

STATE OF NEW YORK

8543

IN ASSEMBLY

January 8, 2024

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to requiring one voting member of the metropolitan transportation authority be a transit dependent individual; and to amend a chapter of the laws of 2023 amending the public authorities law relating to requiring one voting member of the metropolitan transportation authority be a transit dependent individual, as proposed in legislative bills numbers S. 5069-A and A. 4504-A, in relation to the effectiveness thereof

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

Section 1. Subparagraph 1 of paragraph (a) of subdivision 1 of section 1263 of the public authorities law, as amended by a chapter of the laws of 2023 amending the public authorities law relating to requiring one voting member of the metropolitan transportation authority be a transit dependent individual, as proposed in legislative bills numbers S. 5069-A and A. 4504-A, is amended to read as follows:

(1) There is hereby created the "metropolitan transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairperson, sixteen other voting members, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the sixteen voting members other than the chairperson shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other voting members other than the chairperson shall be appointed after selection from a written list of three recommendations from the chief executive

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

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1 officer of the county in which the particular member is required to
2 reside pursuant to the provisions of this subdivision. Of the members
3 appointed on recommendation of the chief executive officer of a county,
4 one such member shall be, at the time of appointment, a resident of the
5 county of Nassau, one a resident of the county of Suffolk, one a resi-
6 dent of the county of Westchester, one a resident of the county of
7 Dutchess, one a resident of the county of Orange, one a resident of the
8 county of Putnam and one a resident of the county of Rockland, provided
9 that the term of any member who is a resident of a county that has with-
10 drawn from the metropolitan commuter transportation district pursuant to
11 section twelve hundred seventy-nine-b of this title shall terminate upon
12 the effective date of such county's withdrawal from such district. Of
13 the five voting members, other than the chairperson, appointed by the
14 governor without recommendation from any other person, three shall be,
15 at the time of appointment, residents of the city of New York and two
16 shall be, at the time of appointment, residents of such city or of any
17 of the aforementioned counties in the metropolitan commuter transporta-
18 tion district. Provided however, notwithstanding the foregoing residency
19 requirement, one of the five voting members appointed by the governor
20 without recommendation from any other person, other than the chair-
21 person, may be the director of the New York state division of the budg-
22 et, and provided further that, in the event of such appointment, the
23 budget director's membership in the authority shall be deemed ex-offi-
24 cio. Provided further, one of the [~~five~~] twelve voting members, other
25 than the chairperson, appointed by the governor without recommendation
26 by any other person, or on the recommendation of the mayor of the city
27 of New York, or of the chief executive officer of the counties of West-
28 chester, Nassau, or Suffolk shall be a transit dependent individual. A
29 "transit dependent individual" shall mean an individual who is limited
30 to public transit as their primary mode of transportation because the
31 individual has a permanent disability, provided that any local or state-
32 wide transit advocacy organization may recommend one or more transit
33 dependent individuals to be considered for appointment pursuant to this
34 section. The chairperson and each of the members shall be appointed for
35 a term of six years, provided however, that the chairperson first
36 appointed shall serve for a term ending June thirtieth, nineteen hundred
37 eighty-one, provided that thirty days after the effective date of the
38 chapter of the laws of two thousand nine which amended this subpara-
39 graph, the term of the chairperson shall expire; provided, further, that
40 such chairperson may continue to discharge the duties of his or her
41 office until the position of chairperson is filled by appointment by the
42 governor upon the advice and consent of the senate and the term of such
43 new chairperson shall terminate June thirtieth, two thousand fifteen.
44 The sixteen other members first appointed shall serve for the following
45 terms: The members from the counties of Nassau and Westchester shall
46 each serve for a term ending June thirtieth, nineteen hundred eighty-
47 five; the members from the county of Suffolk and from the counties of
48 Dutchess, Orange, Putnam and Rockland shall each serve for a term ending
49 June thirtieth, nineteen hundred ninety-two; two of the members
50 appointed on recommendation of the mayor of the city of New York shall
51 each serve for a term ending June thirtieth, nineteen hundred eighty-
52 four and, two shall each serve for a term ending June thirtieth, nine-
53 teen hundred eighty-one; two of the members appointed by the governor
54 without the recommendation of any other person shall each serve for a
55 term ending June thirtieth, nineteen hundred eighty-two, two shall each
56 serve for a term ending June thirtieth, nineteen hundred eighty and one

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

6 § 2. Subdivision 1 of section 1263 of the public authorities law is
7 amended by adding a new paragraph (b-1) to read as follows:

8 (b-1) Notwithstanding any inconsistent provision of this section, in
9 the event that, upon a vacancy to be filled by the governor without
10 recommendation, other than the chairperson, there is no transit depend-
11 ent member serving, the governor shall appoint a transit dependent indi-
12 vidual to fill the vacancy, consistent with paragraph (a) of this subdi-
13 vision. Provided further that in the event that there is no transit
14 dependent member serving and there is no vacancy to be filled by the
15 governor without recommendation other than the chairperson, then upon a
16 vacancy in a seat filled by the governor upon the recommendation of the
17 mayor of the city of New York, the mayor of the city of New York shall
18 recommend a transit dependent individual to fill the vacancy, consistent
19 with paragraph (a) of this subdivision.

20 § 3. Section 2 of a chapter of the laws of 2023 amending the public
21 authorities law relating to requiring one voting member of the metropol-
22 itan transportation authority be a transit dependent individual, as
23 proposed in legislative bills numbers S. 5069-A and A. 4504-A, is
24 amended to read as follows:

25 § 2. This act shall take effect [~~immediately~~] on the two hundred
26 seventieth day after it shall have become a law; provided, however, that
27 the amendments to subparagraph 1 of paragraph (a) of subdivision 1 of
28 section 1263 of the public authorities law made by section one of this
29 act shall not affect the expiration of such paragraph and shall be
30 deemed expired therewith.

31 § 4. This act shall take effect immediately; provided however, that
32 the amendments to subparagraph 1 of paragraph (a) of subdivision 1 of
33 section 1263 of the public authorities law made by section 1 of this act
34 shall not affect the expiration of such paragraph and shall be deemed
35 expired therewith; and provided further, sections one and two of this
36 act shall take effect on the same date and in the same manner as section
37 one of a chapter of the laws of 2023 amending the public authorities law
38 relating to requiring one voting member of the metropolitan transporta-
39 tion authority be a transit dependent individual, as proposed in legis-
40 lative bills numbers S. 5069-A and A. 4504-A, takes effect.