

S T A T E   O F   N E W   Y O R K

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S. 1386--B

A. 3954--B  
Cal. No. 299

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 29, 2009

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IN SENATE -- Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. KELLNER, TITUS, CAHILL, WEISENBERG, BING, ROSENTHAL, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BENEDETTO, BOYLAND, CUSICK, FINCH, GLICK, GOTTFRIED, HOOPER, MENG, PAULIN, PHEFFER, RAIA, REILLY, J. RIVERA, P. RIVERA, SPANO, TITONE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public authorities law, in relation to the board of the metropolitan transportation authority; and in relation to the establishment of the metropolitan transit authority riders' council for people with disabilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subparagraphs 1 and 2 of paragraph (a) of subdivision 1 of  
2     section 1263 of the public authorities law, subparagraph 1 as amended by  
3     section 3 of part H of chapter 25 of the laws of 2009 and subparagraph 2  
4     as amended by chapter 549 of the laws of 1994, are amended to read as  
5     follows:

6     (1) There is hereby created the "metropolitan transportation authori-  
7     ty." The authority shall be a body corporate and politic constituting a

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD00007-05-0

1 public benefit corporation. The authority shall consist of TWENTY-FOUR  
2 MEMBERS AND SHALL INCLUDE a [chairman] CHAIRPERSON, sixteen other voting  
3 members, and [two] THREE non-voting and four alternate non-voting  
4 members, as described in subparagraph two of this paragraph appointed by  
5 the governor by and with the advice and consent of the senate. Any  
6 member appointed to a term commencing on or after June thirtieth, two  
7 thousand nine shall have experience in one or more of the following  
8 areas: transportation, public administration, business management,  
9 finance, accounting, law, engineering, land use, urban and regional  
10 planning, management of large capital projects, labor relations, or have  
11 experience in some other area of activity central to the mission of the  
12 authority. Four of the sixteen voting members other than the [chairman]  
13 CHAIRPERSON shall be appointed on the written recommendation of the  
14 mayor of the city of New York; and each of seven other voting members  
15 other than the [chairman] CHAIRPERSON shall be appointed after selection  
16 from a written list of three recommendations from the chief executive  
17 officer of the county in which the particular member is required to  
18 reside pursuant to the provisions of this subdivision. Of the members  
19 appointed on recommendation of the chief executive officer of a county,  
20 one such member shall be, at the time of appointment, a resident of the  
21 county of Nassau, one a resident of the county of Suffolk, one a resi-  
22 dent of the county of Westchester, one a resident of the county of  
23 Dutchess, one a resident of the county of Orange, one a resident of the  
24 county of Putnam and one a resident of the county of Rockland, provided  
25 that the term of any member who is a resident of a county that has with-  
26 drawn from the metropolitan commuter transportation district pursuant to  
27 section twelve hundred seventy-nine-b of this [article] TITLE shall  
28 terminate upon the effective date of such county's withdrawal from such  
29 district. Of the five voting members, other than the [chairman] CHAIR-  
30 PERSON, appointed by the governor without recommendation from any other  
31 person, three shall be, at the time of appointment, residents of the  
32 city of New York and two shall be, at the time of appointment, residents  
33 of such city or of any of the aforementioned counties in the metropol-  
34 itan commuter transportation district. The [chairman] CHAIRPERSON and  
35 each of the members shall be appointed for a term of six years, provided  
36 however, that the [chairman] CHAIRPERSON first appointed shall serve for  
37 a term ending June thirtieth, nineteen hundred eighty-one, provided that  
38 thirty days after the effective date of [the] chapter TWENTY-FIVE of the  
39 laws of two thousand nine [which amended this subparagraph], the term of  
40 the [chairman] CHAIRPERSON shall expire; provided, further, that such  
41 [chairman] CHAIRPERSON may continue to discharge the duties of his or  
42 her office until the position of [chairman] CHAIRPERSON is filled by  
43 appointment by the governor upon the advice and consent of the senate  
44 and the term of such new [chairman] CHAIRPERSON shall terminate June  
45 thirtieth, two thousand fifteen. The sixteen other members first  
46 appointed shall serve for the following terms: The members from the  
47 counties of Nassau and Westchester shall each serve for a term ending  
48 June thirtieth, nineteen hundred eighty-five; the members from the coun-  
49 ty of Suffolk and from the counties of Dutchess, Orange, Putnam and  
50 Rockland shall each serve for a term ending June thirtieth, nineteen  
51 hundred ninety-two; two of the members appointed on recommendation of  
52 the mayor of the city of New York shall each serve for a term ending  
53 June thirtieth, nineteen hundred eighty-four and, two shall each serve  
54 for a term ending June thirtieth, nineteen hundred eighty-one; two of  
55 the members appointed by the governor without the recommendation of any  
56 other person shall each serve for a term ending June thirtieth, nineteen

1 hundred eighty-two, two shall each serve for a term ending June thirti-  
2 eth, nineteen hundred eighty and one shall serve for a term ending June  
3 thirtieth, nineteen hundred eighty-five. The two non-voting and four  
4 alternate non-voting members shall serve until January first, two thou-  
5 sand one. The members from the counties of Dutchess, Orange, Putnam and  
6 Rockland shall cast one collective vote.

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

10 The first non-voting member shall be a regular [mass transit] user of  
11 the MASS TRANSIT facilities of the authority and be recommended to the  
12 governor by the New York city transit authority advisory council. The  
13 first alternate non-voting member shall be a regular mass transit user  
14 of the facilities of the authority and be recommended to the governor by  
15 the Metro-North commuter council. The second alternate non-voting member  
16 shall be a regular mass transit user of the facilities of the authority  
17 and be recommended to the governor by the Long Island Rail Road  
18 commuter's council.

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

32 The non-voting member and the two alternate non-voting members repres-  
33 enting the New York [York] city transit authority advisory council, the  
34 Metro-North commuter council, and the Long Island Rail Road commuter's  
35 council shall serve eighteen month rotating terms, after which time an  
36 alternate non-voting member shall become the non-voting member and the  
37 rotation shall continue until each alternate member has served at least  
38 one eighteen month term as a non-voting member. The other non-voting  
39 member and alternate non-voting members representing the New York city  
40 transit authority, Metro-North Commuter Railroad Company, and the Long  
41 Island Rail Road labor organizations shall serve eighteen month rotating  
42 terms, after which time an alternate non-voting member shall become the  
43 non-voting member and the rotation shall continue until each alternate  
44 member has served at least one eighteen month term as a non-voting  
45 member. The transit authority and the commuter railroads shall not be  
46 represented concurrently by the two non-voting members during any such  
47 eighteen month period.

48 THE THIRD NON-VOTING MEMBER SHALL BE A REGULAR USER OF THE MASS TRANS-  
49 IT FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE  
50 METROPOLITAN TRANSPORTATION AUTHORITY RIDERS' COUNCIL FOR PEOPLE WITH  
51 DISABILITIES AND SHALL SERVE AN EIGHTEEN MONTH TERM.

52 S 2. Paragraph (a) of subdivision 1 of section 1263 of the public  
53 authorities law, as amended by section 4 of part H of chapter 25 of the  
54 laws of 2009, is amended to read as follows:

55 (a) (1) There is hereby created the "metropolitan transportation  
56 authority." The authority shall be a body corporate and politic consti-

1 tuting a public benefit corporation. The authority shall consist of a  
2 [chairman and] CHAIRPERSON, sixteen other VOTING members appointed by  
3 the governor by and with the advice and consent of the senate, AND THREE  
4 NON-VOTING AND FOUR ALTERNATE NON-VOTING MEMBERS, AS DESCRIBED IN  
5 SUBPARAGRAPH TWO OF THIS PARAGRAPH APPOINTED BY THE GOVERNOR BY AND WITH  
6 THE ADVICE AND CONSENT OF THE SENATE. Any member appointed to a term  
7 commencing on or after June thirtieth, two thousand nine shall have  
8 experience in one or more of the following areas of expertise: trans-  
9 portation, public administration, business management, finance, account-  
10 ing, law, engineering, land use, urban and regional planning, management  
11 of large capital projects, labor relations, or have experience in some  
12 other area of activity central to the mission of the authority. Four of  
13 the sixteen members other than the [chairman] CHAIRPERSON shall be  
14 appointed on the written recommendation of the mayor of the city of New  
15 York; and each of seven other members other than the [chairman] CHAIR-  
16 PERSON shall be appointed after selection from a written list of three  
17 recommendations from the chief executive officer of the county in which  
18 the particular member is required to reside pursuant to the provisions  
19 of this subdivision. Of the members appointed on recommendation of the  
20 chief executive officer of a county, one such member shall be, at the  
21 time of appointment, a resident of the county of Nassau; one a resident  
22 of the county of Suffolk; one a resident of the county of Westchester;  
23 and one a resident of the county of Dutchess, one a resident of the  
24 county of Orange, one a resident of the county of Putnam and one a resi-  
25 dent of the county of Rockland, provided that the term of any member who  
26 is a resident of a county that has withdrawn from the metropolitan  
27 commuter transportation district pursuant to section twelve hundred  
28 seventy-nine-b of this article shall terminate upon the effective date  
29 of such county's withdrawal from such district. Of the five members,  
30 other than the [chairman] CHAIRPERSON, appointed by the governor without  
31 recommendation from any other person, three shall be, at the time of  
32 appointment, residents of the city of New York and two shall be, at the  
33 time of appointment, residents of such city or of any of the aforemen-  
34 tioned counties in the metropolitan commuter transportation district.  
35 The [chairman] CHAIRPERSON and each of the members shall be appointed  
36 for a term of six years, provided however, that the [chairman] CHAIR-  
37 PERSON first appointed shall serve for a term ending June thirtieth,  
38 nineteen hundred eighty-one, provided that thirty days after the effec-  
39 tive date of the chapter of the laws of two thousand nine which amended  
40 this paragraph, the term of the [chairman] CHAIRPERSON shall expire;  
41 provided, further, that such [chairman] CHAIRPERSON may continue to  
42 discharge the duties of his office until the position of [chairman]  
43 CHAIRPERSON is filled by appointment by the governor upon the advice and  
44 consent of the senate and the term of such new [chairman] CHAIRPERSON  
45 shall terminate June thirtieth, two thousand fifteen. The sixteen other  
46 members first appointed shall serve for the following terms: The members  
47 from the counties of Nassau and Westchester shall each serve for a term  
48 ending June thirtieth, nineteen hundred eighty-five; the members from  
49 the county of Suffolk and from the counties of Dutchess, Orange, Putnam  
50 and Rockland shall each serve for a term ending June thirtieth, nineteen  
51 hundred ninety-two; two of the members appointed on recommendation of  
52 the mayor of the city of New York shall each serve for a term ending  
53 June thirtieth, nineteen hundred eighty-four and, two shall each serve  
54 for a term ending June thirtieth, nineteen hundred eighty-one; two of  
55 the members appointed by the governor without the recommendation of any  
56 other person shall each serve for a term ending June thirtieth, nineteen

1 hundred eighty-two, two shall each serve for a term ending June thirti-  
2 eth, nineteen hundred eighty and one shall serve for a term ending June  
3 thirtieth, nineteen hundred eighty-five. The members from the counties  
4 of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

5 (2) THERE SHALL BE THREE NON-VOTING MEMBERS AND FOUR ALTERNATE  
6 NON-VOTING MEMBERS OF THE AUTHORITY, AS REFERRED TO IN SUBPARAGRAPH ONE  
7 OF THIS PARAGRAPH.

8 THE FIRST NON-VOTING MEMBER SHALL BE A REGULAR USER OF THE MASS TRANS-  
9 IT FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE  
10 NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL. THE FIRST ALTERNATE  
11 NON-VOTING MEMBER SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES  
12 OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE METRO-NORTH  
13 COMMUTER COUNCIL. THE SECOND ALTERNATE NON-VOTING MEMBER SHALL BE A  
14 REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY AND BE  
15 RECOMMENDED TO THE GOVERNOR BY THE LONG ISLAND RAIL ROAD COMMUTER'S  
16 COUNCIL.

17 THE SECOND NON-VOTING MEMBER SHALL BE RECOMMENDED TO THE GOVERNOR BY  
18 THE LABOR ORGANIZATION REPRESENTING THE MAJORITY OF EMPLOYEES OF THE  
19 LONG ISLAND RAIL ROAD. THE THIRD ALTERNATE NON-VOTING MEMBER SHALL BE  
20 RECOMMENDED TO THE GOVERNOR BY THE LABOR ORGANIZATION REPRESENTING THE  
21 MAJORITY OF EMPLOYEES OF THE NEW YORK CITY TRANSIT AUTHORITY. THE FOURTH  
22 ALTERNATE NON-VOTING MEMBER SHALL BE RECOMMENDED TO THE GOVERNOR BY THE  
23 LABOR ORGANIZATION REPRESENTING THE MAJORITY OF EMPLOYEES OF THE METRO-  
24 NORTH COMMUTER RAILROAD COMPANY. THE CHAIRPERSON OF THE AUTHORITY, AT  
25 HIS DIRECTION, MAY EXCLUDE SUCH NON-VOTING MEMBER OR ALTERNATE NON-VOT-  
26 ING MEMBER FROM ATTENDING ANY PORTION OF A MEETING OF THE AUTHORITY OR  
27 OF ANY COMMITTEE ESTABLISHED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION  
28 FOUR OF THIS SECTION HELD FOR THE PURPOSE OF DISCUSSING NEGOTIATIONS  
29 WITH LABOR ORGANIZATIONS.

30 THE NON-VOTING MEMBER AND THE TWO ALTERNATE NON-VOTING MEMBERS REPRES-  
31 ENTING THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL, THE METRO-  
32 NORTH COMMUTER COUNCIL, AND THE LONG ISLAND RAIL ROAD COMMUTER'S COUNCIL  
33 SHALL SERVE EIGHTEEN MONTH ROTATING TERMS, AFTER WHICH TIME AN ALTERNATE  
34 NON-VOTING MEMBER SHALL BECOME THE NON-VOTING MEMBER AND THE ROTATION  
35 SHALL CONTINUE UNTIL EACH ALTERNATE MEMBER HAS SERVED AT LEAST ONE EIGH-  
36 TEEN MONTH TERM AS A NON-VOTING MEMBER. THE OTHER NON-VOTING MEMBER AND  
37 ALTERNATE NON-VOTING MEMBERS REPRESENTING THE NEW YORK CITY TRANSIT  
38 AUTHORITY, METRO-NORTH COMMUTER RAILROAD COMPANY, AND THE LONG ISLAND  
39 RAIL ROAD LABOR ORGANIZATIONS SHALL SERVE EIGHTEEN MONTH ROTATING TERMS,  
40 AFTER WHICH TIME AN ALTERNATE NON-VOTING MEMBER SHALL BECOME THE  
41 NON-VOTING MEMBER AND THE ROTATION SHALL CONTINUE UNTIL EACH ALTERNATE  
42 MEMBER HAS SERVED AT LEAST ONE EIGHTEEN MONTH TERM AS A NON-VOTING  
43 MEMBER. THE TRANSIT AUTHORITY AND THE COMMUTER RAILROADS SHALL NOT BE  
44 REPRESENTED CONCURRENTLY BY THE TWO NON-VOTING MEMBERS DURING ANY SUCH  
45 EIGHTEEN MONTH PERIOD.

46 THE THIRD NON-VOTING MEMBER SHALL BE A REGULAR USER OF THE MASS TRANS-  
47 IT FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE  
48 METROPOLITAN TRANSPORTATION AUTHORITY RIDERS' COUNCIL FOR PEOPLE WITH  
49 DISABILITIES AND SHALL SERVE AN EIGHTEEN MONTH TERM.

50 S 3. The public authorities law is amended by adding a new section  
51 1266-j to read as follows:

52 S 1266-J. METROPOLITAN TRANSPORTATION AUTHORITY RIDERS' COUNCIL FOR  
53 PERSONS WITH DISABILITIES. 1. THERE IS HEREBY CREATED THE "METROPOLITAN  
54 TRANSIT AUTHORITY RIDERS' COUNCIL FOR PEOPLE WITH DISABILITIES", TO  
55 STUDY, INVESTIGATE, MONITOR, AND MAKE RECOMMENDATIONS WITH RESPECT TO  
56 THE ACCOMMODATION OF THE NEEDS AND CONVENIENCE OF PEOPLE WITH DISABILI-

1 TIES TO THE METROPOLITAN TRANSPORTATION AUTHORITY AND ITS SUBSIDIARIES  
2 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT. SUCH COUNCIL  
3 SHALL STUDY AND INVESTIGATE ALL ASPECTS OF THE DAY-TO-DAY OPERATIONS OF  
4 SUCH AUTHORITY AND ITS SUBSIDIARIES, MONITOR THEIR PERFORMANCE, AND  
5 RECOMMEND CHANGES TO IMPROVE THE EFFICIENCY OF THE OPERATION THEREOF ALL  
6 WITH RESPECT TO THE ACCOMMODATION OF THE NEEDS AND CONVENIENCE OF PEOPLE  
7 WITH DISABILITIES.

8 2. SUCH COUNCIL SHALL CONSIST OF FIFTEEN MEMBERS WHO SHALL BE COMMU-  
9 TERS WHO REGULARLY USE THE TRANSPORTATION SERVICES OF SUCH AUTHORITIES  
10 AND WHO ARE PEOPLE WITH DISABILITIES AS DEFINED IN ANY APPLICABLE STATE  
11 OR FEDERAL LAW. EACH MEMBER SHALL BE APPOINTED BY THE GOVERNOR, ONE  
12 UPON THE RECOMMENDATION OF THE MAYOR OF THE CITY OF NEW YORK; ONE UPON  
13 THE RECOMMENDATION OF THE PRESIDENT OF THE CITY COUNCIL OF THE CITY OF  
14 NEW YORK; ONE UPON THE RECOMMENDATION OF THE NEW YORK STATE COMPTROLLER;  
15 FIVE OTHER MEMBERS UPON THE RECOMMENDATION OF EACH OF THE BOROUGH PRESI-  
16 DENTS OF THE BOROUGH OF THE CITY OF NEW YORK; ONE UPON THE RECOMMENDA-  
17 TION BY THE COUNTY EXECUTIVE OF NASSAU; ONE UPON THE RECOMMENDATION BY  
18 THE COUNTY EXECUTIVE OF SUFFOLK; ONE UPON THE RECOMMENDATION BY THE  
19 COUNTY EXECUTIVE OF WESTCHESTER; ONE UPON THE RECOMMENDATION BY THE  
20 COUNTY EXECUTIVE OF ROCKLAND; ONE UPON THE RECOMMENDATION BY THE COUNTY  
21 EXECUTIVE OF PUTNAM; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE  
22 OF DUTCHESS; AND ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF  
23 ORANGE. THE CHAIR SHALL BE A MEMBER SELECTED BY THE MEMBERSHIP OF THE  
24 COMMITTEE. EACH OF THE MEMBERS SHALL SERVE FOR A TERM OF TWO YEARS.  
25 VACANCIES THAT OCCUR OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN  
26 THE SAME MANNER AS THE ORIGINAL APPOINTMENTS FOR THE BALANCE OF THE  
27 UNEXPIRED TERM.

28 3. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR  
29 SERVICES BUT SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES  
30 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

31 4. TO THE EXTENT THAT ANY FUNDS ARE MADE AVAILABLE TO THE COUNCIL FOR  
32 THE PURPOSES OF THIS SUBDIVISION, THE COUNCIL MAY PROVIDE RESOURCES AS  
33 ARE NECESSARY TO PROVIDE SUPPORT SERVICES TO THE COUNCIL AS NECESSARY OR  
34 CONVENIENT TO ALLOW MEMBERS TO PERFORM THEIR DUTIES INCLUDING, BUT NOT  
35 LIMITED TO, TRANSPORTATION, TELECOMMUNICATIONS AND ACCESSIBLE TECHNOLOGY  
36 SUPPORT, AND MAY EMPLOY ADDITIONAL STAFF AND CONSULTANTS AND INCUR OTHER  
37 EXPENSES TO CARRY OUT ITS DUTIES, TO BE PAID FROM AMOUNTS WHICH MAY BE  
38 MADE AVAILABLE TO THE COUNCIL FOR SUCH PURPOSE.

39 5. THE COUNCIL MAY REQUEST AND SHALL RECEIVE FROM ANY DEPARTMENT,  
40 DIVISION, BOARD, BUREAU, COMMISSION, AGENCY, PUBLIC AUTHORITY OF THE  
41 STATE OR ANY POLITICAL SUBDIVISION THEREOF SUCH ASSISTANCE AND DATA AS  
42 WILL ENABLE IT PROPERLY TO CARRY OUT ITS ACTIVITIES UNDER THIS SECTION  
43 AND EFFECTUATE THE PURPOSES SET FORTH IN THIS SECTION.

44 S 4. This act shall take effect immediately; provided that the amend-  
45 ment to subparagraphs 1 and 2 of paragraph (a) of subdivision 1 of  
46 section 1263 of the public authorities law made by section one of this  
47 act shall be subject to the expiration and reversion of such paragraph  
48 pursuant to chapter 549 of the laws of 1994 as amended, when upon such  
49 date the provisions of section two of this act shall take effect.