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

S. 1386--B

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

January 29, 2009

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.

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public benefit corporation. The authority shall consist of TWENTY-FOUR MEMBERS AND SHALL INCLUDE a [chairman] CHAIRPERSON, sixteen other voting members, and [two] THREE 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 [chairman] 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 [chairman] CHAIRPERSON shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau, one a resident of the county of Suffolk, one a resident of the county of Westchester, one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this [article] TITLE shall terminate upon the effective date of such county's withdrawal from such district. Of the five voting members, other than the [chairman] CHAIRPERSON, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. The [chairman] CHAIRPERSON and each of the members shall be appointed for a term of six years, provided however, that the [chairman] CHAIRPERSON first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of [the] chapter TWENTY-FIVE of the laws of two thousand nine [which amended this subparagraph], the term of the [chairman] CHAIRPERSON shall expire; provided, further, that such [chairman] CHAIRPERSON may continue to discharge the duties of his or her office until the position of [chairman] CHAIRPERSON is filled by appointment by the governor upon the advice and consent of the senate and the term of such new [chairman] CHAIRPERSON shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen

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

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

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

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

The non-voting member and the two alternate non-voting members representing the New York [York] city transit authority advisory council, the Metro-North commuter council, and the Long Island Rail Road commuter's council shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The other non-voting member and alternate non-voting members representing the New York city transit authority, Metro-North Commuter Railroad Company, and the Long Island Rail Road labor organizations shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The transit authority and the commuter railroads shall not be represented concurrently by the two non-voting members during any such eighteen month period.

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

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

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

tuting a public benefit corporation. The authority shall consist of a [chairman and] CHAIRPERSON, sixteen other VOTING members appointed by the governor by and with the advice and consent of the senate, AND THREE 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 of expertise: 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 members other than the [chairman] CHAIRPERSON shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other members other than the [chairman] CHAIRPERSON shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau; one a resident of the county of Suffolk; one a resident of the county of Westchester; and one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this article shall terminate upon the effective date of such county's withdrawal from such district. Of the five members, other than the [chairman] CHAIRPERSON, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. The [chairman] CHAIRPERSON and each of the members shall be appointed for a term of six years, provided however, that the [chairman] CHAIRPERSON first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this paragraph, the term of the [chairman] CHAIRPERSON shall expire; provided, further, that such [chairman] CHAIRPERSON may continue to discharge the duties of his office until the position of [chairman] CHAIRPERSON is filled by appointment by the governor upon the advice and consent of the senate and the term of such new [chairman] CHAIRPERSON shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen

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

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

THE FIRST NON-VOTING MEMBER SHALL BE A REGULAR USER OF THE MASS TRANSIT FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL. THE FIRST ALTERNATE NON-VOTING MEMBER SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE METRO-NORTH COMMUTER COUNCIL. THE SECOND ALTERNATE NON-VOTING MEMBER SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE LONG ISLAND RAIL ROAD COMMUTER'S COUNCIL.

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

THE NON-VOTING MEMBER AND THE TWO ALTERNATE NON-VOTING MEMBERS REPRESENTING THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL, THE METRO-NORTH COMMUTER COUNCIL, AND THE LONG ISLAND RAIL ROAD COMMUTER'S COUNCIL SHALL SERVE EIGHTEEN MONTH ROTATING TERMS, AFTER WHICH TIME AN ALTERNATE NON-VOTING MEMBER SHALL BECOME THE NON-VOTING MEMBER AND THE ROTATION SHALL CONTINUE UNTIL EACH ALTERNATE MEMBER HAS SERVED AT LEAST ONE EIGHTEEN MONTH TERM AS A NON-VOTING MEMBER. THE OTHER NON-VOTING MEMBER AND ALTERNATE NON-VOTING MEMBERS REPRESENTING THE NEW YORK CITY TRANSIT AUTHORITY, METRO-NORTH COMMUTER RAILROAD COMPANY, AND THE LONG ISLAND RAIL ROAD LABOR ORGANIZATIONS SHALL SERVE EIGHTEEN MONTH ROTATING TERMS, AFTER WHICH TIME AN ALTERNATE NON-VOTING MEMBER SHALL BECOME THE NON-VOTING MEMBER AND THE ROTATION SHALL CONTINUE UNTIL EACH ALTERNATE MEMBER HAS SERVED AT LEAST ONE EIGHTEEN MONTH TERM AS A NON-VOTING MEMBER. THE TRANSIT AUTHORITY AND THE COMMUTER RAILROADS SHALL NOT BE REPRESENTED CONCURRENTLY BY THE TWO NON-VOTING MEMBERS DURING ANY SUCH EIGHTEEN MONTH PERIOD.

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

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

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

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

2. SUCH COUNCIL SHALL CONSIST OF FIFTEEN MEMBERS WHO SHALL BE COMMUTERS WHO REGULARLY USE THE TRANSPORTATION SERVICES OF SUCH AUTHORITIES AND WHO ARE PEOPLE WITH DISABILITIES AS DEFINED IN ANY APPLICABLE STATE OR FEDERAL LAW. EACH MEMBER SHALL BE APPOINTED BY THE GOVERNOR, ONE UPON THE RECOMMENDATION OF THE MAYOR OF THE CITY OF NEW YORK; ONE UPON THE RECOMMENDATION OF THE PRESIDENT OF THE CITY COUNCIL OF THE CITY OF NEW YORK; ONE UPON THE RECOMMENDATION OF THE NEW YORK STATE COMPTROLLER; FIVE OTHER MEMBERS UPON THE RECOMMENDATION OF EACH OF THE BOROUGH PRESIDENTS OF THE BOROUGHS OF THE CITY OF NEW YORK; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF NASSAU; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF SUFFOLK; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF WESTCHESTER; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF ROCKLAND; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF PUTNAM; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF DUTCHESS; AND ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF ORANGE. THE CHAIR SHALL BE A MEMBER SELECTED BY THE MEMBERSHIP OF THE COMMITTEE. EACH OF THE MEMBERS SHALL SERVE FOR A TERM OF TWO YEARS. VACANCIES THAT OCCUR OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS FOR THE BALANCE OF THE UNEXPIRED TERM.

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

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

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

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