

745

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I N   A S S E M B L Y

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Introduced by M. of A. KELLNER, TITUS, BING, CAHILL, ROSENTHAL, WEISENBERG, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, 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

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  
8     public benefit corporation. The authority shall consist of TWENTY-FOUR  
9     MEMBERS AND SHALL INCLUDE a [chairman] CHAIRPERSON, sixteen other voting  
10    members, and [two] THREE non-voting and four alternate non-voting  
11    members, as described in subparagraph two of this paragraph appointed by  
12    the governor by and with the advice and consent of the senate. Any  
13    member appointed to a term commencing on or after June thirtieth, two  
14    thousand nine shall have experience in one or more of the following  
15    areas: transportation, public administration, business management,  
16    finance, accounting, law, engineering, land use, urban and regional  
17    planning, management of large capital projects, labor relations, or have  
18    experience in some other area of activity central to the mission of the

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

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1 authority. Four of the sixteen voting members other than the [chairman]  
2 CHAIRPERSON shall be appointed on the written recommendation of the  
3 mayor of the city of New York; and each of seven other voting members  
4 other than the [chairman] CHAIRPERSON shall be appointed after selection  
5 from a written list of three recommendations from the chief executive  
6 officer of the county in which the particular member is required to  
7 reside pursuant to the provisions of this subdivision. Of the members  
8 appointed on recommendation of the chief executive officer of a county,  
9 one such member shall be, at the time of appointment, a resident of the  
10 county of Nassau, one a resident of the county of Suffolk, one a resi-  
11 dent of the county of Westchester, one a resident of the county of  
12 Dutchess, one a resident of the county of Orange, one a resident of the  
13 county of Putnam and one a resident of the county of Rockland, provided  
14 that the term of any member who is a resident of a county that has with-  
15 drawn from the metropolitan commuter transportation district pursuant to  
16 section twelve hundred seventy-nine-b of this [article] TITLE shall  
17 terminate upon the effective date of such county's withdrawal from such  
18 district. Of the five voting members, other than the [chairman] CHAIR-  
19 PERSON, appointed by the governor without recommendation from any other  
20 person, three shall be, at the time of appointment, residents of the  
21 city of New York and two shall be, at the time of appointment, residents  
22 of such city or of any of the aforementioned counties in the metropol-  
23 itan commuter transportation district. The [chairman] CHAIRPERSON and  
24 each of the members shall be appointed for a term of six years, provided  
25 however, that the [chairman] CHAIRPERSON first appointed shall serve for  
26 a term ending June thirtieth, nineteen hundred eighty-one, provided that  
27 thirty days after the effective date of [the] chapter TWENTY-FIVE of the  
28 laws of two thousand nine [which amended this subparagraph], the term of  
29 the [chairman] CHAIRPERSON shall expire; provided, further, that such  
30 [chairman] CHAIRPERSON may continue to discharge the duties of his or  
31 her office until the position of [chairman] CHAIRPERSON is filled by  
32 appointment by the governor upon the advice and consent of the senate  
33 and the term of such new [chairman] CHAIRPERSON shall terminate June  
34 thirtieth, two thousand fifteen. The sixteen other members first  
35 appointed shall serve for the following terms: The members from the  
36 counties of Nassau and Westchester shall each serve for a term ending  
37 June thirtieth, nineteen hundred eighty-five; the members from the coun-  
38 ty of Suffolk and from the counties of Dutchess, Orange, Putnam and  
39 Rockland shall each serve for a term ending June thirtieth, nineteen  
40 hundred ninety-two; two of the members appointed on recommendation of  
41 the mayor of the city of New York shall each serve for a term ending  
42 June thirtieth, nineteen hundred eighty-four and, two shall each serve  
43 for a term ending June thirtieth, nineteen hundred eighty-one; two of  
44 the members appointed by the governor without the recommendation of any  
45 other person shall each serve for a term ending June thirtieth, nineteen  
46 hundred eighty-two, two shall each serve for a term ending June thirti-  
47 eth, nineteen hundred eighty and one shall serve for a term ending June  
48 thirtieth, nineteen hundred eighty-five. The two non-voting and four  
49 alternate non-voting members shall serve until January first, two thou-  
50 sand one. The members from the counties of Dutchess, Orange, Putnam and  
51 Rockland shall cast one collective vote.

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

55 The first non-voting member shall be a regular [mass transit] user of  
56 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 constituting 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

1 other area of activity central to the mission of the authority. Four of  
2 the sixteen members other than the [chairman] CHAIRPERSON shall be  
3 appointed on the written recommendation of the mayor of the city of New  
4 York; and each of seven other members other than the [chairman] CHAIR-  
5 PERSON shall be appointed after selection from a written list of three  
6 recommendations from the chief executive officer of the county in which  
7 the particular member is required to reside pursuant to the provisions  
8 of this subdivision. Of the members appointed on recommendation of the  
9 chief executive officer of a county, one such member shall be, at the  
10 time of appointment, a resident of the county of Nassau; one a resident  
11 of the county of Suffolk; one a resident of the county of Westchester;  
12 and one a resident of the county of Dutchess, one a resident of the  
13 county of Orange, one a resident of the county of Putnam and one a resi-  
14 dent of the county of Rockland, provided that the term of any member who  
15 is a resident of a county that has withdrawn from the metropolitan  
16 commuter transportation district pursuant to section twelve hundred  
17 seventy-nine-b of this article shall terminate upon the effective date  
18 of such county's withdrawal from such district. Of the five members,  
19 other than the [chairman] CHAIRPERSON, appointed by the governor without  
20 recommendation from any other person, three shall be, at the time of  
21 appointment, residents of the city of New York and two shall be, at the  
22 time of appointment, residents of such city or of any of the aforemen-  
23 tioned counties in the metropolitan commuter transportation district.  
24 The [chairman] CHAIRPERSON and each of the members shall be appointed  
25 for a term of six years, provided however, that the [chairman] CHAIR-  
26 PERSON first appointed shall serve for a term ending June thirtieth,  
27 nineteen hundred eighty-one, provided that thirty days after the effec-  
28 tive date of the chapter of the laws of two thousand nine which amended  
29 this paragraph, the term of the [chairman] CHAIRPERSON shall expire;  
30 provided, further, that such [chairman] CHAIRPERSON may continue to  
31 discharge the duties of his office until the position of [chairman]  
32 CHAIRPERSON is filled by appointment by the governor upon the advice and  
33 consent of the senate and the term of such new [chairman] CHAIRPERSON  
34 shall terminate June thirtieth, two thousand fifteen. The sixteen other  
35 members first appointed shall serve for the following terms: The members  
36 from the counties of Nassau and Westchester shall each serve for a term  
37 ending June thirtieth, nineteen hundred eighty-five; the members from  
38 the county of Suffolk and from the counties of Dutchess, Orange, Putnam  
39 and Rockland shall each serve for a term ending June thirtieth, nineteen  
40 hundred ninety-two; two of the members appointed on recommendation of  
41 the mayor of the city of New York shall each serve for a term ending  
42 June thirtieth, nineteen hundred eighty-four and, two shall each serve  
43 for a term ending June thirtieth, nineteen hundred eighty-one; two of  
44 the members appointed by the governor without the recommendation of any  
45 other person shall each serve for a term ending June thirtieth, nineteen  
46 hundred eighty-two, two shall each serve for a term ending June thirti-  
47 eth, nineteen hundred eighty and one shall serve for a term ending June  
48 thirtieth, nineteen hundred eighty-five. The members from the counties  
49 of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

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

53 THE FIRST NON-VOTING MEMBER SHALL BE A REGULAR USER OF THE MASS TRANS-  
54 IT FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE  
55 NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL. THE FIRST ALTERNATE  
56 NON-VOTING MEMBER SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES

1 OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE METRO-NORTH  
2 COMMUTER COUNCIL. THE SECOND ALTERNATE NON-VOTING MEMBER SHALL BE A  
3 REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY AND BE  
4 RECOMMENDED TO THE GOVERNOR BY THE LONG ISLAND RAIL ROAD COMMUTER'S  
5 COUNCIL.

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

19 THE NON-VOTING MEMBER AND THE TWO ALTERNATE NON-VOTING MEMBERS REPRES-  
20 ENTING THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL, THE METRO-  
21 NORTH COMMUTER COUNCIL, AND THE LONG ISLAND RAIL ROAD COMMUTER'S COUNCIL  
22 SHALL SERVE EIGHTEEN MONTH ROTATING TERMS, AFTER WHICH TIME AN ALTERNATE  
23 NON-VOTING MEMBER SHALL BECOME THE NON-VOTING MEMBER AND THE ROTATION  
24 SHALL CONTINUE UNTIL EACH ALTERNATE MEMBER HAS SERVED AT LEAST ONE EIGH-  
25 TEEN MONTH TERM AS A NON-VOTING MEMBER. THE OTHER NON-VOTING MEMBER AND  
26 ALTERNATE NON-VOTING MEMBERS REPRESENTING THE NEW YORK CITY TRANSIT  
27 AUTHORITY, METRO-NORTH COMMUTER RAILROAD COMPANY, AND THE LONG ISLAND  
28 RAIL ROAD LABOR ORGANIZATIONS SHALL SERVE EIGHTEEN MONTH ROTATING TERMS,  
29 AFTER WHICH TIME AN ALTERNATE NON-VOTING MEMBER SHALL BECOME THE  
30 NON-VOTING MEMBER AND THE ROTATION SHALL CONTINUE UNTIL EACH ALTERNATE  
31 MEMBER HAS SERVED AT LEAST ONE EIGHTEEN MONTH TERM AS A NON-VOTING  
32 MEMBER. THE TRANSIT AUTHORITY AND THE COMMUTER RAILROADS SHALL NOT BE  
33 REPRESENTED CONCURRENTLY BY THE TWO NON-VOTING MEMBERS DURING ANY SUCH  
34 EIGHTEEN MONTH PERIOD.

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

39 S 3. The public authorities law is amended by adding a new section  
40 1266-j to read as follows:

41 S 1266-J. METROPOLITAN TRANSPORTATION AUTHORITY RIDERS' COUNCIL FOR  
42 PERSONS WITH DISABILITIES. 1. THERE IS HEREBY CREATED THE "METROPOLITAN  
43 TRANSIT AUTHORITY RIDERS' COUNCIL FOR PEOPLE WITH DISABILITIES", TO  
44 STUDY, INVESTIGATE, MONITOR, AND MAKE RECOMMENDATIONS WITH RESPECT TO  
45 THE ACCOMMODATION OF THE NEEDS AND CONVENIENCE OF PEOPLE WITH DISABILI-  
46 TIES TO THE METROPOLITAN TRANSPORTATION AUTHORITY AND ITS SUBSIDIARIES  
47 WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT. SUCH COUNCIL  
48 SHALL STUDY AND INVESTIGATE ALL ASPECTS OF THE DAY-TO-DAY OPERATIONS OF  
49 SUCH AUTHORITY AND ITS SUBSIDIARIES, MONITOR THEIR PERFORMANCE, AND  
50 RECOMMEND CHANGES TO IMPROVE THE EFFICIENCY OF THE OPERATION THEREOF ALL  
51 WITH RESPECT TO THE ACCOMMODATION OF THE NEEDS AND CONVENIENCE OF PEOPLE  
52 WITH DISABILITIES.

53 2. SUCH COUNCIL SHALL CONSIST OF FIFTEEN MEMBERS WHO SHALL BE COMMU-  
54 TERS WHO REGULARLY USE THE TRANSPORTATION SERVICES OF SUCH AUTHORITIES  
55 AND WHO ARE PEOPLE WITH DISABILITIES AS DEFINED IN ANY APPLICABLE STATE  
56 OR FEDERAL LAW. EACH MEMBER SHALL BE APPOINTED BY THE GOVERNOR, ONE

1 UPON THE RECOMMENDATION OF THE MAYOR OF THE CITY OF NEW YORK; ONE UPON  
2 THE RECOMMENDATION OF THE PRESIDENT OF THE CITY COUNCIL OF THE CITY OF  
3 NEW YORK; ONE UPON THE RECOMMENDATION OF THE NEW YORK STATE COMPTROLLER;  
4 FIVE OTHER MEMBERS UPON THE RECOMMENDATION OF EACH OF THE BOROUGH PRESI-  
5 DENTS OF THE BOROUGH OF THE CITY OF NEW YORK; ONE UPON THE RECOMMENDA-  
6 TION BY THE COUNTY EXECUTIVE OF NASSAU; ONE UPON THE RECOMMENDATION BY  
7 THE COUNTY EXECUTIVE OF SUFFOLK; ONE UPON THE RECOMMENDATION BY THE  
8 COUNTY EXECUTIVE OF WESTCHESTER; ONE UPON THE RECOMMENDATION BY THE  
9 COUNTY EXECUTIVE OF ROCKLAND; ONE UPON THE RECOMMENDATION BY THE COUNTY  
10 EXECUTIVE OF PUTNAM; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE  
11 OF DUTCHESS; AND ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF  
12 ORANGE. THE CHAIR SHALL BE A MEMBER SELECTED BY THE MEMBERSHIP OF THE  
13 COMMITTEE. EACH OF THE MEMBERS SHALL SERVE FOR A TERM OF TWO YEARS.  
14 VACANCIES THAT OCCUR OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN  
15 THE SAME MANNER AS THE ORIGINAL APPOINTMENTS FOR THE BALANCE OF THE  
16 UNEXPIRED TERM.

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

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

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

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