MEMO OF SUPPORT
Senate Bill 8037 and Assembly Bill 10421
November 17, 2016

Senate Bill 8037 and Assembly Bill 10421 were passed by the New York State Legislature in June 2016. The legislation is now before Governor Cuomo. The legislation would repeal subdivision 18-a of section 1261 of the public authorities law relating to the definition of "transportation purpose" for purposes of the Metropolitan Transportation Authority, language from the New York State budget that allows the MTA to override local zoning laws.

The New York Landmarks Conservancy asks the Governor to sign the legislation that stops the MTA from ignoring the local zoning laws that protect New Yorkers.

This legislation would repeal a provision that expands the definition of "transportation purposes" as it relates to the Metropolitan Transit Authority (MTA). This expanded definition, which was included in the 2016-17 adopted State Budget, permits the MTA to undertake or facilitate a wider range of development on MTA-owned property without regard to local zoning laws.

One of the most fundamental powers of a municipality is the ability to control land use within its boundaries, and local zoning is the most basic and significant of all land use controls. Mayor de Blasio’s administration and the NYC City Planning Commission have spoken out against these measures that exempt the MTA from local zoning laws. Any attempts to undermine these powers may compromise the general welfare and existing character of New York City. Furthermore, there could be negative fiscal implications if the MTA enters into agreements with developers that would eliminate or reduce the property tax revenue.

The MTA should be required to follow the same rules as all other New Yorkers. Mayor de Blasio put forward two City-wide upzoning proposals in 2016, Zoning for Quality and Affordability and Mandatory Inclusionary Housing. The initial versions of these bills would have taken away hard-won provisions of community-based zoning. Enormous opposition from every borough led to the City Council making substantial improvements. Not only the City administration, but New York voters understand the critical role that zoning plays in buildings, streets, and neighborhoods and they want their voices to count.

For these reasons, the New York Landmarks Conservancy urges Governor Cuomo to sign this legislation.

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