

# STATE OF NEW YORK

7822--B

2021-2022 Regular Sessions

## IN ASSEMBLY

May 25, 2021

Introduced by M. of A. J. D. RIVERA -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to various transportation authorities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1299-a of the public authorities law is amended by  
2 adding a new subdivision 18 to read as follows:

3 18. "Transit dependent" shall mean an individual who is limited to  
4 public transit as their primary mode of transportation because the indi-  
5 vidual has either a permanent or temporary disability.

6 § 2. Subdivision 1 of section 1299-c of the public authorities law, as  
7 amended by chapter 220 of the laws of 2012, paragraph (b) as amended by  
8 chapter 197 of the laws of 2017, and paragraph (c) as amended by chapter  
9 176 of the laws of 2012, is amended to read as follows:

10 1. (a) There is hereby created the "Niagara Frontier transportation  
11 authority." The authority shall be a body corporate and politic consti-  
12 tuting a public benefit corporation. The authority shall consist of a  
13 chairman, ten ~~other~~ voting members and shall have ~~two~~ one non-voting  
14 ~~members~~ member as described in ~~paragraphs~~ paragraph (b) ~~and (c)~~ of  
15 this subdivision appointed by the governor by and with the advice and  
16 consent of the senate. The chairman and all members shall be residents  
17 of the district. Of the ten voting members other than the chairman, one  
18 shall be appointed upon the written recommendation of the Erie county  
19 executive ~~and~~, one shall be appointed upon the written recommendation  
20 of the Erie county legislature, and at least one shall be a transit

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

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1 dependent individual. The chairman and each of the members shall be  
2 appointed for a term of eight years, provided however, that the chairman  
3 first appointed shall serve for a term ending June thirtieth, nineteen  
4 hundred seventy-three, and of the eight other members first appointed,  
5 one shall serve for a term ending June thirtieth, nineteen hundred  
6 sixty-eight, two shall serve for a term ending June thirtieth, nineteen  
7 hundred sixty-nine, one shall serve for a term ending June thirtieth,  
8 nineteen hundred seventy, two shall serve for a term ending June thirti-  
9 eth, nineteen hundred seventy-one, one shall serve for a term ending  
10 June thirtieth, nineteen hundred seventy-two and one shall serve for a  
11 term ending June thirtieth, nineteen hundred seventy-three. The term of  
12 one of the members appointed to memberships first created by law after  
13 April first, nineteen hundred sixty-nine shall end on June thirtieth,  
14 nineteen hundred seventy-four, and the term of the other such member  
15 shall end on June thirtieth, nineteen hundred seventy-five. Following  
16 the expiration of any term ending on or after June thirtieth, nineteen  
17 hundred eighty-seven, each member shall be appointed for a term of five  
18 years beginning on the day after the expiration date of such prior term;  
19 provided, however, that the term of the member first appointed upon the  
20 written recommendation of the Erie county executive and the term of the  
21 member first appointed upon the written recommendation of the Erie coun-  
22 ty legislature shall be for a term ending on June thirtieth, nineteen  
23 hundred ninety-six.

24 (b) The [~~first~~] non-voting member of the authority, who shall not be  
25 considered in determining a quorum, shall be recommended to the governor  
26 by the labor organization representing the plurality of the employees  
27 within the authority and shall be a resident of the Niagara Frontier  
28 transportation district as described in section twelve hundred ninety-  
29 nine-b of this title. Such [~~first~~] non-voting member shall be appointed  
30 for a term of five years, provided, however, that if at any time during  
31 the term of appointment such non-voting member ceases to be affiliated  
32 with the labor organization representing the plurality of employees  
33 within the authority, then such labor organization may at any time  
34 during such term recommend a new member to the governor who shall serve  
35 the remainder of the term. If the local bargaining unit decertifies its  
36 existing union affiliation and certifies a new union, the union which  
37 represents the plurality of the employees may recommend a new member to  
38 the governor who shall serve the remainder of the term. The chairman of  
39 the authority, at his or her discretion, may exclude such non-voting  
40 member from attending any portion of a meeting of the authority or of  
41 any committee held for the purpose of discussing negotiations with labor  
42 organizations, pending litigation involving the labor organization, or  
43 the investigation, evaluation, or discipline of an employee.

44 [~~There shall also be a second non-voting member of the authority,~~  
45 ~~who shall not be considered in determining a quorum. The second non-vot-~~  
46 ~~ing member shall be appointed by the governor as a representative of the~~  
47 ~~transit dependent community and/or people with disabilities. The second~~  
48 ~~non-voting member shall be appointed for a term of five years.] The  
49 transit dependent individual appointed pursuant to subdivision (a) of  
50 this section shall be appointed by the governor at the recommendation of  
51 a local or statewide transit advocacy organization. Such member shall be  
52 a resident of a county described in paragraph (a) of this subdivision.  
53 If a vacancy shall occur, a replacement shall be appointed within six  
54 months, subject to the same appointment process set forth in this para-  
55 graph.~~

1 § 3. Section 1299-bb of the public authorities law is amended by  
2 adding a new subdivision 25 to read as follows:

3 25. "Transit dependent" shall mean an individual who is limited to  
4 public transit as their primary mode of transportation because the indi-  
5 vidual has either a permanent or temporary disability.

6 § 4. Subdivision 1 of section 1299-dd of the public authorities law,  
7 as amended by chapter 495 of the laws of 2019, is amended to read as  
8 follows:

9 1. (a) There is hereby created the Rochester-Genesee regional trans-  
10 portation authority. The authority shall be a body corporate and politic  
11 constituting a public benefit corporation. It shall consist of at least  
12 one member from each county that elects to join the authority except  
13 that the county of Monroe shall have seven members of whom three shall  
14 be appointed from the city of Rochester and four at large from the coun-  
15 ty of Monroe and shall have [~~two~~] one non-voting [~~members~~] member as  
16 described in [~~paragraphs~~] paragraph (b) [~~and (c)~~] of this subdivision.  
17 At least one voting member shall be a transit dependent individual who  
18 shall be a resident of a county described in this subdivision and  
19 appointed by the governor at the recommendation of a local or statewide  
20 transit advocacy organization, provided that if a vacancy occurs for  
21 such transit dependent member position, a replacement shall be appointed  
22 within six months, subject to the same appointment process set forth  
23 in this paragraph. The members shall be appointed by the governor by and  
24 with the advice and consent of the senate. The governor shall make  
25 initial appointments to the authority in such number and from lists  
26 submitted as follows: three members shall be appointed to the authority  
27 from a list of not less than six names, all of whom must be residents of  
28 the city of Rochester, submitted to the governor by the council of the  
29 city of Rochester; four persons from a list of not less than eight  
30 persons, all of whom must be residents of the county of Monroe submitted  
31 by the legislature of the county of Monroe. Other counties electing to  
32 participate shall each submit to the governor a list of not less than  
33 two persons for each one hundred thousand or major fraction of the total  
34 population, as determined by the last federal decennial or federal coun-  
35 ty-wide special census. From the counties outside the county of Monroe  
36 which shall elect to participate, the governor shall appoint one member  
37 for each one hundred thousand or major fraction of the total population,  
38 as determined by the last federal decennial or federal county-wide  
39 special census, with a minimum of one member to represent each county  
40 outside the county of Monroe so electing to participate. All members of  
41 the authority shall be residents of the area from which they are nomi-  
42 nated.

43 (b) The [~~first~~] non-voting member of the authority, who shall not be  
44 considered in determining a quorum, shall be recommended to the governor  
45 by the labor organization representing the plurality of the employees  
46 within the authority and shall be a resident of the Rochester-Genesee  
47 regional transportation district as described in section twelve hundred  
48 ninety-nine-cc of this title. Such [~~first~~] non-voting member shall be  
49 appointed for a term of five years, provided, however, that if at any  
50 time during the term of appointment such non-voting member ceases to be  
51 affiliated with the labor organization representing the plurality of  
52 employees within the authority, then such labor organization may at any  
53 time during such term recommend a new member to the governor who shall  
54 serve the remainder of the term. If the local bargaining unit decerti-  
55 fies its existing union affiliation and certifies a new union, the union  
56 which represents the plurality of the employees may recommend a new

1 member to the governor who shall serve the remainder of the term. The  
2 chairman of the authority, at his or her discretion, may exclude such  
3 non-voting member from attending any portion of a meeting of the author-  
4 ity or of any committee held for the purpose of discussing negotiations  
5 with labor organizations, pending litigation involving the labor organ-  
6 ization, or the investigation, evaluation, or discipline of an employee.

7 ~~[(e) There shall also be a second non-voting member of the authority,  
8 who shall not be considered in determining a quorum. The second non-vot-  
9 ing member shall be appointed by the governor as a representative of the  
10 transit dependent and/or disabled community. The second non-voting  
11 member shall be appointed for a term of five years. The chair of the  
12 authority, at his or her discretion, may exclude such non-voting member  
13 from attending any portion of a meeting of the authority or of any  
14 committee held pursuant to the executive session provisions of the open  
15 meetings law.]~~

16 § 5. Section 1301 of the public authorities law is amended by adding a  
17 new subdivision 26 to read as follows:

18 26. "Transit dependent" shall mean an individual who is limited to  
19 public transit as their primary mode of transportation because the indi-  
20 vidual has a temporary or permanent disability.

21 § 6. Subdivision 1 of section 1303 of the public authorities law, as  
22 amended by chapter 388 of the laws of 2007, is amended to read as  
23 follows:

24 1. (a) There is hereby created the Capital District transportation  
25 authority. The authority shall be a body corporate and politic consti-  
26 tuting a public benefit corporation. It shall consist of not less than  
27 eight nor more than fifteen members, including a chairman and shall have  
28 one non-voting member as described in paragraph (b) of this subdivision.  
29 At least one voting member shall be a transit dependent individual who  
30 shall be appointed by the governor at the recommendation of a local or  
31 statewide transit advocacy organization, provided that if a vacancy  
32 occurs for such transit dependent member position, a replacement shall  
33 be appointed within six months, subject to the same appointment  
34 process within this paragraph. The members shall be appointed by the  
35 governor by and with the advice and consent of the senate. The governor  
36 shall make initial appointments to the authority in such number and from  
37 lists submitted as follows: three members shall be appointed to the  
38 authority from a list of six names, all of whom shall be residents of  
39 the county of Albany, four of which names shall be submitted to the  
40 governor by the majority party of the legislature of the county of Alba-  
41 ny and two of which names shall be submitted by the minority party of  
42 such legislature; two members shall be appointed to the authority from a  
43 list of four names, all of whom shall be residents of the county of  
44 Schenectady, three of which names shall be submitted to the governor by  
45 the majority party of the legislature of the county of Schenectady and  
46 one of which names shall be submitted by the minority party of such  
47 legislature; two members shall be appointed to the authority from a list  
48 of four names, all of whom shall be residents of the county of Rensse-  
49 laer, three of which names shall be submitted to the governor by the  
50 majority party of the legislature of the county of Rensselaer and one of  
51 which names shall be submitted by the minority party of such legisla-  
52 ture; two members shall be appointed to the authority from a list of  
53 four names, all of whom shall be residents of the county of Saratoga,  
54 three of which names shall be submitted to the governor by the majority  
55 party of the legislature of the county of Saratoga and one of which  
56 names shall be submitted by the minority party of such legislature.

1 Other counties electing to participate shall each submit to the governor  
2 a list of two persons each of whom shall be a resident of such county,  
3 one of which names shall be submitted to the governor by the majority  
4 party of the legislature of such county and one of which names shall be  
5 submitted by the minority party of such legislature, from which number  
6 the governor shall appoint one member for each such county so electing  
7 to participate.

8 (b) [~~There shall also be one~~] The non-voting member of the authority,  
9 [~~which~~] who shall not be considered in determining a quorum[~~—The non-~~  
10 ~~voting member~~], shall be recommended to the governor by the labor organ-  
11 ization representing the plurality of the employees within the authority  
12 and shall be a resident of the Capital District transportation district  
13 as described in section thirteen hundred two of this title. The non-vot-  
14 ing member shall be appointed for a term of five years, provided, howev-  
15 er, that if at any time during the term of appointment the non-voting  
16 member ceases to be affiliated with the labor organization representing  
17 the plurality of employees within the authority, then such labor organ-  
18 ization may at any time during such term recommend a new member to the  
19 governor who shall serve the remainder of the term. If the local  
20 bargaining unit decertifies its existing union affiliation and certifies  
21 a new union, the union which represents the plurality of the employees  
22 may recommend a new member to the governor who shall serve the remainder  
23 of the term. The chairman of the authority, at his or her discretion,  
24 may exclude such non-voting member from attending any portion of a meet-  
25 ing of the authority or of any committee held for the purpose of  
26 discussing negotiations with labor organizations, pending litigation  
27 involving the labor organization, or the investigation, evaluation, or  
28 discipline of an employee.

29 § 7. Section 1326 of the public authorities law is amended by adding a  
30 new subdivision 26 to read as follows:

31 26. "Transit dependent" shall mean an individual who is limited to  
32 public transit as their primary mode of transportation because the indi-  
33 vidual has a temporary or permanent disability.

34 § 8. Subdivision 1 of section 1328 of the public authorities law, as  
35 separately amended by chapters 388 and 396 of the laws of 2007, is  
36 amended to read as follows:

37 1. (a) There is hereby created the central New York regional transpor-  
38 tation authority. The authority shall be a body corporate and politic  
39 constituting a public benefit corporation. It shall consist of not more  
40 than twelve members, including a chairman and shall have one non-voting  
41 member as described in paragraph (b) of this subdivision. At least one  
42 voting member shall be a transit dependent individual who shall be  
43 appointed by the governor at the recommendation of a local or statewide  
44 transit advocacy organization, provided that if a vacancy occurs for  
45 such transit dependent member position, a replacement shall be appointed  
46 within six months, subject to the same appointment process within  
47 this paragraph. The members shall be appointed by the governor by and  
48 with the advice and consent of the senate. The governor shall make  
49 initial appointments to the authority in such number and from lists  
50 submitted as follows: three members shall be appointed to the authority  
51 from a list of not less than six names, submitted to the governor by the  
52 common council of the city of Syracuse, five persons from a list of not  
53 less than ten names, submitted by the legislature of the county of Onon-  
54 daga and two members shall be appointed from a list of not less than  
55 four names submitted by the legislature of the county of Oneida. Other  
56 counties electing to participate shall each submit to the governor a

1 list of not less than two persons for each one hundred thousand or major  
2 fraction of the total population, as determined by the nineteen hundred  
3 seventy or any subsequent federal decennial or federal county-wide  
4 special census, of the counties outside the county of Onondaga which  
5 shall elect to participate, from which number the governor shall appoint  
6 one member for each one hundred thousand or major fraction of the total  
7 population, as determined by such federal decennial or federal county-  
8 wide special census, with a maximum of three members to represent such  
9 counties outside the county of Onondaga so electing to participate.

10 (b) [~~There shall also be one~~] The non-voting member of the authority,  
11 [~~which~~ who shall not be considered in determining a quorum[~~. The non-~~  
12 ~~voting member~~], shall be recommended to the governor by the labor organ-  
13 ization representing the plurality of the employees within the authori-  
14 ty. The non-voting member shall be appointed for a term of seven years,  
15 provided, however, that if at any time during the term of appointment  
16 the non-voting member ceases to be affiliated with the labor organiza-  
17 tion representing the plurality of employees within the authority, then  
18 such labor organization may at any time during such term recommend a new  
19 member to the governor who shall serve the remainder of the term. If the  
20 local bargaining unit decertifies its existing union affiliation and  
21 certifies a new union, the union which represents the plurality of the  
22 employees may recommend a new member to the governor who shall serve the  
23 remainder of the term. The chairman of the authority, at his or her  
24 discretion, may exclude such non-voting member from attending any  
25 portion of a meeting of the authority or of any committee held for the  
26 purpose of discussing negotiations with labor organizations, pending  
27 litigation involving the labor organization, or the investigation, eval-  
28 uation, or discipline of an employee.

29 § 9. This act shall take effect on the ninetieth day after it shall  
30 have become a law.