

STATE OF NEW YORK

3959--A

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- 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:

Section 1. Section 1299-a of the public authorities law is amended by adding two new subdivisions 18 and 19 to read as follows:

18. "Transit dependent" shall mean an individual who is limited to public transit as their primary mode of transportation because the individual, (a) has no means of private transportation; (b) is elderly (over age 65); (c) is a youth (under age 18); or (d) lives below the poverty or median income levels as defined by the U.S. Census Bureau.

19. "Para-transit dependent" shall mean an individual who is limited to public transit as their primary mode of transportation and who has either a permanent or temporary disability.

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

1. (a) There is hereby created the "Niagara Frontier transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman, ~~ten~~ not more than twelve other members and shall have two non-voting members as described in paragraphs (b) and (c) of this subdivision appointed by the governor by and with the advice and consent of the senate. The chairman and all members shall be residents of the district. Of the ~~ten~~ voting members other than the chairman, one shall be appointed upon the written recommendation of the Erie county execu-

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

LBD07644-02-1

tive ~~and~~, one shall be appointed upon the written recommendation of the Erie county legislature, at least one shall be appointed as a representative of the transit dependent community and at least one shall be appointed as a representative of the para-transit dependent community, as described in paragraph (d) of this subdivision. The chairman and

each of the members shall be appointed for a term of eight years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred seventy-three, and of the eight other members first appointed, one shall serve for a term ending June thirtieth, nineteen hundred sixty-eight, two shall serve for a term ending June thirtieth, nineteen hundred sixty-nine, one shall serve for a term ending June thirtieth, nineteen hundred seventy, two shall serve for a term ending June thirtieth, nineteen hundred seventy-one, one shall serve for a term ending June thirtieth, nineteen hundred seventy-two and one shall serve for a term ending June thirtieth, nineteen hundred seventy-three. The term of one of the members appointed to memberships first created by law after April first, nineteen hundred sixty-nine shall end on June thirtieth, nineteen hundred seventy-four, and the term of the other such member shall end on June thirtieth, nineteen hundred seventy-five. Following the expiration of any term ending on or after June thirtieth, nineteen hundred eighty-seven, each member shall be appointed for a term of five years beginning on the day after the expiration date of such prior term; provided, however, that the term of the member first appointed upon the written recommendation of the Erie county executive and the term of the member first appointed upon the written recommendation of the Erie county legislature shall be for a term ending on June thirtieth, nineteen hundred ninety-six.

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

(c) There shall also be a second non-voting member of the authority, who shall not be considered in determining a quorum. The second non-voting member shall be appointed by the governor as a representative of the transit dependent community and/or people with disabilities. The second non-voting member shall be appointed for a term of five years.

(d) There shall be at least two members of the authority appointed by the governor as representatives of the transit dependent and para-transit dependent community. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: at

1 least two members shall be appointed to the authority from a list of not
2 less than four names, submitted to the governor by local and statewide
3 transit advocacy organizations. The members shall be residents of a
4 county described in paragraph (a) of this subdivision. The members
5 shall be appointed for a term of five years. If a vacancy shall occur
6 for these member positions, a replacement shall be appointed within six
7 months, subject to the same appointment process within this paragraph.

8 § 3. Section 1299-bb of the public authorities law is amended by
9 adding two new subdivisions 25 and 26 to read as follows:

10 25. "Transit dependent" shall mean an individual who is limited to
11 public transit as their primary mode of transportation because the indi-
12 vidual, (a) has no means of private transportation; (b) is elderly (over
13 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
14 or median income levels as defined by the U.S. Census Bureau.

15 26. "Para-transit dependent" shall mean an individual who is limited
16 to public transit as their primary mode of transportation and who has
17 either a permanent or temporary disability.

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

21 1. (a) There is hereby created the Rochester-Genesee regional trans-
22 portation authority. The authority shall be a body corporate and politic
23 constituting a public benefit corporation. It shall consist of at least
24 one member from each county that elects to join the authority except
25 that the county of Monroe shall have seven members of whom three shall
26 be appointed from the city of Rochester and four at large from the coun-
27 ty of Monroe and shall have [~~two~~] one non-voting [~~members~~] member as
28 described in [~~paragraphs~~] paragraph (b) [~~and (c)~~] of this subdivision.
29 At least one voting member shall be appointed as a representative of the
30 transit dependent community and at least one voting member shall be
31 appointed as a representative of the para-transit dependent community,
32 as described in paragraph (c) of this subdivision. The members shall be
33 appointed by the governor by and with the advice and consent of the
34 senate. The governor shall make initial appointments to the authority in
35 such number and from lists submitted as follows: three members shall be
36 appointed to the authority from a list of not less than six names, all
37 of whom must be residents of the city of Rochester, submitted to the
38 governor by the council of the city of Rochester; four persons from a
39 list of not less than eight persons, all of whom must be residents of
40 the county of Monroe submitted by the legislature of the county of
41 Monroe. Other counties electing to participate shall each submit to the
42 governor a list of not less than two persons for each one hundred thou-
43 sand or major fraction of the total population, as determined by the
44 last federal decennial or federal county-wide special census. From the
45 counties outside the county of Monroe which shall elect to participate,
46 the governor shall appoint one member for each one hundred thousand or
47 major fraction of the total population, as determined by the last feder-
48 al decennial or federal county-wide special census, with a minimum of
49 one member to represent each county outside the county of Monroe so
50 electing to participate. All members of the authority shall be residents
51 of the area from which they are nominated.

52 (b) [~~The first~~] There shall also be one non-voting member of the
53 authority who shall not be considered in determining a quorum[~~7~~]. The
54 non-voting member shall be recommended to the governor by the labor
55 organization representing the plurality of the employees within the
56 authority and shall be a resident of the Rochester-Genesee regional

1 transportation district as described in section twelve hundred ninety-
2 nine-cc of this title. Such [~~first~~] non-voting member shall be appointed
3 for a term of five years, provided, however, that if at any time during
4 the term of appointment such non-voting member ceases to be affiliated
5 with the labor organization representing the plurality of employees
6 within the authority, then such labor organization may at any time
7 during such term recommend a new member to the governor who shall serve
8 the remainder of the term. If the local bargaining unit decertifies its
9 existing union affiliation and certifies a new union, the union which
10 represents the plurality of the employees may recommend a new member to
11 the governor who shall serve the remainder of the term. The chairman of
12 the authority, at his or her discretion, may exclude such non-voting
13 member from attending any portion of a meeting of the authority or of
14 any committee held for the purpose of discussing negotiations with labor
15 organizations, pending litigation involving the labor organization, or
16 the investigation, evaluation, or discipline of an employee.

17 (c) There shall [~~also~~] be [~~a second non-voting member~~] at least two
18 members of the authority[~~, who shall not be considered in determining a~~
19 ~~quorum. The second non-voting member shall be~~] appointed by the governor
20 as [~~a representative~~] representatives of the transit dependent and[~~or~~
21 ~~disabled~~] para-transit dependent community. The [~~second non-voting~~
22 ~~member~~] governor shall [~~be appointed~~] make initial appointments to the
23 authority in such number and from lists submitted as follows: at least
24 two members shall be appointed to the authority from a list of not less
25 than four names, submitted to the governor by local and statewide trans-
26 it advocacy organizations. The members shall be residents of a county
27 described in paragraph (a) of this subdivision. The members shall be
28 appointed for a term of five years. [~~The chair of the authority, at his~~
29 ~~or her discretion, may exclude such non-voting member from attending any~~
30 ~~portion of a meeting of the authority or of any committee held pursuant~~
31 ~~to the executive session provisions of the open meetings law~~] If a
32 vacancy shall occur for these member positions, a replacement shall be
33 appointed within six months, subject to the same appointment process
34 within this paragraph.

35 § 5. Section 1301 of the public authorities law is amended by adding
36 two new subdivisions 26 and 27 to read as follows:

37 26. "Transit dependent" shall mean an individual who is limited to
38 public transit as their primary mode of transportation because the indi-
39 vidual, (a) has no means of private transportation; (b) is elderly (over
40 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
41 or median income levels as defined by the U.S. Census Bureau.

42 27. "Para-transit dependent" shall mean an individual who is limited
43 to public transit as their primary mode of transportation and who has
44 either a permanent or temporary disability.

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

48 1. (a) There is hereby created the Capital District transportation
49 authority. The authority shall be a body corporate and politic consti-
50 tuting a public benefit corporation. It shall consist of not less than
51 eight nor more than fifteen members, including a chairman and shall have
52 one non-voting member as described in paragraph (b) of this subdivision.
53 At least one voting member shall be appointed as a representative of the
54 transit dependent community and at least one voting member shall be
55 appointed as a representative of the para-transit dependent community,
56 as described in paragraph (c) of this subdivision. The members shall be

1 appointed by the governor by and with the advice and consent of the
2 senate. The governor shall make initial appointments to the authority in
3 such number and from lists submitted as follows: three members shall be
4 appointed to the authority from a list of six names, all of whom shall
5 be residents of the county of Albany, four of which names shall be
6 submitted to the governor by the majority party of the legislature of
7 the county of Albany and two of which names shall be submitted by the
8 minority party of such legislature; two members shall be appointed to
9 the authority from a list of four names, all of whom shall be residents
10 of the county of Schenectady, three of which names shall be submitted to
11 the governor by the majority party of the legislature of the county of
12 Schenectady and one of which names shall be submitted by the minority
13 party of such legislature; two members shall be appointed to the author-
14 ity from a list of four names, all of whom shall be residents of the
15 county of Rensselaer, three of which names shall be submitted to the
16 governor by the majority party of the legislature of the county of Rens-
17 selaer and one of which names shall be submitted by the minority party
18 of such legislature; two members shall be appointed to the authority
19 from a list of four names, all of whom shall be residents of the county
20 of Saratoga, three of which names shall be submitted to the governor by
21 the majority party of the legislature of the county of Saratoga and one
22 of which names shall be submitted by the minority party of such legisla-
23 ture. Other counties electing to participate shall each submit to the
24 governor a list of two persons each of whom shall be a resident of such
25 county, one of which names shall be submitted to the governor by the
26 majority party of the legislature of such county and one of which names
27 shall be submitted by the minority party of such legislature, from which
28 number the governor shall appoint one member for each such county so
29 electing to participate.

30 (b) There shall also be one non-voting member of the authority, which
31 shall not be considered in determining a quorum. The non-voting member
32 shall be recommended to the governor by the labor organization repres-
33 enting the plurality of the employees within the authority and shall be
34 a resident of the Capital District transportation district as described
35 in section thirteen hundred two of this title. The non-voting member
36 shall be appointed for a term of five years, provided, however, that if
37 at any time during the term of appointment the non-voting member ceases
38 to be affiliated with the labor organization representing the plurality
39 of employees within the authority, then such labor organization may at
40 any time during such term recommend a new member to the governor who
41 shall serve the remainder of the term. If the local bargaining unit
42 decertifies its existing union affiliation and certifies a new union,
43 the union which represents the plurality of the employees may recommend
44 a new member to the governor who shall serve the remainder of the term.
45 The chairman of the authority, at his or her discretion, may exclude
46 such non-voting member from attending any portion of a meeting of the
47 authority or of any committee held for the purpose of discussing negoti-
48 ations with labor organizations, pending litigation involving the labor
49 organization, or the investigation, evaluation, or discipline of an
50 employee.

51 (c) There shall be at least two members of the authority appointed by
52 the governor as representatives of the transit dependent and para-tran-
53 sit dependent community. The governor shall make initial appointments to
54 the authority in such number and from lists submitted as follows: at
55 least two members shall be appointed to the authority from a list of not
56 less than four names, submitted to the governor by local and statewide

1 transit advocacy organizations. The members shall be residents of a
2 county described in paragraph (a) of this subdivision. The members
3 shall be appointed for a term of five years. If a vacancy shall occur
4 for these member positions, a replacement shall be appointed within six
5 months, subject to the same appointment process within this paragraph.

6 § 7. Section 1326 of the public authorities law is amended by adding
7 two new subdivisions 26 and 27 to read as follows:

8 26. "Transit dependent" shall mean an individual who is limited to
9 public transit as their primary mode of transportation because the indi-
10 vidual, (a) has no means of private transportation; (b) is elderly (over
11 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
12 or median income levels as defined by the U.S. Census Bureau.

13 27. "Para-transit dependent" shall mean an individual who is limited
14 to public transit as their primary mode of transportation and who has
15 either a permanent or temporary disability.

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

19 1. (a) There is hereby created the central New York regional transpor-
20 tation authority. The authority shall be a body corporate and politic
21 constituting a public benefit corporation. It shall consist of not more
22 than twelve members, including a chairman and shall have one non-voting
23 member as described in paragraph (b) of this subdivision. At least one
24 voting member shall be appointed as a representative of the transit
25 dependent community and at least one voting member shall be appointed as
26 a representative of the para-transit dependent community, as described
27 in paragraph (c) of this subdivision. The members shall be appointed by
28 the governor by and with the advice and consent of the senate. The
29 governor shall make initial appointments to the authority in such number
30 and from lists submitted as follows: three members shall be appointed to
31 the authority from a list of not less than six names, submitted to the
32 governor by the common council of the city of Syracuse, five persons
33 from a list of not less than ten names, submitted by the legislature of
34 the county of Onondaga and two members shall be appointed from a list of
35 not less than four names submitted by the legislature of the county of
36 Oneida. Other counties electing to participate shall each submit to the
37 governor a list of not less than two persons for each one hundred thou-
38 sand or major fraction of the total population, as determined by the
39 nineteen hundred seventy or any subsequent federal decennial or federal
40 county-wide special census, of the counties outside the county of Onon-
41 daga which shall elect to participate, from which number the governor
42 shall appoint one member for each one hundred thousand or major fraction
43 of the total population, as determined by such federal decennial or
44 federal county-wide special census, with a maximum of three members to
45 represent such counties outside the county of Onondaga so electing to
46 participate.

47 (b) There shall also be one non-voting member of the authority, which
48 shall not be considered in determining a quorum. The non-voting member
49 shall be recommended to the governor by the labor organization repres-
50 enting the plurality of the employees within the authority. The non-vot-
51 ing member shall be appointed for a term of seven years, provided,
52 however, that if at any time during the term of appointment the non-vot-
53 ing member ceases to be affiliated with the labor organization repres-
54 enting the plurality of employees within the authority, then such labor
55 organization may at any time during such term recommend a new member to
56 the governor who shall serve the remainder of the term. If the local

1 bargaining unit decertifies its existing union affiliation and certifies
2 a new union, the union which represents the plurality of the employees
3 may recommend a new member to the governor who shall serve the remainder
4 of the term. The chairman of the authority, at his or her discretion,
5 may exclude such non-voting member from attending any portion of a meet-
6 ing of the authority or of any committee held for the purpose of
7 discussing negotiations with labor organizations, pending litigation
8 involving the labor organization, or the investigation, evaluation, or
9 discipline of an employee.

10 (c) There shall be at least two members of the authority appointed by
11 the governor as representatives of the transit dependent and para-tran-
12 sit dependent community. The governor shall make initial appointments to
13 the authority in such number and from lists submitted as follows: at
14 least two members shall be appointed to the authority from a list of not
15 less than four names, submitted to the governor by local and statewide
16 transit advocacy organizations. The members shall be residents of a
17 county described in paragraph (a) of this subdivision. The members
18 shall be appointed for a term of five years. If a vacancy shall occur
19 for these member positions, a replacement shall be appointed within six
20 months, subject to the same appointment process within this paragraph.

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