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2011-2012 Regular Sessions

I N A S S E M B L Y

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January 5, 2011

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.