S T A T E O F N E W Y O R K

5024

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, SPANO -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to reestablishing the Westchester parkway commission

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

Section 1. The transportation law is amended by adding a new article 14 to read as follows:

ARTICLE 14

WESTCHESTER PARKWAY COMMISSION

SECTION 310. WESTCHESTER PARKWAY COMMISSION.
311. GENERAL POWERS AND DUTIES OF THE COMMISSION.
312. MEETINGS OF THE COMMISSION.

S 310. WESTCHESTER PARKWAY COMMISSION. 1. THERE IS HEREBY CREATED THE WESTCHESTER PARKWAY COMMISSION. THE COMMISSION SHALL BE AN ADVISORY COUNCIL TO THE COMMISSIONER WITH RESPECT TO THE OPERATION AND MAINTENANCE OF THE SPECIAL PARKWAYS WITHIN THE COUNTY OF WESTCHESTER DESIGNATED IN SECTION SEVENTY OF THIS CHAPTER AND WITH RESPECT TO CAPITAL PROJECTS TO BE UNDERTAKEN.

2. THE COMMISSION SHALL BE COMPOSED OF FIVE MEMBERS. THE MEMBERS SHALL BE RESIDENTS OF THE COUNTY OF WESTCHESTER. THE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE AND, EXCEPT FOR THE INITIAL APPOINTMENT TERMS, SHALL SERVE FOR A TERM OF FOUR YEARS. THE GOVERNOR SHALL MAKE SUCH APPOINTMENTS, ONE UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, EACH INITIAL APPOINTEE TO SERVE FOR A TERM OF ONE YEAR; ONE FROM A LIST OF NAMES SUBMITTED BY THE COUNTY EXECUTIVE, WHICH INITIAL APPOINTEE SHALL SERVE A TERM OF THREE YEARS; ONE FROM A LIST OF NAMES SUBMITTED BY THE CHAIRPERSON OF THE COUNTY LEGISLATIVE BODY, WHICH INITIAL APPOINTEE SHALL SERVE FOR A TERM OF TWO YEARS; AND ONE WHO SHALL BE THE CHAIRPERSON AS DESIGNATED BY THE

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

LBD08188-01-9

GOVERNOR, WHICH INITIAL APPOINTEE SHALL SERVE FOR A TERM OF FOUR YEARS. IN THE EVENT OF A VACANCY, THE VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL BE AN EX OFFICIO MEMBER OF THE COMMISSION. MEMBERS SHALL NOT RECEIVE A SALARY OR OTHER COMPENSATION, BUT SHALL BE REIMBURSED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

S 311. GENERAL POWERS AND DUTIES OF THE COMMISSION. THE WESTCHESTER PARKWAY COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. TO ASSIST IN THE DEVELOPMENT OF STANDARDS FOR THE OPERATION AND MAINTENANCE OF THE SPECIAL PARKWAYS IN WESTCHESTER COUNTY AND TO ADVISE THE COMMISSIONER WITH REGARD TO SUCH STANDARDS FOR OPERATION AND MAINTENANCE ON SUCH PARKWAYS.

2. TO MONITOR THE PARKWAY OPERATION AND MAINTENANCE ACTIVITIES PERFORMED ON THE SPECIAL PARKWAYS IN WESTCHESTER COUNTY BY THE DEPARTMENT AND TO ADVISE AND REPORT TO THE COMMISSIONER WHETHER OR NOT SUCH STANDARDS AS MAY HAVE BEEN ADOPTED ARE BEING MET.

3. TO ACT IN CONJUNCTION WITH THE COMMISSIONER WITH RESPECT TO ASSESSMENT OF PARKWAY CAPITAL NEEDS AND EVALUATION OF PROJECT ALTERNATIVES, AND PRIORITIES RELATING THERETO.

S 312. MEETINGS OF THE COMMISSION. THE WESTCHESTER PARKWAY COMMISSION SHALL MEET AT LEAST FOUR TIMES A YEAR AT THE CALL OF THE COMMISSIONER AND SHALL KEEP A RECORD OF ALL OF ITS PROCEEDINGS AND RECOMMENDATIONS. STAFF SERVICES FOR THE COMMISSION SHALL BE PERFORMED BY PERSONNEL OF THE DEPARTMENT. THE COMMISSIONER SHALL DESIGNATE AN EXECUTIVE SECRETARY FROM AMONG THE STAFF OF THE DEPARTMENT, WHO SHALL ACT AS THE ADMINISTRATIVE AGENT OF THE COMMISSION AND ASSIST THE COMMISSION IN FULFILLING ITS DUTIES AND FUNCTIONS.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.