter three hundred twenty-nine of laws of nineteen hundred ninety-one, as amended, and any other funds appropriated by the legislature to the authority therefor without recourse against any other assets, revenues or funds of or other payments due to the authority.

(c) [Redesignated]

(d) Such obligations shall contain on the face thereof a statement to the effect that they shall not be deemed to be an obligation of the state and that the state shall not be liable thereon.

(e) All of the provisions of this title relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to obligations authorized by this section, including but not limited to the power to issue renewal notes or refunding bonds thereof.

(f) Notwithstanding any inconsistent provision of law, any place where reference to paragraph (c) of this subdivision is made in law it shall be deemed to be a reference to paragraph (b) of this subdivision as relettered by chapter six hundred thirty-seven of the laws of nineteen hundred ninety-six which added this paragraph.

2. Not less than one hundred twenty days before the beginning of each state fiscal year, the chairman of the authority shall certify to the comptroller and to the director of the budget a schedule of anticipated cash requirements for such fiscal year. The total amount so certified for such fiscal year shall be equal to the total amount of the debt service due or expected to be due during such fiscal year on obligations of the authority incurred pursuant to subdivision one of this section, including payments of interest and principal (including sinking fund payments), together with:

(a) the amount, if any, due to any provider of any insurance policy, letter of credit or other letter of enhancement or a related facility with respect to such obligations, representing payments made by it as provided in the applicable resolution or trust indenture as a result of any previous failure of the state to make any payment provided for in this section, including any related reasonable interest, fees or charges so provided;

(b) the amount, if any, required to restore any applicable reserve fund to the applicable reserve fund requirement to the extent any deficiency therein has resulted directly or indirectly from failure by the state to make any payment provided for in this section;

(c) the amount, if any, required to be rebated to the United States to provide for continued exclusion from federal income taxation of interest on obligations of the authority; and

(d) the expenses of the establishment and continued operating expenses of the authority relating to local highway and bridge projects and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, funded pursuant to section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended, including, but not limited to, trustees' fees, fees payable to providers of credit facilities, fees for issuing and paying agents, remarketing agents and dealers, legal counsel, financial or other advisors or consultants, independent auditors, providers of interest rate exchange agreements, rating agencies, transfer or information agents, the publication of advertisements and notices, surety arrangements, and printer's fees or charges incurred by the authority to comply with applicable federal and state securities and tax laws; and any other costs of issuance in excess of the amount provided therefor from the proceeds of the sale of such obligations, to the extent that any of the foregoing amounts or expenses are not to be paid from other resources available to the authority for such purpose.

3. The chairman of the authority may revise such certification at such times as shall be determined by the chairman; provided, however, that the chairman of the authority shall revise such certification not later than thirty days after the issuance of any obligations authorized pursuant to subdivision one of this section including refunding bonds, and the adoption of any interest rate exchange or other financial arrangement affecting the cash requirements of the authority with respect to the obligations incurred pursuant to this section.

4. Such certification shall provide for payments on such dates as the authority deems appropriate to ensure that sufficient funds will be available from the sources identified in this section to enable it to meet its current obligations with respect to those obligations incurred pursuant to this section as they become due.

5. Upon receipt of such certification, or any revision thereof, the comptroller shall pay such amount to the authority in accordance with such certification, from the service contracts authorized pursuant to section eleven of chapter 329 of the laws of nineteen hundred ninety-one, as amended, or from any other amount appropriated for such purpose. Such payments shall be made on or before the date specified in each certificate or within thirty days after such receipt, whichever is later, provided that all such amounts shall have been first appropriated by the state.

6. The state, acting through the director of the budget, and the authority may enter into, amend, modify, or rescind one or more agreements providing for the specific manner, timing, and amount of payments to be made under this section, but only in conformity with this section. The agreement of the state contained in this section shall be deemed executory only to the extent of appropriations available for payments under this section and no liability on account of any such payment shall be incurred by the state beyond such appropriations.

7. The authorization, sale and issuance of bonds, notes or other obligations pursuant to this section shall not be deemed an action as such term is defined in article eight of the environmental conservation law for the purposes of such article. Such exemption shall be strictly limited in its application to such financing activities of the authority and does not exempt the department of transportation or any other entity from compliance with such article.

§ 381. Further additional powers of the authority

1. The authority is hereby authorized, as additional corporate purposes thereof: (a) to issue bonds and notes and to incur obligations secured by the moneys as provided in the service contracts authorized pursuant to section fourteen of the chapter of the laws of nineteen hundred ninety-one which enacted this section; and (b) to make available the proceeds from the sale of such bonds and notes, net of all costs to the authority in connection therewith, to provide moneys to the authority to achieve the same corporate purposes as set forth in section three hundred sixty-five of this chapter. The authority is further authorized to issue such obligations in an aggregate principal amount not to exceed eighty million dollars, exclusive of the principal amount of bonds, notes or other obligations issued and applied (1) to fund any related debt service fund, or other reserve funds as may be needed, (2) to provide capitalized interest, and (3) to provide fees and other charges and expenses, including underwriters' discount and the purchase of any credit or liquidity enhancement facilities, related to the issuance of bonds, notes or other obligations and the maintenance of such reserves, all as determined by the authority and excluding bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued pursuant to this section. In computing the total principal amount of bonds, notes or other obligations that may at any time be issued for any purpose under this section, the amount of the outstanding bonds, notes or other obligations that constitutes interest under the United States Internal Revenue Code of 1986, as amended to the effective date of this section, shall be excluded. Provided, however, that upon any refunding or repayment, except in connection with the termination of the existence of the authority or if otherwise authorized by the legislature, the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than the amount authorized by this section 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 of this section, 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.

2. Such obligations shall be special limited obligations of the authority, secured by and payable solely out of payments received pursuant to service contract or contracts authorized by section [fig 1] fourteen of the chapter of the laws of nineteen hundred ninety-one which enacted this section, funded by amounts appropriated by the legislature and any other funds appropriated by the legislature to the authority therefor, without recourse against any other assets, revenues or funds of or other payments due to the authority.

3. Such obligations shall contain on the face thereof a statement to the effect that they shall not be deemed to be an obligation of the state and that the state shall not be liable thereon.

4. Such obligations shall be scheduled to mature over a term not to exceed thirty years.

5. All the provisions of this title relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to obligations authorized by this section, including, but not limited to, the power to issue renewal notes or refunding bonds thereof.

§ 382. Canal corporation

1. There is hereby created a public benefit corporation known as the "New York state canal corporation" (hereinafter referred to as the "canal corporation") as a subsidiary corporation of the authority. The canal corporation is solely created to, and shall have only the power to, operate, maintain, construct, reconstruct, improve, develop, finance, and promote the New York State canal system.

2. The authority may transfer to the canal corporation any moneys, real, personal, or mixed property or any personnel in order to carry out the purposes of this section. The canal corporation 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. The canal corporation shall be subject to the restrictions and limitations to which the authority may be subject. The canal corporation shall be subject to suit in accordance with section three hundred sixty-one-b of this title. The canal corporation may delegate to one or more of its members, or its officers, agents and employees, such duties and powers as it may deem proper.

3. The members of the canal corporation shall be the same persons holding the offices of members of the authority.

4. No officer or member of the canal corporation shall receive any additional compensation, either direct or indirect, other than reimbursement for actual and necessary expenses incurred in the performance of his or her duties, by reason of his or her serving as a member, director, or trustee of the canal corporation.

5. The employees of the canal corporation, except those who are also employees of the authority, generally shall not be deemed to be employees of the authority by reason of their employment by the canal corporation. However, officers, agents, and employees of the canal corporation and officers, agents, and employees of the authority may transfer between the canal corporation and the authority, or vice versa, as provided for in section three hundred fifty-five of this title, and employees of the canal corporation may be placed on promotion lists for authority jobs and vice versa, provided, however, that the canal corporation and the authority are separate promotion units for the purposes of subdivision five of section fifty-two of the civil service law. Such departmental and interdepartmental promotion eligible lists shall not be certified until after the promotion unit eligible lists have been exhausted. All officers, agents, and employees of the canal corporation shall be subject to the provisions of the civil service law which shall apply to the canal corporation as a municipal corporation other than a city. The canal corporation shall participate in the New York state and local employees' retirement system.

6. The fiscal year of the canal corporation shall be the same as the fiscal year for the authority.

7. The canal corporation shall have the power to:

(a) operate, maintain, construct, reconstruct, improve, develop, finance, and promote the New York state canal system as defined in the canal law;

(b) sue and be sued;

(c) have a seal and alter the same at pleasure;

(d) make and alter by-laws for its organization and internal management and make rules and regulations governing the use of its property and facilities;

(e) appoint officers, agents and employees, who shall be subject to section three hundred fifty-five of this title, and fix their compensation;

(f) make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;

(g) acquire, hold, and dispose of real or personal property for its corporate purposes;

(h) engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice;

(i) procure insurance against any loss in connection with its activities, properties, and other assets, in such amount and from such insurers as it deems desirable;

(j) invest any funds of the canal corporation, or any other monies under its custody and control not required for immediate use or disbursement, at the discretion of the canal corporation, in obligations of the state or the United States government or obligations the principal and interest of which are guaranteed by the state or the United States government, or in any other obligations in

which the comptroller of the state is authorized to invest pursuant to section ninety-eight-a of the state finance law;

(k) exercise those powers and duties of the authority pursuant to the canal law;

(l) prepare and submit a capital program plan pursuant to section ten of the canal law;

(m) approve and implement the New York state canal recreationway plan submitted pursuant to section one hundred thirty-eight-c of the canal law. The canal corporation's review and approval of the canal recreationway plan shall be based upon its consideration of a generic environmental impact statement prepared by the canal corporation in accordance with article eight of the environmental conservation law and the regulations thereunder. Prior to the implementation of any substantial improvement by the canal corporation on canal lands, canal terminals, or canal terminal lands, or the lease of canal lands, canal terminals, or canal terminal lands for substantial commercial improvement, the canal corporation, in addition to any review taken pursuant to section 14.09 of the parks, recreation and historic preservation law, shall conduct a reconnaissance level survey within three thousand feet of such lands to be improved of the type, location, and significance of historic buildings, sites, and districts listed on, or which may be eligible, for the state or national registers of historic places. The findings of such survey shall be used to identify significant historical resources and to determine whether the proposed improvements are compatible with such historic buildings, sites, and districts;

(n) enter on any lands, waters, or premises for the purpose of making borings, soundings, and surveys;

(o) accept any gifts or any grant of funds or property from the federal government or from the state or any other federal or state public body or political subdivision or any other person and to comply with the terms and conditions thereof; and

(p) waive any fee for a work permit which it has the power to issue if in its discretion the project which is subject to a work permit would add value to canal lands without any cost to the canal corporation or the state.

8. (a) The canal corporation shall review the budget request submitted by the canal recreationway commission pursuant to section one hundred thirty-eight-b of the canal law.

(b) The canal corporation, on or before the first day of November, nineteen hundred ninety-two and on or before the fifteenth day of September of each year thereafter, shall submit to the director of the budget a request for the expenditure of funds available from the New York state canal system development fund pursuant to section ninety-two-u of the state finance law or available from any other non-federal sources appropriated from the state treasury.

(c) In the event that the request submitted by the canal corporation to the director of the budget differs from the request submitted by the commission to the canal corporation, then the request submitted by the canal corporation to the director of the budget shall specify the differences and shall set forth the reasons for such differences.

9. The canal corporation shall review the recommendations of the canal recreationway commission concerning the future use of canal lands in the Adirondack park issued pursuant to section one hundred thirty-eight-b of the canal law, and shall report to the governor and the legislature not later

than the first day of October, nineteen hundred ninety-four, identifying any property not needed for canal purposes that may be transferred to the department of environmental conservation.

10. The canal corporation shall not have the power to issue bonds, notes, or other obligations.

11. The canal corporation may do any and all things necessary or convenient to carry out and exercise the powers given and granted by this section.

12. The authority and all other state officers, departments, boards, divisions, commissions, public authorities, and public benefit corporations may render such services to canal corporation within their respective functions as may be requested by the canal corporation.

13. 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 cooperate 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 such purposes to cooperate and enter into agreements with the canal corporation.

§ 383. Additional powers of the authority to finance certain projects in connection with the New York state canal system

1. (a) The authority is hereby authorized, as an additional corporate purpose thereof, to issue its bonds, notes and other obligations in conformity with applicable provisions of the uniform commercial code for purposes of financing the construction, reconstruction, development and improvement of the New York state canal system.

(b) The authority may issue bonds, notes or other obligations pursuant to paragraph (a) of this subdivision in an aggregate principal amount not exceeding one hundred sixty million dollars plus a principal amount of bonds, notes or other obligations issued (i) to fund any related debt service reserve fund, (ii) to provide capitalized interest for a period not exceeding six months, except that where the proceeds of such bonds, notes or other obligations are expended on a revenue-producing project, such period shall be that allowable under the United States internal revenue code of nineteen hundred eighty-six, as amended, in order to preserve the exclusion of interest on such bonds, notes or other obligations from federal income taxation, and (iii) to provide fees and other charges and expenses, including underwriters' discounts, related to the issuance of such bonds, notes and other obligations and the maintenance of such reserves, all as determined by the authority, excluding bonds, notes and other obligations issued to refund outstanding bonds, notes and other obligations issued pursuant to this section.

(c) The authority, in addition to the bonds, notes and other obligations authorized pursuant to paragraph (b) of this subdivision, may issue bonds, notes or other obligations pursuant to paragraph (a) of this subdivision in an aggregate principal amount not exceeding twenty million dollars for the purpose of funding capital construction and reconstruction projects on the New York state canal system which are deemed by the authority as necessary due to the existence of an emergency involving danger to life, safety or property which requires immediate action. Provided, however,

that no such bonds, notes or other obligations shall be issued pursuant to this paragraph until the authority has exhausted its authorization pursuant to paragraph (b) of this subdivision.

(d) In computing the total principal amount of bonds, notes and other obligations that may at any time be issued for any purpose under this section, the amount of the bonds, notes or other obligations that constitutes interest under the United States internal revenue code of nineteen hundred eighty-six, as amended, shall be excluded.

2. All of the provisions of this title relating to bonds, notes and other obligations, which are not inconsistent with this section, shall apply to obligations authorized by this section, including but not limited to the power to issue renewal notes or refunding bonds thereof.

§ 384. Additional powers of the authority to undertake and finance certain transportation projects

1. (a) The authority is hereby authorized and directed, as an additional corporate purpose thereof, to enter into contracts or agreements with any private person or corporation or with the state or local governments or with other public corporations to finance, construct, reconstruct, improve or develop the following transportation projects subject to the limitations prescribed by this section: (i) the projects, or portions thereof, known as the inner harbor project and the intermodal transportation project located in Onondaga county, including but not limited to, the consolidation of the Syracuse canal terminal and the planning, design and construction of an intermodal transportation facility, provided, however, that prior to proceeding with the inner harbor project, the authority and the city of Syracuse shall enter into a memorandum of understanding regarding the undertaking of such project; (ii) the project, or portions thereof, known as the horizons waterfront development project generally located in and around Erie county, and the New York state canal system generally located along the Erie canal in Erie and Niagara counties; and (iii) the project, or portions thereof, known as the Stewart airport access project located in Orange county to provide direct access to Stewart international airport from interstate eighty-four in the vicinity of the airport. Notwithstanding the provisions of article VI-A and section one hundred thirty-eight-c of the canal law and paragraph (m) of subdivision seven of section three hundred eighty-two of this chapter, the New York state thruway authority, or the subsidiary corporation thereof, is authorized to enter into an agreement with the city of Syracuse for the leasing of the land comprising the inner harbor project in Onondaga county. Any projects for the construction, reconstruction or improvement of property or structures undertaken pursuant to this section shall be in full compliance with title thirteen of article twenty-seven of the environmental conservation law and shall be deemed public works for the purposes of section two hundred twenty of the labor law and section one hundred three of the general municipal law, except that any contracts let by the authority for the construction, reconstruction or improvement of such projects shall be subject to section three hundred fifty-nine of this title. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency as that term is used in such article and its contracts for such projects as provided in this article shall be deemed state contracts within the meaning set forth in such article.

(b) The authority is hereby authorized, as an additional corporate purpose thereof, to issue its bonds, notes and other obligations in conformity with applicable provisions of the uniform commercial code in a principal amount necessary to achieve purposes enumerated in paragraph (a) of this subdivision, including a principal amount necessary to provide capitalized interest for a period not to exceed six months subject to the limitations in subdivision three of this section. In

computing the total principal amount of bonds, notes and other obligations that may at any time be issued for any purpose under this section, the amount of the outstanding bonds or notes that constitutes interest under the United States internal revenue code of nineteen hundred eighty-six, as amended to the effective date of this section, shall be excluded.

2. All of the provisions of this title, which are not inconsistent with the provisions of this section, shall apply to the projects and obligations authorized by this section, including but not limited to the power to issue renewal notes or refunding bonds.

3. The authority shall make available a total amount of moneys not exceeding fifty million dollars, exclusive of federal funds and any state and local moneys which may be available, for capital purposes and for the other purposes enumerated in this section. The fifty million dollar amount shall be distributed as follows: (a) (i) an amount not to exceed fifteen million dollars shall be made available for the project, or portions thereof, known as the inner harbor project located in Onondaga county including, but not limited to, dredging of inner harbor, reconstruction of harbor piers including but not limited to site preparation, utility lines, and hard edging of the pier, marina development including the establishment of dock space, parking, hoists, and lifts, shoreline and west side harbor landscaping, gateway and finger park development, southern pier freight house rehabilitation, and the reconstruction of Solars Boulevard including design and construction, excavation, curbing, lighting and paving and infrastructure projects related thereto; (ii) an amount not to exceed five million dollars shall be made available for the project, or portions thereof, known as the intermodal transportation facility located in Onondaga county and infrastructure projects related thereto; (b) an amount not to exceed fifteen million dollars shall be made available for improvements related to the Buffalo inner harbor component of the horizons waterfront development project, or portions thereof, generally located in and around Erie county, and the New York state canal system generally located along the Erie canal in Erie and Niagara counties. The horizons waterfront development project improvements shall include the inner harbor project generally located in the city of Buffalo in the vicinity of the foot of Main street on the Buffalo river and may include, but not be limited to, the development of an automobile, bus, rail, water taxi, cycling, and pedestrian intermodal transportation hub and the waterfront area which will be serviced, including but not limited to design, environmental studies, real estate acquisition, construction, reconstruction, construction inspection, landscaping, excavation and dredging, enhancement related improvements and infrastructure improvements related thereto. The improvements to the New York state canal system may include but not be limited to construction, reconstruction, and development, terminal wall rehabilitation, transient docking, boater services, landscaping, and signage in the city of Tonawanda and the city of North Tonawanda; and (c) an amount not to exceed fifteen million dollars shall be made available for the project, or portions thereof, known as the Stewart airport access project located in Orange county to provide direct access to Stewart international airport from interstate eighty-four in the vicinity of the airport.

§ 385. Additional powers of the authority to issue special dedicated highway and bridge trust fund bonds

1. (a) The authority is hereby authorized, as an additional corporate purpose thereof: (i) to enter into a dedicated highway and bridge trust fund cooperative agreement or agreements with the commissioner of transportation for the financing by the authority of disbursements made by the

state or project sponsor for any of the activities authorized pursuant to the provisions of section eighty-nine-b of the state finance law in any case where the expense thereof is paid in whole or in part by the state or project sponsor; and (ii) to issue use permits or leases to the department of transportation, or project sponsor, as the case may be, for projects financed by the authority of disbursements made by the state or project sponsor in accordance with the provisions of a dedicated highway and bridge trust fund cooperative agreement or agreements, provided that such projects are maintained and operated under the supervision of the department of transportation without cost to the New York state thruway authority for the full term of such agreement or agreements, and provided further that such use permit or lease shall be granted by the authority on a toll free basis. Provided, however, that at any time after April first, nineteen hundred ninety-five, no dedicated highway and bridge trust fund cooperative agreement with the commissioner of transportation pursuant to this section, nor any supplement thereto, need provide any conveyance of an interest in the property to the New York state thruway authority in connection with any obligations incurred pursuant to this section; and any such conveyance evidenced by a dedicated highway and bridge trust fund cooperative agreement before such date shall, consistent with the rights of holders of any such obligations incurred pursuant to this section, revert to the people of the state of New York by appropriate instrument or instruments, by quitclaim deed or otherwise, in confirmation of such reversion and any related use permits shall be voided.

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of \$ 16.5 billion, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

(c) Such obligations shall be issued or incurred with the approval of the director of the budget and shall be special obligations of the authority secured by and payable solely out of amounts appropriated by the legislature as authorized pursuant to section eighty-nine-b of the state finance law without recourse against any other assets, revenues or funds of or other payments due to the authority. Upon payments of such appropriated amounts from the fund established pursuant to section eighty-nine-b of the state finance law to the account of the authority, such funds may be pledged by the authority to secure its bonds, notes and other obligations authorized by paragraph (b) of this subdivision and shall be held free and clear of any claim by any person arising out of or in connection with articles twelve-A, thirteen-A and twenty-one 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 articles twelve-A, thirteen-A and twenty-one of the tax law, no taxpayer, or any other person, including the state, shall have any right or claim against the authority or any of its bondholders to any moneys appropriated and transferred from the dedicated highway and bridge trust fund established by section eighty-nine-b of the state finance law for or in respect of a refund, rebate, credit, reimbursement or other repayment of taxes paid under such articles of the tax law.

(d) The notes, bonds or other obligations of the authority authorized by this section shall not be a debt of the state and the state shall not be liable thereon, nor shall they be payable out of any funds other than those of the authority pledged therefor; and such bonds and notes shall contain on the face thereof a statement to such effect. In addition, any agreements entered into by the department of transportation pursuant to sections ten-e, ten-f and ten-g of the highway law or any other entity on behalf of the state to effect the implementation of any of the activities financed in whole or in part with proceeds of the obligations of the authority authorized in this section do not constitute or create a debt of the state, nor a contractual obligation in excess of the amounts appropriated therefor and the state has no continuing legal or moral obligation to appropriate money for payments due under such contracts.

(e) All of the provisions of this title relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to obligations authorized by this section, including but not limited to the power to establish adequate reserves therefor and to issue renewal notes or refunding bonds thereof, provided, however, that the authority shall be authorized to issue variable rate bonds or notes pursuant to this section only until June thirtieth, two thousand, after which date no bonds or notes issued by the authority pursuant to this section may have interest rates which vary, provided further that the expiration of such authority shall not affect any such bonds or notes issued prior to such date.

2. Not less than one hundred twenty days before the beginning of each state fiscal year, the chairman of the authority shall certify to the comptroller and to the director of the budget a schedule of anticipated cash requirements for such fiscal year pursuant to any agreements entered into by the authority with the commissioner of transportation pursuant to sections ten-e, ten-f and ten-g of the highway law. The amounts so certified shall constitute required dedicated highway and bridge trust fund cooperative agreement payments due pursuant to such agreements under sections ten-e, ten-f and ten-g of the highway law. The total amount so certified for such fiscal year shall be equal to the total amount of the debt service due or expected to be due during such fiscal year on obligations of the authority incurred pursuant to subdivision one of this section, including payments of interest and principal (including sinking fund payments), together with:

(a) the amount, if any, due to any provider of any insurance policy, letter of credit or other letter of enhancement or a related facility with respect to such obligations, representing payments made by it as provided in the applicable resolution or trust indenture as a result of any previous failure of the state to make any payment provided for in this section, including any related reasonable interest, fees or charges so provided;

(b) the amount, if any, required to restore any applicable reserve fund to the applicable reserve fund requirement to the extent any deficiency therein has resulted directly or indirectly from failure by the state to make any payment provided for in this section;

(c) the amount, if any, required to be rebated to the United States to provide for continued exclusion from federal income taxation of interest on obligations of the authority; and

(d) the expenses of the establishment and continued operating expenses of the authority related to the financing of activities funded with the proceeds of obligations authorized by subdivision one of this section, including, but not limited to, trustees' fees, fees payable to providers of credit facilities, fees for issuing and paying agents, remarketing agents and dealers, legal counsel, financial or other advisors or consultants, independent auditors, rating agencies,¹¹¹ transfer or information agents, the publication of advertisements and notices, surety arrangements, and printers' fees or charges incurred by the authority to comply with applicable federal and state securities and tax laws; and any other costs of issuance in excess of the amount provided therefor from the proceeds of the sale of such obligations, to the extent that any of the foregoing amounts or expenses are not to be paid from other resources available to the authority for such purpose.

3. The chairman of the authority may revise such certification at such times as shall be determined by the chairman; provided, however, that the chairman of the authority shall revise such certification not later than thirty days after the issuance of any obligations authorized pursuant to subdivision one of this section including refunding bonds, and affecting the cash requirements of the authority with respect to the obligations incurred pursuant to this section.

4. Such certification shall provide for payments on such dates as the authority and the director of the budget deems appropriate to ensure that sufficient funds will be available from the sources identified in this section to enable it to meet its current obligations with respect to those obligations incurred pursuant to this section as they become due.

5. Upon receipt of such certification, or any revision thereof, the comptroller shall pay such dedicated highway and bridge trust fund cooperative agreement payments to the authority in accordance with such certification, from the dedicated highway and bridge trust fund established by section eighty-nine-b of the state finance law. Such payments shall be made on or before the date specified in each certificate or within thirty days after such receipt, whichever is later, provided that all such amounts shall have been first appropriated by the state.

6. The agreement of the state contained in this section shall be deemed executory only to the extent of appropriations available for payments under this section and no liability on account of any such payment shall be incurred by the state beyond such appropriations. The state, acting through the director of the budget, and the authority may enter into, amend, modify, or rescind one or more agreements providing for the specific manner, timing, and amount of payments to be made under this section, but only in conformity with this section.

7. The authorization, sale and issuance of bonds, notes or other obligations pursuant to this section shall not be deemed an action as such term is defined in article eight of the environmental conservation law for the purposes of such article. Such exemption shall be strictly limited in its application to such financing activities of the authority and does not exempt the department of transportation or any other entity from compliance with such article.

8. The state of New York shall and hereby agrees to and does indemnify and save harmless the New York state thruway authority from and against any and all liability, loss, damage, interest, judgments and liens growing out of, and any and all costs and expenses (including, but not limited to, counsel fees and disbursements) arising out of or incurred in connection with any and all claims, demands, suits, actions or proceedings which may be made or brought against the New York state thruway authority arising out of any determinations made or actions taken or omitted to be taken or compliance with any obligations under or pursuant to this section.

9. 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 any taxes or fees, including the taxes imposed pursuant to section two hundred eighty-four, articles thirteen-A and twenty-one of the tax law and fees imposed by section four hundred one of the vehicle and traffic law. The authority shall not include within any resolution, contract or agreement with holders of the bonds, notes and other obligations issued under this title any provision which provides that a default occurs as a result of the state exercising its right to amend, repeal, modify or otherwise alter any such taxes and fees.

10. Any resolution authorizing bonds, notes or other obligations shall reserve the right of the state, upon amendment of the New York state constitution allowing the issuance, or assumption, of bonds, notes or other obligations secured by revenues, which may include the revenues securing bonds, notes or other obligations of the authority, (i) to assume, in whole or in part, such bonds, notes or other obligations of the authority, (ii) to extinguish the existing lien of such resolution, and (iii) to substitute security for the bonds, notes, or other obligations of the authority, in each case only so long as such assumption, extinguishment or substitution is done in accordance with such resolution.

§ 386. Additional powers of the authority to issue special rail and aviation transportation bonds

1. The authority is hereby authorized, as an additional corporate purpose thereof to enter into service contracts, contracts, agreements, deeds, leases with the director of the budget, the commissioner of transportation, municipalities and others to provide for the financing by the authority of rail and aviation transportation projects as authorized by section fourteen-j of the transportation law.

2. The authority is hereby authorized, as an additional corporate purpose thereof, solely at the request of the director of the budget: a. to issue special rail and aviation transportation bonds, notes or other obligations in an aggregate principal amount not to exceed forty million dollars plus a principal amount of bonds, notes or other obligations issued (i) to fund any related debt service reserve fund, (ii) to provide capitalized interest and (iii) to provide fees and other charges and expenses, including but not limited to legal fees, underwriters' discounts, related to the issuance of

such bonds, notes and other obligations and the maintenance of such reserves, all as determined by the authority, excluding bonds, notes or other obligations issued to refund outstanding bonds, notes or other obligations issued pursuant to this section. Such bonds, notes or other obligations may be issued for a term not to exceed thirty years and shall be secured by the moneys provided pursuant to a service contract, contract, lease or agreement entered into with the director of the budget, the commissioner of transportation, municipalities or others pursuant to subdivision one of this section for the purpose of financing activities pursuant to section fourteen-j of the transportation law, such service contract, contract, lease or agreement to provide for the payment of debt service, funding of necessary reserves and all other expenses of the authority as agreed to by the parties, provided, however, that such service contract, contract, lease or agreement shall provide that the obligation of the state to make such 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 and that any obligation to make such payments shall be subject to annual appropriations by the legislature; to make available the proceeds net of all costs to the authority in connection therewith in accordance with such agreements or as authorized and directed by law for the purposes of financing activities pursuant to and in conformance with section fourteen-j of the transportation law.

3. Such obligations shall be issued or incurred with the approval of the director of the budget and shall be special limited obligations of the authority secured by and payable solely out of amounts appropriated by the legislature for payments pursuant to a service contract, contract, lease or agreement authorized pursuant to subdivision one of this section and any other funds appropriated by the legislature to the authority therefor without recourse against any other assets, revenues or funds of or other payments due to the authority.

4. Such obligations shall contain on the face thereof a statement to the effect that they shall not be deemed to be an obligation of the state and that the state shall not be liable thereon.

5. All of the provisions of this title relating to bonds and notes, which are not inconsistent with the provisions of this section shall apply to obligations authorized by this section, including but not limited to the power to issue renewal notes or refunding bonds thereof, provided, however, that the authority shall be authorized to issue variable rate bonds or notes pursuant to this section only until June thirtieth, nineteen hundred ninety-four, after which date no bonds or notes issued by the authority pursuant to this section may have interest rates which vary, provided further that the expiration of such authority shall not affect any such bonds or notes issued prior to such date.

6. The authorization, sale and issuance of bonds, notes or other obligations pursuant to this section shall not be deemed an action as such term is defined in article eight of the environmental conservation law for the purposes of such article. Such exemption shall be strictly limited in its application to such financing activities of the authority and does not exempt the department of transportation or any other entity from compliance with such article.

7. The attorney general shall approve or disapprove of the form of any service contract, contract, lease or agreement authorized pursuant to this section.

§ 387. Fees for searches and copies of accident and accident reconstruction reports

Notwithstanding any other law to the contrary, the fees for searching the records of the authority for an accident report, for furnishing a copy of an accident report, and for furnishing a copy of an accident reconstruction report shall not exceed the fees charged by the division of state police pursuant to section sixty-six-a of the public officers law and/or by the department of motor vehicles pursuant to section two hundred two of the vehicle and traffic law, provided, however, that no fee shall be charged to any public officer, board or body, or volunteer fire company, for searches or copies of accident reports to be used for a public purpose.