

IN ASSEMBLY

May 12, 1965

Introduced by **COMMITTEE ON RULES**—read once and referred to the Committee on Rules

AN ACT

To amend the public authorities law and the state finance law, in relation to the creation of the metropolitan commuter transportation authority and making an appropriation therefor

No.

Compared by *McQueen, Jeffers*

APPROVED

JUN 1 - 1965

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Date..... *5/6/77* 1

No. of printer bills 1

No. of exposures exclusive of bills *14*

PRINT NO. A.6943

INTRO. NO. A.5997 ^{5/27/65}

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W. P. MARSHALL, PRESIDENT

SF-1201 (4-65)

SYMBOLS

DL = Day Letter

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125 OP EDT MAY 25 65 SYA417

SY CDU360 PD WUI TLX CO NEW YORK NY 25 1154A

THE HONORABLE NELSON A ROCKEFELLER

ORIGINAL TO

NAR

ESTION TO

K. Man

INFO PHOTO TO

WTR

GOVERNOR OF NEW YORK ALBANY NY

THE SUBMISSION OF PROPOSED LEGISLATION BY YOU PROVIDING FOR

Carlin

THE CREATION OF THE METROPOLITAN COMMUTER TRANSPORTATION AUTHORITY

Alburt

IS A FORWARD STEP IN RESOLVING THE AREA'S COMMUTER RAILROAD PROBLEMS.

Bill jlt. ✓

AS A MEMBER OF THE BUSINESS EXECUTIVE COMMITTEE, MAY I COMMEND YOU FOR YOUR LEADERSHIP. THE PASSAGE OF THIS LEGISLATION WOULD PUT IN MOTION THE NECESSARY GOVERNMENTAL COORDINATION AT ALL INTERESTED LEVELS.

J PETER GRACE, PRESIDENT W R GRACE AND CO

(19).

Ch 324

CL

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WESTERN UNION TELEGRAM

W. P. MARSHALL, President

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558P EDT MAY 25 65 SYD142
SY NASS6 DH NEW YORK NY 25
HON NELSON A ROCKEFELLER, GOVERNOR
STATE CAPITOL BLDG ALBANY NY

I JOIN WITH OTHER MEMBERS OF THE BUSINESSMENS COMMITTEE FOR
ACTION ON THE COMMUTER RAILROAD PROBLEM IN HEARTY ENDORSEMENT
OF YOUR PROPOSALS CONCERNING A METROPOLITAN COMMUTER TRANSPORTATION
AUTHORITY. THE COMMUTER TRANSPORTATION PROBLEMS OF THE GREATER
NEW YORK AREA CALL FOR BOLD AND FARSIGHTED PLANNING AND IT
IS MY HOPE THAT THIS FIRST STEP WILL LEAD TO PROMPT LEGISLATIVE
ACTION, AND CORRESPONDING ACTION IN NEW JERSEY AND CONNECTICUT
W P MARSHALL.

ORIGINAL TO NAA
ACTION TO Don
INFO PHOTO TO WTH
Corbin
Albion
Palmer
Bill for

Ch 324

CLASS OF SERVICE

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WESTERN UNION TELEGRAM

W. P. MANSFIELD, President

87-1201 (4-60)

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752P EDT MAY 21 65 SYA547 BA570
B UDA491 PD UD NEW YORK NY 21 552P EDT
HON NELSON A ROCKEFELLER

ORIGINAL TO NAR
ACTION TO Donna
INFO PHOTO TO Li'ik

GOVERNOR OF THE STATE OF NEW YORK ALBANY NY
WE HEARTILY COMMEND AND ENDORSE YOUR PROPOSED LEGISLATION (A. Albin
INTRO. 5997, S. INTRO. 4518) TO CREATE A METROPOLITAN COMMUTER Rabner
TRANSPORTATION AUTHORITY. IT WOULD IN OUR OPINION BE AN IMPORTANT Billiet
STEP IN RESOLVING THE COMMUTER RAILROAD PROBLEM IN THE METROPOLITAN
NEW YORK CITY AREA. URGE VIGOROUS PROSECUTION OF THIS LEGISLATION
R J SCHAEFER PRESIDENT OF THE F & M SCHAEFER BREWING CO

(57).

A 5997
RECEIVED

EUGENE H. NICKERSON
COUNTY EXECUTIVE



ALFRED E. MOON
THOMAS J. PORTELA
DEPUTIES

OFFICE OF THE EXECUTIVE
NASSAU COUNTY EXECUTIVE BUILDING
MINEOLA, NEW YORK

ORIGINAL TO NAR
ACTION TO None
INFO PHOTO TO WJR
Carbin
Aldrich
Palmer

May 24, 1965

Hon. Nelson A. Rockefeller
Governor, State of New York
Albany, New York

A5997

McMahon
Pfeiffer
Scha
Bill
jht

Re: Metropolitan Commuter
Transportation Act
✓ Assembly Intro 5997, Print 6943
Senate Intro 4518, Print 5457

Dear Governor Rockefeller:

I have, as you are aware, been deeply concerned about transportation facilities in Nassau County for many years. Certainly one of the most critical aspects of our commuter transportation problem is the status of the Long Island Rail Road and I have repeatedly urged you to act in this matter. Your appointment of the Special Committee on the Long Island Rail Road in September of last year received my full support, although I was disturbed by the failure to act more promptly. At that time I suggested to you that a working group consisting of members from New York City, Nassau and Suffolk be formed to take account of both local and state problems. I also offered to appoint a member of my administration to act as liaison to the Special Committee and suggested that the same be done in New York City and Suffolk County. These suggestions were never acted upon. Nevertheless, we have cooperated to the extent that we were permitted to and I made available all our resources in Nassau County to the Special Committee. I know that New York City and Suffolk County officials did likewise.

Since February of this year, when the Special Committee on the Long Island Rail Road rendered its report, I have attempted to obtain copies of your legislative proposals on this urgent matter. However, these proposals were kept secret until May 12th, when this bill was introduced through the Rules

May 24, 1965 -2-

Hon. Nelson A. Rockefeller

Metropolitan Commuter Transportation Act

Committee of each House. It was not until several days later that I was able to obtain a copy of your proposal. Indeed, I understand that copies of the bill were received by the Legislators only this past Tuesday, the bill was enacted by the Assembly on Thursday and today's New York Times reports that the bill is now on the Senate floor for action. Certainly a matter of such grave consequence not only to Nassau County but to the entire State of New York, deserves full consideration by the public and all responsible public officials.

We have not been afforded adequate time to prepare a detailed analysis of this bill, however, we do find several very objectionable features. We have consulted with officials of New York City, Suffolk and Westchester, and were informed that although their position has not yet been formalized, they too feel that serious objections exist to the bill in its present form. A bill, such as this, which will have the greatest economic effect upon the State of New York and particularly the counties directly concerned, should be studied and carefully analyzed before it is enacted. I have therefore requested Senator Zaretzki to defer action by the Senate to permit sufficient time for an exchange of views between the several municipalities concerned and legislative leaders before this far-reaching legislation is finally acted upon. In fact, a step of this magnitude should be the subject of public hearings so that we can benefit from all available views.

Although we are all anxious to arrive at a solution to the grave commuter transportation problem now existing in the metropolitan area, there is no valid reason to forego a careful analysis of every proposal made. I understand negotiations have been taking place for the purchase of the Long Island Rail Road. However, these negotiations are far from being completed. It should be noted that the proposed bill makes no provision for the price to be paid for the Long Island Rail Road. Depending upon the basis of value used, this price could vary between \$60,000,000 and \$450,000,000.

Hon. Nelson A. Rockefeller
Metropolitan Commuter Transportation Act

I therefore believe that this matter should be carefully studied and only then should it be enacted by the Legislature. Enactment can be accomplished later in the present session, a special session could be called if it is deemed urgent or this proposal could be enacted at the regular 1966 Legislative Session.

The provisions of this proposal which I believe require careful study are as follows:

1. Subdivision 14 of Section 1261 defines transportation facilities, a term used throughout the act, as including both omnibus facilities and railroad facilities. Subdivision 9 defines omnibus facilities to include buildings and structures, notwithstanding the fact that portions may not be devoted to any omnibus purposes other than the production of revenues available for the costs and expenses of all or any facilities of the Authority. Subdivision 10 contains a similar provision as to railroad facilities. Thus, the Authority is empowered to own and operate revenue producing facilities unrelated to transportation activities. For example, it appears that the Authority could construct a major "Transportation Center", only a part of which need be used for actual transportation purposes and the bulk of which may be rented to produce income. This is a concept thoroughly foreign to the commuter transportation problems presently faced by the metropolitan area.
2. Section 1263 of the proposed bill provides for a Commission of five members to be appointed by you. It is our feeling that the municipalities which make up the proposed district should have representation on the Authority. The change could be accomplished in a variety of ways. One possibility, for example, is by expanding the membership of the Authority or requiring appointments to be made from a list submitted by the County Executive or Mayor of the several areas involved, such as one member from the Nassau-Suffolk area, one from the Westchester-Putnam-Dutchess area, one from the Rockland-Orange area, one from the New York City area and the Chairman to be appointed solely by you.
3. Subdivision 8 of Section 1266 expressly exempts the Authority from jurisdiction of the Public Service Commission. The Authority is empowered to raise or lower fares, establish transportation routes and transfer transportation facilities between subsidiary corporations without restriction or prior consultation. I seriously

question both the need for such a broad grant of power and the wisdom in not requiring prior approval by a public body such as the Public Service Commission.

4. Subdivision 8 of Section 1266 also provides that the facilities of the Authority are not subject to the jurisdiction of any municipality within the transportation district, yet it mandates that the local municipality provide police, fire and health protection services to the facilities. Under this power the Authority would be free to construct an airport, a major railroad center or marine terminal in any part of the transportation district without regard to zoning laws. Such action could require a major expansion of municipal services and a corresponding increase in taxes for local residents to pay for these increases. As hereinafter noted these taxes could not be imposed upon the authority even if the major portions of the facilities are held for revenue production totally unrelated to transportation.

5. Section 1267 grants the Authority unlimited powers of condemnation to acquire any real property it may deem necessary, convenient or desirable to effectuate the purposes of the law. This power could be exercised to acquire property primarily for proprietary interests rather than transportation needs, again at the expense of the local taxpayer who has no voice in the location of facilities.

6. Section 1269 grants the Authority the broadest power to issue notes and bonds without any limitations as to amount. Additionally, the State is specifically exonerated in Subdivision 8 of Section 1269 from any liability on notes or bonds issued by the Authority. It will therefore be impossible to obtain the most favorable interest rate on notes and bonds.

7. Pursuant to Section 1275 of the Act the Authority is not required to pay fees, taxes or assessments of any kind, on any of its property or activities. This exemption from taxation should not uniformly apply to the vast areas of jurisdiction given to the Authority by this act. Specifically, it should not include non-transportation facilities and other property held for the production of revenues.

May 24, 1965 -5-

Hon. Nelson A. Rockefeller


Metropolitan Commuter Transportation Act

8. Pursuant to Section 1277 of the Act the total cost to the Authority for the operation, maintenance, and use of each passenger station, including the building, appurtenances, platforms, land and approaches incidental or adjacent thereto, is borne by the municipality in which the station is located. Even if these facilities are operated at a profit, the Authority is still free to require the local municipality to pay for their entire operation and upkeep. It would be impossible for a municipality to properly budget for this huge expenditure in the absence of some control over the construction and management of the facilities.

As you can see from the above enumerated items, several serious problems are raised by your proposal. In keeping with basic Home Rule Principles, the taxpayers and representatives of those who are to bear the substantial station maintenance costs and are to forego enormous tax revenues, should be given an opportunity to review these proposals in detail and to make constructive suggestions before this bill is enacted by the Legislature. Proceeding otherwise would violate the very foundation of Home Rule. I therefore urge you to avoid acting in haste and to support public hearings so that all concerned are given an opportunity to be heard. Only then, after careful consideration and opportunity for amendment should a measure of this importance be enacted.

I, and my administration, stand ready to assist you in any way you desire to insure that this legislation which is so vital to Nassau County receives the consideration which it deserves.

Yours truly,



Eugene H. Nickerson
County Executive

EHN/lm

ASSOCIATION OF GENERAL CHAIRMEN
Representing
STANDARD RAILWAY LABOR ORGANIZATION
OF
LONG ISLAND RAILROAD

Original to WJA
Info. Photo to NAR
Corbin
Alfred Palmer

Thomas J. Hewson, G.C.
Brotherhood of RR Clerks
63 Baisley Ave
East Rockaway, N.Y.
June 5, 1965

The Hon. Nelson A. Rockefeller,
Governor, State of New York
State Capitol Building
Albany, New York

Dear Governor Rockefeller:

Reference is made to your Bill (Print 6943, Intro. 5997 in Assembly) creating the establishing of a Public Authority empowered to take over and operate commuter railroad service in the Counties of Nassau, Orange, Putnam, Rockland, Suffolk, Westchester and the City of New York.

It has been brought to our attention by the Employees whom we represent on the Long Island Rail Road that the sale of the Road to the State of New York will be consummated within the next few days. We have also been advised the Bill lacks adequate employee protection, and the absence of language guaranteeing retention of present benefits and bargaining privileges.

The General Chairmen's Association of the Long Island Rail Road whose members and officers represent over eighty percent (80%) of the Employees working for the Long Island Rail Road desire to meet with you regarding the vital and important matter of job protection and job security for the employees of the Road, and also that the present benefits and bargaining privileges and rights be maintained.

Please advise date, time and place we can meet to discuss this essential matter of Employees job protection and security as soon as possible.

Cordially,

J.P. Sullivan G.C.
International Brotherhood of Electrical
Workers

H.H. Franklin G.C.
Brotherhood of Locomotive Firemen &
Enginemen

A.C. Maroy G.C.
International Association of Machinists

G.C.
Brotherhood Maintenance of Way Employees

S.C. McLaugh G.C.
Brotherhood of Railroad Signalmen

Railroad Yardmasters of America

T.J. Hewson G.C.
Brotherhood of Railway and Steamship
Clerks

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Association

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Transportation Communication Employees

& G.C.
Sheet Metal Workers International Assoc

Intl. Brotherhood of Boilermakers etc.

5 45K

VICTOR F. CONDELLO
VICE CHAIRMAN & GENERAL COUNSEL

May 18, 1965

Statement In Support of

S.I. 4518 P. 5457 Rules Comm.
A.I. 5997 P. 6943 Rules Comm.

AN ACT

To amend the Public Authorities Law and the State Finance Law, in relation to the creation of a Metropolitan Commuter Transportation Authority and making an appropriation therefore.

TO: LEGISLATIVE LEADERS: SENATE

Hon. Joseph Zaretzki, Majority Leader; Hon. Earl W. Brydges, Minority Leader

LEGISLATIVE LEADERS: ASSEMBLY

Hon. Anthony J. Travia, Speaker; Hon. Moses M. Weinstein, Majority Leader;
Hon. George L. Ingalls, Minority Leader

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Hon. Nelson A. Rockefeller, Governor of New York State
Hon. James A. Lundy, Chairman, Public Service Commission
Kent H. Brown, Counsel, Public Service Commission

The Executive Committee of this Association has reviewed the above-captioned legislation which would create a Metropolitan Commuter Transportation Authority.

This legislation has the full support of our Association.

Preservation of vital rail commuter service in the New York Metropolitan Area would benefit the economy of the region and the entire State of New York.

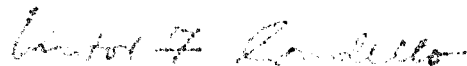
We recognize the adverse effect that abandonment of commuter and passenger service into the City of New York would have on the livelihood of thousands of suburban commuters and of railroad employees. We also recognize the necessity and propriety of the public character of the burden of supplying such services and are pleased that this legislation also recognizes the public responsibilities for meeting that burden.

In past months, programs to deal with the commuter and passenger service problems of New York and the entire northeastern corridor from Boston to Washington, D. C. have been proposed at all levels of government. President Johnson, Governor Rockefeller, Senator Kennedy, Mayor Wagner and others have publicly indicated their concern with the plight of the commuter and the railroads providing commuter service.

Passage of the legislation introduced at the Governor's request would establish an authority to preserve rail service into New York and would eventually provide the cohesive organization which is necessary to handle effectively all of the City's transportation problems.

In the interests of preserving commuter service, this bill should be enacted into law.

Respectfully submitted,



Victor F. Condello

APPROVED


A-5777

This legislation embodies the program recommended to Governor Rockefeller from the Special Committee on the Long Island Railroad, setting up a metropolitan commuter transportation district and authority. The need for such legislation and its purposes are outlined at length in the report from the Special Committee and in the message sent by the Governor to the Legislature on May 11, 1965.

This Association supports this legislation in principle and concurs with the thoughts expressed in the Governor's message thereon. Continued railroad commuter service in the New York metropolitan area should be a governmental responsibility as proposed in this legislation. We therefore urge the state and localities to accept this responsibility, as provided here. While the Long Island Railroad is an immediate subject of consideration in this legislation, we are pleased that the proposed authority would provide the advantage of an agency for the implementation of programs for the preservation and improvement of commutation in other portions within the state of the metropolitan area, as well as Long Island.

We recommend that if the bill is passed, advantage be taken of its provisions which permit the authority to contract with private operating railroads for continuance of the essential commuter services.

5/21/65


ARNOLD WITTE
Legislative Counsel

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150 STATE STREET ALBANY, N.Y. HO 3-4319

A-INT. 5997 (Rules Committee)

B-INT. 4518 (Rules Committee)

APPROVED

A-5997

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5/21/65

Arnold Witte
ARNOLD WITTE
Legislative Counsel

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