

1238

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

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

50 The first non-voting member shall be a regular [mass transit] user of
51 the MASS TRANSIT facilities of the authority and be recommended to the
52 governor by the New York city transit authority advisory council. The
53 first alternate non-voting member shall be a regular mass transit user
54 of the facilities of the authority and be recommended to the governor by
55 the Metro-North commuter council. The second alternate non-voting member
56 shall be a regular mass transit user of the facilities of the authority

1 and be recommended to the governor by the Long Island Rail Road
2 commuter's council.

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

16 The non-voting member and the two alternate non-voting members repres-
17 enting the New York [York] city transit authority advisory council, the
18 Metro-North commuter council, and the Long Island Rail Road commuter's
19 council shall serve eighteen month rotating terms, after which time an
20 alternate non-voting member shall become the non-voting member and the
21 rotation shall continue until each alternate member has served at least
22 one eighteen month term as a non-voting member. The other non-voting
23 member and alternate non-voting members representing the New York city
24 transit authority, Metro-North Commuter Railroad Company, and the Long
25 Island Rail Road labor organizations shall serve eighteen month rotating
26 terms, after which time an alternate non-voting member shall become the
27 non-voting member and the rotation shall continue until each alternate
28 member has served at least one eighteen month term as a non-voting
29 member. The transit authority and the commuter railroads shall not be
30 represented concurrently by the two non-voting members during any such
31 eighteen month period.

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

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

39 (a) (1) There is hereby created the "metropolitan transportation
40 authority." The authority shall be a body corporate and politic consti-
41 tuting a public benefit corporation. The authority shall consist of a
42 [chairman and] CHAIRPERSON, sixteen other VOTING members appointed by
43 the governor by and with the advice and consent of the senate, AND THREE
44 NON-VOTING AND FOUR ALTERNATE NON-VOTING MEMBERS, AS DESCRIBED IN
45 SUBPARAGRAPH TWO OF THIS PARAGRAPH APPOINTED BY THE GOVERNOR BY AND WITH
46 THE ADVICE AND CONSENT OF THE SENATE. Any member appointed to a term
47 commencing on or after June thirtieth, two thousand nine shall have
48 experience in one or more of the following areas of expertise: trans-
49 portation, public administration, business management, finance, account-
50 ing, law, engineering, land use, urban and regional planning, management
51 of large capital projects, labor relations, or have experience in some
52 other area of activity central to the mission of the authority. Four of
53 the sixteen members other than the [chairman] CHAIRPERSON shall be
54 appointed on the written recommendation of the mayor of the city of New
55 York; and each of seven other members other than the [chairman] CHAIR-
56 PERSON shall be appointed after selection from a written list of three

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

48 THE FIRST NON-VOTING MEMBER SHALL BE A REGULAR USER OF THE MASS TRANS-
49 IT FACILITIES OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE
50 NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL. THE FIRST ALTERNATE
51 NON-VOTING MEMBER SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES
52 OF THE AUTHORITY AND BE RECOMMENDED TO THE GOVERNOR BY THE METRO-NORTH
53 COMMUTER COUNCIL. THE SECOND ALTERNATE NON-VOTING MEMBER SHALL BE A
54 REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY AND BE
55 RECOMMENDED TO THE GOVERNOR BY THE LONG ISLAND RAIL ROAD COMMUTER'S
56 COUNCIL.

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

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

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

34 S 3. The public authorities law is amended by adding a new section
35 1266-j to read as follows:

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

48 2. SUCH COUNCIL SHALL CONSIST OF FIFTEEN MEMBERS WHO SHALL BE COMMU-
49 TERS WHO REGULARLY USE THE TRANSPORTATION SERVICES OF SUCH AUTHORITIES
50 AND WHO ARE PEOPLE WITH DISABILITIES AS DEFINED IN ANY APPLICABLE STATE
51 OR FEDERAL LAW. EACH MEMBER SHALL BE APPOINTED BY THE GOVERNOR, ONE
52 UPON THE RECOMMENDATION OF THE MAYOR OF THE CITY OF NEW YORK; ONE UPON
53 THE RECOMMENDATION OF THE PRESIDENT OF THE CITY COUNCIL OF THE CITY OF
54 NEW YORK; ONE UPON THE RECOMMENDATION OF THE NEW YORK STATE COMPTROLLER;
55 FIVE OTHER MEMBERS UPON THE RECOMMENDATION OF EACH OF THE BOROUGH PRESI-
56 DENTS OF THE BOROUGH OF THE CITY OF NEW YORK; ONE UPON THE RECOMMENDA-

1 TION BY THE COUNTY EXECUTIVE OF NASSAU; ONE UPON THE RECOMMENDATION BY
2 THE COUNTY EXECUTIVE OF SUFFOLK; ONE UPON THE RECOMMENDATION BY THE
3 COUNTY EXECUTIVE OF WESTCHESTER; ONE UPON THE RECOMMENDATION BY THE
4 COUNTY EXECUTIVE OF ROCKLAND; ONE UPON THE RECOMMENDATION BY THE COUNTY
5 EXECUTIVE OF PUTNAM; ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE
6 OF DUTCHESS; AND ONE UPON THE RECOMMENDATION BY THE COUNTY EXECUTIVE OF
7 ORANGE. THE CHAIR SHALL BE A MEMBER SELECTED BY THE MEMBERSHIP OF THE
8 COMMITTEE. EACH OF THE MEMBERS SHALL SERVE FOR A TERM OF TWO YEARS.
9 VACANCIES THAT OCCUR OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN
10 THE SAME MANNER AS THE ORIGINAL APPOINTMENTS FOR THE BALANCE OF THE
11 UNEXPIRED TERM.

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

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

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

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