

**TITLE 2**

**NEW YORK STATE BRIDGE AUTHORITY**

- Section 525. Short title.
- 526. Definitions.
- 526-a. Ceremonial designation.
- 527. New York State Bridge Authority.
- 528. Powers of the authority.
- 529. Acquisition of land; dedication by counties, towns or villages.
- 530. Construction contracts.
- 531. Moneys of the authority.
- 532. Bonds of the authority.
- 532-a. Notes of the authority.
- 533. Agreement of the state.
- 534. State not liable on bonds.
- 535. Bonds and notes legal investments for fiduciaries.
- 536. Tax contract by the state.
- 537. Remedies of bondholders.
- 538. Tolls, rules and regulations.
- 539. Powers of the comptroller.
- 540. Actions against the authority.
- 541. Title not affected if in part unconstitutional or ineffective.
- 542. Inconsistent provisions in other acts superseded.

**§ 525. Short title.** This title may be cited as the "State Bridge Authority Act."

**§ 526. 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 New York State Bridge Authority created by section five hundred twenty-seven of this chapter;
2. The term "commissioner" shall mean the commissioner of transportation in the department of transportation;
3. The term "department" shall mean the state department of transportation;
4. The term "board" shall mean the members of the authority;
5. The term "Franklin Delano Roosevelt Mid-Hudson bridge" shall be deemed to mean the bridge constructed pursuant to chapter nine hundred of the laws of nineteen hundred twenty-three, as amended;
6. The term "Rip Van Winkle bridge" shall be deemed to mean the bridge constructed across the Hudson river north of the village of Catskill and south of the city of Hudson;
7. The term "Bear Mountain bridge" shall be deemed to mean the bridge constructed by the Bear Mountain Hudson River Bridge Company, pursuant to chapter three hundred and fifty-eight of the laws of nineteen hundred twenty-two.
  - 7-a. The term "Hamilton Fish Newburgh-Beacon bridge" shall be deemed to mean both spans of the bridge constructed across the Hudson river between a location in the vicinity of the city of Newburgh and a location in the vicinity of the city of Beacon;
  - 7-b. The term "walkway over the Hudson bridge" shall be deemed to mean the Poughkeepsie-Highland railroad bridge which was constructed across the Hudson river north of the Franklin Delano Roosevelt Mid-Hudson bridge.
8. The term "Kingston-Rhinecliff bridge" shall be deemed to mean the bridge constructed across the Hudson river within five miles of the city of Kingston;
9. The term "bridges" shall be deemed to mean collectively Mid-Hudson bridge, Rip Van Winkle bridge, Bear Mountain bridge, Kingston-Rhinecliff bridge, both spans of the Hamilton Fish Newburgh-Beacon bridge, walkway over the Hudson bridge, and incidental roads, approaches, structures and facilities;
10. The terms "bonds" and "notes" shall mean bonds and notes, respectively, issued by the authority pursuant to this title;
11. The term "comptroller" shall mean the state comptroller.

**§ 526-a. Ceremonial designation.** All that portion of touring route 199 connecting Ulster and Dutchess counties which is identified and known as the Kingston-Rhinecliff bridge shall be designated and known as the "George Clinton Kingston-Rhinecliff bridge".

**§ 527. New York State Bridge Authority.** 1. The board known as the "New York State Bridge Authority," is hereby continued. Such board shall be a body corporate and politic, shall have a corporate seal and be capable of suing and being sued. It shall consist of seven members who shall be appointed by the governor by and with the advice and consent of the senate. The present members of the board shall continue in office, unless a vacancy occurs, for the remainder of the time for which they were respectively appointed. Of the additional members, one shall be appointed for a term to expire February first, nineteen hundred fifty-one, and one for a term to expire February first, nineteen hundred

fifty-two. Their successors and any additional appointees shall be appointed, one annually, for terms of five years each from the first day of February; provided that the person appointed as successor to the member heretofore appointed for a three year term which expired February first, nineteen hundred forty-seven, shall be appointed for a term to expire February first, nineteen hundred fifty. Vacancies in the office of such board occurring otherwise than by expiration of term also shall be filled by the governor by appointment by and with the advice and consent of the senate for the unexpired term, and the provisions of section thirty-nine of the public officers law relating to recess appointments shall apply to such board. Such board shall choose from its members a chairman. The members of such board shall be paid or reimbursed for their necessary expenses incurred under this title, but shall receive no compensation for their services.

2. Such board and its corporate existence shall continue so long as it shall have bonds or other obligations outstanding (including bonds or obligations hereafter issued or incurred) and until its existence shall be terminated by law. Upon ceasing to exist all of its rights and properties shall pass to the state.

**§ 528. Powers of the authority.** The authority shall have power

1. To acquire, hold and dispose of personal property for its corporate purposes;

1-a. To hold in the name of the state any real property acquired for its corporate purposes and, with the approval of the commissioner, to sell, lease, exchange, or otherwise dispose of any real property or rights or easements therein, heretofore or hereafter acquired pursuant to the "state bridge authority act", determined by it to be not necessary for its corporate purposes, and shall accept ownership of the walkway over the Hudson bridge in the name of the state, and acquire such incidental roads, approaches, structures and facilities as may be necessary.

1-b. To accept from any person gifts of money or property for its corporate purposes.

2. To make by-laws for the management and regulation of its affairs;

3. With the consent of the commissioner to use the agents, employees and facilities of the department, paying its proper proportion of the compensation and expenses of such agents and employees and of the cost of such facilities;

4. To appoint officers, agents and employees and fix their compensation; subject, however, to the provisions of the civil service law, which shall apply to the authority as a municipal corporation other than a city;

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

6. To conduct a study regarding traffic congestion and capacity needs in and around the Franklin Delano Roosevelt Mid-Hudson bridge and to make recommendations concerning reasonable alternatives designed to alleviate any known capacity deficiencies in and around such bridge. Such study shall include, but is not limited to an investigation to determine whether it is in the public interest to construct a new bridge over the Hudson river at or near the city of Poughkeepsie and in connection therewith to contract with engineers, surveyors, contractors and others for environmental review, preliminary plans, borings, surveys and estimates of cost, and if the authority by resolution, and the commissioner in writing filed with the authority, shall determine that the construction of such bridge is in the public interest, to construct

such bridge at a location approved by the commissioner, on lands of the state of New York or lands to be acquired in the name of the state of New York as hereinafter provided, together with incidental roads, approaches, structures and facilities, subject to such consents and approval of federal authorities in any case as may be necessary.

7. To maintain, reconstruct, and operate the bridges so long as its corporate existence shall continue;

8. To charge tolls for the use of the bridges, with the exception of the walkway over the Hudson bridge, subject to and in accordance with such agreements with bondholders and noteholders as may be made as hereinafter provided, except, however, that subject to such agreements the rates of tolls charged on the Franklin Delano Roosevelt Mid-Hudson bridge, the Kingston Rhinecliff bridge, the Bear Mountain bridge, the Rip Van Winkle bridge, and the Hamilton Fish Newburgh-Beacon bridge shall be the same.

9. To construct and maintain over, or along the bridges, or either of them, telephone, telegraph or electric wires and cables, gas mains, water mains, and other mechanical equipment not inconsistent with the use of the bridges for vehicular traffic, to contract for such construction and to lease the right to construct and/or use the same on such terms and for such considerations as it shall determine, provided, however, that no lease shall be made for a period of more than ten years from the date when it is made;

10. To construct and maintain facilities for the public, not inconsistent with the appropriate use of the bridges, to contract for such construction, and to lease the right to construct and/or use such facilities on such terms and for such considerations as it shall determine, provided, however, that no lease shall be made for a period of more than ten years from the date when it is made;

10-a. Subject to the approval of the commissioner, to construct, reconstruct and improve highway connections to any of the bridges; the construction to be under the supervision and control of the commissioner as agent of the authority. Upon completion thereof, jurisdiction of such connections to be transferred by the authority to the commissioner who shall thereafter maintain such connections in the same manner as other highways maintained by the state;

10-b. To contribute and pay over such amount as the authority shall determine to any city for such city's share of the cost, including damages and expenses, to be borne by or charged against such city for the acquisition of real property acquired by the state within such city for state highways connecting with any of the bridges and approaches situated within a radius of one mile from the nearest bridge abutment.

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

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

13. To advertise the facilities and advantages of the bridges;

14. To appoint or designate one or more persons for the purpose of enforcing law, order and the observance of the rules and regulations established by the authority. Each person as and when so appointed or designated may, during the term of such appointment or designation be uniformed and shall be known as a "New York state bridge authority patrolman" and shall be a police officer as defined by paragraph (e) of subdivision thirty-four of section 1.20 of the criminal procedure law and shall have, within the limits of the cities, towns and villages within which any part of a bridge, or any ferry property, operated by the authority shall be located, all the powers of a constable, marshal,

police constable or policeman of a city, town or village in the execution of criminal processes; and criminal process issued by any court or magistrate of a county, town, city or village within which any part of a bridge or any ferry property operated by the authority shall be located, may be directed to and executed by any such patrolman notwithstanding the provisions of any local or special act, ordinance or regulation.

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

16. To accept grants, loans or contributions from the United States of America, the state of New York, or any agency or instrumentality of either of them and, subject to any agreement with bondholders or noteholders, to enter into contracts and to execute all instruments necessary or convenient or desirable in connection therewith, including, its bonds, notes or other obligation evidencing any such loan from the United States of America, the state of New York or any agency or instrumentality of either of them.

17. To enter into a lease or operating agreement, for a period not to exceed ninety-nine years, with the office of parks, recreation and historic preservation for all or a portion of the walkway over the Hudson bridge for the purpose of a state park. Such agreement may assign or allocate responsibility for the construction, operation, maintenance, replacement and management of the deck and approaches and structures providing public access to the state park, but the authority shall retain responsibility for maintaining the superstructure of the walkway over the Hudson bridge. The office of parks, recreation and historic preservation is authorized to enter into such agreement, which may include the installation and maintenance by the office of parks, recreation and historic preservation of any personal property and equipment used in connection therewith. The office of parks, recreation and historic preservation shall propose in its annual budget an amount for all costs and obligations under such agreement and these costs may be supplemented by private donations.

**§ 529. Acquisition of land; dedication by counties, towns or villages.**

1. Whenever the authority shall determine that any real estate or rights or easements therein are required for any of the bridges or for highway connections, and the commissioner shall approve such determination, the commissioner shall acquire such real estate or rights or easements therein in the name of the state by dedication, by agreement, by acquisition pursuant to the eminent domain procedure law, or by appropriation, in the manner provided by section thirty of the highway law.

2. Notwithstanding the provisions of any other law, the board of supervisors of any county, the town board of any town, the common or city council of any city, or the trustees of any village, without any election or meeting of the taxpayers or voters or other authorization, is hereby authorized to dedicate to the state for any of the bridges or for highway connections, any real property, easements or rights in land owned by such county, town, city or village which the authority may deem necessary.

**§ 530. Construction contracts.** The authority shall construct the bridges pursuant to a contract or contracts. Such contracts shall be let under the supervision of the commissioner and shall be subject to his approval. Such contracts shall be let by the authority in the manner, so far as practicable, provided in section thirty-eight of the highway law, but failure to comply with such section shall not invalidate such contracts. Requisitions for the payments to be made pursuant to such contracts shall be approved by the commissioner. The work under such contracts shall be subject to the supervision and approval of the commissioner.

**§ 531. Moneys of the authority.** 1. 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.

2. The authority shall have power notwithstanding the provisions of this section, to contract with the holders of any of its bonds or notes as to the custody, collection, securing, investment and payment of any moneys of the authority, or any moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this section. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes 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.

3. After reserving sufficient moneys to provide for payment of the cost of improvement and repair of the existing bridges, the authority shall apply the remainder of its funds not otherwise obligated in reduction or extinguishment of any bonds of the authority outstanding at the time this act takes effect.

4. Except as otherwise provided by this act, any moneys of the authority which are not immediately required may be invested in obligations of the categories specified in subdivisions one to five, both inclusive, of section ninety-eight of the state finance law maturing or redeemable at the option of the holder within two years of the date of such investments or in a certificate of deposit of a bank or trust company in this state.

**§ 532. Bonds of the authority.** 1. The authority shall have power and is hereby authorized from time to time to issue its negotiable bonds in conformity with applicable provisions of the uniform commercial code for any corporate purpose in the aggregate principal amount not to exceed one hundred fifty-three million two hundred fifty-five thousand dollars.

2. In addition to the bonds authorized in subdivision one of this section, the authority shall have power from time to time and whenever it deems refunding expedient, to issue bonds in such principal amount as the authority may determine for the purpose of refunding bonds then outstanding and to issue such additional bonds as may be necessary to pay the costs incurred in connection with said refunding, whether the bonds to be refunded have or have not matured. The refunding bonds may be exchanged for the bonds to be refunded with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded, provided, however, that upon any such refunding or repayment the aggregate principal amount of outstanding bonds may be greater than one hundred fifty-three million two hundred fifty-five thousand dollars only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds and of the aggregate debt service of the bonds so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, 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 from the payment dates thereof to the date of issue of the refunding or repayment bonds and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof.

3. Bonds shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates, payable semi-annually, 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 (not inconsistent with subdivision four of this section) as such resolution or resolutions may provide. Any bonds of the authority may be sold at public or private sale for such price or prices as the authority shall determine.

4. Every issue of bonds shall be subject to redemption prior to maturity at the election of the authority on notice by publication in a newspaper published in the city of New York of not more than ninety days, and if the state shall furnish the authority with sufficient money therefor, the authority shall redeem the bonds in accordance with the terms of redemption then applicable.

5. Except as otherwise may be expressly provided by the authority every issue of bonds and notes shall be general obligations payable out of any moneys or revenues of the authority, subject only to any agreement with the holders of particular bonds or notes pledging any particular tolls or revenues.

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

(a) Pledging the tolls and revenues of the bridges or any of them to secure the payment of the bonds or notes;

(b) The rates of the tolls to be charged, and the amount to be raised in each year by tolls, and the use and disposition of the tolls and other revenues;

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

(d) Limitations on the right of the authority to restrict and regulate the use of the bridges;

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

(f) Limitations on the issuance of additional bonds or notes or on other debt;

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

(h) Limitations on the amount of moneys derived from any of the bridges to be expended for operating, administrative or other expenses of the authority;

(i) Vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to section five hundred thirty-seven hereof, and limiting or abrogating the right of the bondholders to appoint a trustee under said section or limiting the rights, duties and powers of such trustee;

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

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

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

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

**§ 532-a. Notes of the authority.** The authority shall have power from time to time to issue its negotiable notes in conformity with applicable provisions of the uniform commercial code and from time to time to issue renewal notes, maturing not later than five years from their respective dates in an amount which together with bonds shall not exceed one hundred fifty-three million two hundred fifty-five thousand dollars pursuant to subdivision one of section five hundred thirty-two of this chapter, excluding bonds issued to fund said notes. Subject to any

agreements with bondholders or noteholders thereof the authority may pledge such moneys or revenues for the payment of the notes and may in addition secure the notes in the same manner and with the same effect as herein provided for bonds. The notes shall be issued in the same manner as bonds. The authority shall have power to make contracts for the future sale from time to time of the notes, by which the purchasers shall be committed to purchase the notes from time to time on terms and conditions stated in such contracts, and the authority shall have power to pay such consideration as it shall deem proper for such commitments. In case of default on its notes, or violation of any of the obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for bondholders.

**§ 533. Agreement of the state.** The state of New York does pledge to and agree with the holders of any bonds or notes that the state will not authorize the construction or maintenance of any additional highway crossings for vehicular traffic over, under or across the waters of the Hudson river in addition to the bridges authorized by this title which will be competitive with the bridges, nor will it limit or alter the rights hereby vested in the authority to establish and collect such charges and tolls as may be convenient or necessary to produce sufficient revenue to meet the expense of maintenance and operation and to fulfill the terms of any agreement made with the holders of the bonds or notes, or in any way impair the rights and remedies of bondholders or noteholders, until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any actions or proceedings by or on behalf of the bondholders or noteholders, are fully met and discharged. For the purposes of this section, any such crossing shall be considered as competitive only if it shall form a connection for vehicular traffic over, under or across the Hudson river south of a line drawn across the Hudson river fifteen miles north of the Rip Van Winkle bridge, and north of the Bear Mountain bridge.

**§ 534. State not liable on bonds.** The bonds and other obligations of the authority 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.

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

hereafter be authorized.

**§ 536 Tax contract by the state.** (1) The state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds and notes issued by the authority pursuant to this title, in consideration of the making of any payment for the bonds or notes, that the bonds and notes of the authority issued pursuant to this title and the income therefrom, and all moneys, funds, tolls and other revenue pledged to pay or secure the payment of such bonds and notes, shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.

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

**§ 537. Remedies of bondholders.** 1. In the event that the authority shall default in the payment of principal of or interest on any of the bonds as 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 the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding, by instrument or instruments filed in the office of the clerk of the county of Dutchess, Ulster, Greene or Columbia and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee, to represent the bondholders 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 the bonds then outstanding shall, in his or its own name

(a) By suit, action or special proceeding, enforce all rights of the bondholders, including the right to require the authority and the board to collect tolls and rentals adequate to carry out any agreement as to, or pledge of, such tolls and rentals, and to require the authority and the board to carry out any other agreement with the bondholders and to perform its and their duties under this title;

(b) Bring suit upon the 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 bondholders;

(d) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) Declare all bonds due and payable and if all defaults shall have been made good, then upon written request of twenty-five per centum in principal amount of the bonds then outstanding, shall annul such declaration and its consequences.

3. The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of the bondholders. The venue of any such suit, action or proceeding shall be laid in Dutchess, Ulster, Greene or Columbia county.

4. Before declaring the principal of all bonds due and payable the trustee shall first give notice in writing to the authority and to the attorney-general of the state of New York and if, when such notice is given to the attorney-general the legislature shall be in session, the trustee shall not declare the principal of the bonds due before the legislature adjourns sine die, or if the legislature be not then in session the trustee shall not declare the principal of the bonds due

until such an adjournment of the next regular session. If at such session the legislature shall take any action as a result of which past due principal and interest with interest on past due interest, together with the fees, counsel fees and expenses of the trustee and of the receiver, if any, as fixed by the court, shall be paid within sixty days of its adjournment, default in the payment thereof shall thereby be cured.

5. Any such trustee shall, whether or not all bonds have been declared due and payable, be entitled as of right to the appointment of a receiver who may enter and take possession of the bridges or any part or parts thereof and operate and maintain the same and collect and receive all tolls, rentals and other revenues thereafter arising therefrom in the same manner as the authority itself might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceedings 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 the bridges.

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

7. Whenever the word "bonds" or the word "bondholders" shall have been used in this section five hundred and thirty-seven said word shall be deemed to apply only to the bonds or the holders of the bonds of the particular series affected by the default or failure, and the remedies conferred by this section shall be available only to the holders of the bonds of the series, and shall apply only to the bridge or bridges affected by such default or failure.

**§ 538. Tolls, rules and regulations.** 1. The authority shall have power to make rules and regulations for the preservation and use of the bridges and for the payment of tolls. Such rules and regulations shall be subject to the approval of the commissioner. Violations of such rules shall constitute an offense punishable by a fine of not more than one hundred dollars; provided, however, that violators of such rules relating to traffic or pedestrian use of a bridge or highway within the jurisdiction of the authority, 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 public highways. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of those rules of the authority which are defined as offenses shall nevertheless be deemed misdemeanors for the sole purpose of making applicable all procedural provisions of law relating to misdemeanors. The rates of tolls shall be determined by the authority subject to the approval of the commissioner, and to the provisions and limitations of any agreement with the bondholders or noteholders. Nothing herein shall give the commissioner any power or authority to require any act or thing which will constitute a breach of any agreement with the bondholders or noteholders.

2. The authority shall continue to maintain and collect tolls on the bridges and shall, subject to the terms of any agreement, now outstanding or hereafter made, with bondholders or note holders or with the commissioner, apply tolls and other revenues from the operation of

the bridges to the following charges in the order named:

(a) For payment of the cost of maintenance and operation of the bridges;

(b) For payment of installments of principal and of interest maturing upon bonds of the authority, if any;

(c) For payments from time to time in such amounts as the authority shall deem necessary to be contributed to a city pursuant to subdivision ten-b of section five hundred twenty-eight of this chapter.

3. None of the bridges constructed prior to January first, nineteen hundred fifty-eight, shall be free from tolls until all of such bridges are free therefrom, subject to such agreements with bondholders and noteholders as may be made as hereinafter provided, and the rates of tolls on the Franklin Delano Roosevelt Mid-Hudson bridge, the Kingston-Rhinecliff bridge, the Bear Mountain bridge, the Rip Van Winkle bridge, and the Hamilton Fish Newburgh-Beacon bridge shall be uniform.

**§ 539. Powers of the comptroller.** Whenever the state and the funds of which the comptroller is custodian or trustee, or any of them, shall be the owner of any bonds or notes of the authority the comptroller is hereby authorized as to any of such bonds or notes: (a) by agreement with the authority to modify the terms of such bonds or notes or the terms of any contract affecting or securing such bonds or notes, provided that no such agreement shall reduce the principal amount of such bonds or notes or in the opinion of the comptroller jeopardize the payment of the principal thereof or the interest thereon at the rate thereafter payable thereon and provided that any agreement relating to toll rates shall be approved by the commissioner; (b) to sell such bonds or notes to the authority at a price not less than the principal amount thereof and accrued interest; (c) to surrender such bonds or notes to the authority in exchange for other bonds or notes of the authority in a principal amount not less than the principal amount of the bonds or notes surrendered, with such cash adjustments as the comptroller may deem proper; (d) to make such agreements and to do such acts and things as the comptroller shall deem necessary or convenient to exercise the powers hereby conferred; provided, however, that nothing done under the provisions of this section shall in any manner affect the rights of other bondholders or noteholders.

**§ 540. Actions against the authority.** 1. In every action against the authority for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries, the complaint shall contain an allegation that at least thirty days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the authority, or to its secretary, or to its chief executive officer and that the authority has neglected or refused to make an adjustment or payment thereof for thirty days after such presentment.

2. Except in an action for wrongful death, an action against the authority for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been filed within the time limit established by and in compliance with section fifty-e of the general municipal law.

3. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

**§ 541. Title not affected if in part unconstitutional or ineffective.**

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

**§ 542. Inconsistent provisions in other acts superseded.**

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