

5157

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 20, 2013

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Introduced by M. of A. BRENNAN, COLTON, DINOWITZ -- Multi-Sponsored by  
-- M. of A. CLARK, GLICK, GOTTFRIED, HOOPER, SWEENEY -- read once and  
referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the manner in  
which the members of the metropolitan transportation authority shall  
be appointed

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

1     Section 1. Paragraph (a) of subdivision 1 of section 1263 of the  
2     public authorities law, as amended by chapter 549 of the laws of 1994  
3     and subparagraph 1 as amended by section 3 of part H of chapter 25 of  
4     the laws of 2009, is amended to read as follows:  
5     (a) (1) There is hereby created the "metropolitan transportation  
6     authority." The authority shall be a body corporate and politic consti-  
7     tuting a public benefit corporation. The authority shall consist of a  
8     [chairman] CHAIRPERSON, sixteen other voting members, and two non-voting  
9     and four alternate non-voting members, as described in subparagraph two  
10    of this paragraph appointed by the governor by and with the advice and  
11    consent of the senate. Any member appointed to a term commencing on or  
12    after June thirtieth, two thousand nine shall have experience in one or  
13    more of the following areas: transportation, public administration,  
14    business management, finance, accounting, law, engineering, land use,  
15    urban and regional planning, management of large capital projects, labor  
16    relations, or have experience in some other area of activity central to  
17    the mission of the authority. [Four] THREE of the sixteen voting members  
18    other than the [chairman] CHAIRPERSON shall be appointed on the written  
19    recommendation of the mayor of the city of New York[;], ONE MEMBER OTHER  
20    THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION  
21    OF THE STATE COMPTROLLER, ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE  
22    APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE COMPTROLLER OF THE CITY  
23    OF NEW YORK, ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED

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

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1 UPON THE WRITTEN RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE  
2 SENATE, AND ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED  
3 UPON THE WRITTEN RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, and each  
4 of seven other voting members other than the [chairman] CHAIRPERSON  
5 shall be appointed after selection from a written list of three recom-  
6 mendations from the chief executive officer of the county in which the  
7 particular member is required to reside pursuant to the provisions of  
8 this subdivision. THE MEMBERS APPOINTED BY THE STATE COMPTROLLER, THE  
9 COMPTROLLER OF THE CITY OF NEW YORK, THE TEMPORARY PRESIDENT OF THE  
10 SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL NOT BE EMPLOYEES OF THE  
11 STATE OR THE CITY OF NEW YORK. Of the members appointed on recommenda-  
12 tion of the chief executive officer of a county, one such member shall  
13 be, at the time of appointment, a resident of the county of Nassau, one  
14 a resident of the county of Suffolk, one a resident of the county of  
15 Westchester, one a resident of the county of Dutchess, one a resident of  
16 the county of Orange, one a resident of the county of Putnam and one a  
17 resident of the county of Rockland, provided that the term of any member  
18 who is a resident of a county that has withdrawn from the metropolitan  
19 commuter transportation district pursuant to section twelve hundred  
20 seventy-nine-b of this article shall terminate upon the effective date  
21 of such county's withdrawal from such district. Of the [five] TWO voting  
22 members, other than the [chairman] CHAIRPERSON, appointed by the gover-  
23 nor without recommendation from any other person, [three] ONE shall be,  
24 at the time of appointment, [residents] A RESIDENT of the city of New  
25 York and [two] ONE shall be, at the time of appointment, [residents] A  
26 RESIDENT of such city or of any of the aforementioned counties in the  
27 metropolitan commuter transportation district. The [chairman] CHAIR-  
28 PERSON and each of the members shall be appointed for a term of six  
29 years, provided however, that the [chairman] CHAIRPERSON first appointed  
30 shall serve for a term ending June thirtieth, nineteen hundred eighty-  
31 one, provided that thirty days after the effective date of the chapter  
32 of the laws of two thousand nine which amended this subparagraph, the  
33 term of the [chairman] CHAIRPERSON shall expire; provided, further, that  
34 such [chairman] CHAIRPERSON may continue to discharge the duties of his  
35 or her office until the position of [chairman] CHAIRPERSON is filled by  
36 appointment by the governor upon the advice and consent of the senate  
37 and the term of such new [chairman] CHAIRPERSON shall terminate June  
38 thirtieth, two thousand fifteen. The sixteen other members first  
39 appointed shall serve for the following terms: The members from the  
40 counties of Nassau and Westchester shall each serve for a term ending  
41 June thirtieth, nineteen hundred eighty-five; the members from the coun-  
42 ty of Suffolk and from the counties of Dutchess, Orange, Putnam and  
43 Rockland shall each serve for a term ending June thirtieth, nineteen  
44 hundred ninety-two; two of the members appointed on recommendation of  
45 the mayor of the city of New York shall each serve for a term ending  
46 June thirtieth, nineteen hundred eighty-four and, two shall each serve  
47 for a term ending June thirtieth, nineteen hundred eighty-one; two of  
48 the members appointed by the governor without the recommendation of any  
49 other person shall each serve for a term ending June thirtieth, nineteen  
50 hundred eighty-two, two shall each serve for a term ending June thirti-  
51 eth, nineteen hundred eighty and one shall serve for a term ending June  
52 thirtieth, nineteen hundred eighty-five. The two non-voting and four  
53 alternate non-voting members shall serve until January first, two thou-  
54 sand one. The members from the counties of Dutchess, Orange, Putnam and  
55 Rockland shall cast one collective vote.

(2) There shall be two 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 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 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.

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) 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] CHAIRPERSON and sixteen other members 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] THREE of the sixteen members other than the [chairman] CHAIRPERSON shall

1 be appointed on the written recommendation of the mayor of the city of  
2 New York[;], ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED  
3 UPON THE WRITTEN RECOMMENDATION OF THE STATE COMPTROLLER, ONE MEMBER  
4 OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMEN-  
5 DATION OF THE COMPTROLLER OF THE CITY OF NEW YORK, ONE MEMBER OTHER THAN  
6 THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF  
7 THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE MEMBER OTHER THAN THE  
8 CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE  
9 SPEAKER OF THE ASSEMBLY, and each of seven other members other than the  
10 [chairman] CHAIRPERSON shall be appointed after selection from a written  
11 list of three recommendations from the chief executive officer of the  
12 county in which the particular member is required to reside pursuant to  
13 the provisions of this subdivision. THE MEMBERS APPOINTED BY THE STATE  
14 COMPTROLLER, THE COMPTROLLER OF THE CITY OF NEW YORK, THE TEMPORARY  
15 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL NOT BE  
16 EMPLOYEES OF THE STATE OR CITY OF THE NEW YORK. Of the members appointed  
17 on recommendation of the chief executive officer of a county, one such  
18 member shall be, at the time of appointment, a resident of the county of  
19 Nassau; one a resident of the county of Suffolk; one a resident of the  
20 county of Westchester; and one a resident of the county of Dutchess, one  
21 a resident of the county of Orange, one a resident of the county of  
22 Putnam and one a resident of the county of Rockland, provided that the  
23 term of any member who is a resident of a county that has withdrawn from  
24 the metropolitan commuter transportation district pursuant to section  
25 twelve hundred seventy-nine-b of this article shall terminate upon the  
26 effective date of such county's withdrawal from such district. Of the  
27 [five] TWO members, other than the [chairman] CHAIRPERSON, appointed by  
28 the governor without recommendation from any other person, [three] ONE  
29 shall be, at the time of appointment, [residents] A RESIDENT of the city  
30 of New York and [two] ONE shall be, at the time of appointment, [resi-  
31 dents] A RESIDENT of such city or of any of the aforementioned counties  
32 in the metropolitan commuter transportation district. The [chairman]  
33 CHAIRPERSON and each of the members shall be appointed for a term of six  
34 years, provided however, that the [chairman] CHAIRPERSON first appointed  
35 shall serve for a term ending June thirtieth, nineteen hundred eighty-  
36 one, provided that thirty days after the effective date of the chapter  
37 of the laws of two thousand nine which amended this paragraph, the term  
38 of the [chairman] CHAIRPERSON shall expire; provided, further, that such  
39 [chairman] CHAIRPERSON may continue to discharge the duties of his  
40 office until the position of [chairman] CHAIRPERSON is filled by  
41 appointment by the governor upon the advice and consent of the senate  
42 and the term of such new [chairman] CHAIRPERSON shall terminate June  
43 thirtieth, two thousand fifteen. The sixteen other members first  
44 appointed shall serve for the following terms: The members from the  
45 counties of Nassau and Westchester shall each serve for a term ending  
46 June thirtieth, nineteen hundred eighty-five; the members from the coun-  
47 ty of Suffolk and from the counties of Dutchess, Orange, Putnam and  
48 Rockland shall each serve for a term ending June thirtieth, nineteen  
49 hundred ninety-two; two of the members appointed on recommendation of  
50 the mayor of the city of New York shall each serve for a term ending  
51 June thirtieth, nineteen hundred eighty-four and, two shall each serve  
52 for a term ending June thirtieth, nineteen hundred eighty-one; two of  
53 the members appointed by the governor without the recommendation of any  
54 other person shall each serve for a term ending June thirtieth, nineteen  
55 hundred eighty-two, two shall each serve for a term ending June thirti-  
56 eth, nineteen hundred eighty and one shall serve for a term ending June

1 thirtieth, nineteen hundred eighty-five. The members from the counties  
2 of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.  
3 S 3. This act shall take effect immediately, provided that the amend-  
4 ments to paragraph (a) of subdivision 1 of section 1263 of the public  
5 authorities law made by section one of this act shall be subject to the  
6 expiration and reversion of such paragraph pursuant to section 3 of  
7 chapter 549 of the laws of 1994, as amended, when upon such date the  
8 provisions of section two of this act shall take effect.