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

6384

2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 549 of the laws of 1994, amending the public authorities law relating to the membership composition of the metropolitan transportation authority board, in relation to making permanent such provisions; and amending the public authorities law, in relation to changing non-voting members to voting members

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

Section 1. Section 3 of chapter 549 of the laws of 1994, amending the public authorities law relating to the membership composition of the metropolitan transportation authority board, as amended by chapter 576 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect January 1, 1995 [and shall expire and be deemed repealed on June 30, 2016 and upon such date the provisions of law amended by this act shall revert to and be read as if the provisions of this act had not been enacted].

S 2. Paragraph (a) of subdivision 1 and paragraph (b) of subdivision 4 of section 1263 of the public authorities law, as amended by chapter 549 of the laws of 1994, subparagraph 1 of paragraph (a) of subdivision 1 as amended by section 3 of part H of chapter 25 of the laws of 2009, are 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, [sixteen] AND TWENTY-TWO other [voting] members, [and two non-voting and four alternate non-voting members,] as described HEREIN AND in [subparagraph] SUBPARAGRAPHS two AND THREE 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

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

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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] TWENTY-TWO members other than the chairman 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 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 shall terminate upon the effective date of such county's withdrawal from such district. Of the five [voting] members, other than the chairman, appointed by the governor without recommendation from any other person OR ENTITY, 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 and each of the members shall be appointed for a term of six years, provided however, that the chairman 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 subparagraph, the term of the chairman shall expire; provided, further, that such chairman may continue to discharge the duties of his or her office until the position of chairman is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairman 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] SIX members APPOINTED PURSUANT TO SUBPARAGRAPHS TWO AND THREE OF THIS PARAGRAPH shall serve [until] FOR A TERM ENDING January first, two thousand [one] TWENTY-ONE. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote. THE MEMBERS APPOINTED AS DESCRIBED IN SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL CAST

ONE COLLECTIVE VOTE AND THE MEMBERS APPOINTED AS DESCRIBED IN SUBPARAGRAPH THREE OF THIS PARAGRAPH 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], ONE MEMBER APPOINTED ON THE WRITTEN RECOMMENDATION OF THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL AND WHO SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY, ONE MEMBER APPOINTED ON THE WRITTEN RECOMMENDATION OF THE METRO-NORTH COMMUTER COUNCIL AND WHO SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY, AND ONE MEMBER APPOINTED ON THE WRITTEN RECOMMENDATION OF THE LONG ISLAND RAIL ROAD COMMUTER'S COUNCIL AND WHO SHALL BE A REGULAR MASS TRANSIT USER OF THE FACILITIES OF THE AUTHORITY.

[The second non-voting] (3) ONE 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] ONE 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] ONE 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 of the authority, at his direction, may exclude [such non-voting member or alternate non-voting member] MEMBERS APPOINTED UPON RECOMMENDATION OF A LABOR ORGANIZATION 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.]

(b) The chairman shall establish committees to assist him in the performance of his duties and shall appoint members of the authority to such committees. Among such committees, there shall be a committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid

transit operating authority; a committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority; a committee on operations of the Metro-North commuter railroad; a committee on operations of the Triborough bridge and tunnel authority; a committee on finance; and a committee on capital program oversight. In addition to such appointed members, each of the [non-voting] members referred to in [subparagraph] SUBPARAGRAPHS two AND THREE of paragraph (a) of subdivision one of this section shall serve on the committee on capital program oversight, the committee on finance, [the committee on operations of the Triborough bridge and tunnel authority,] and the operations committee relevant to the commuter OR RIDER'S council that recommended such member. [The alternate non-voting members shall each serve on the respective operations committee relevant to the commuter council that recommended each member.] The committee on capital program oversight shall include not less than three members, and shall include the chairpersons of the committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority, the committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority, and the committee on operations of the Metro-North commuter railroad. Such committee shall, with respect to any approved or proposed capital program plans, (i) monitor the current and future availability of funds to be utilized for such plans approved or proposed to be submitted to the metropolitan transportation capital program review board as provided in section twelve hundred sixty-nine-b of this title; (ii) monitor the contract awards of the metropolitan transportation authority and the New York city transit authority to insure that such awards are consistent with (A) provisions of law authorizing United States content and New York state content; (B) collective bargaining agreements; (C) provisions of law providing for participation by minority and women-owned businesses; (D) New York state labor laws; (E) competitive bidding requirements including those regarding sole source contracts; and (F) any other relevant requirements established by law; (iii) monitor the award of contracts to determine if such awards are consistent with the manner in which the work was traditionally performed in the past provided, however, that any such determination shall not be admissible as evidence in any arbitration or judicial proceeding; (iv) review the relationship between capital expenditures pursuant to each such capital program plan and current and future operating budget requirements; (v) monitor the progress of capital elements described in each capital program plan approved as provided in section twelve hundred sixty-nine-b of this title; (vi) monitor the expenditures incurred and to be incurred for each such element; and (vii) identify capital elements not progressing on schedule, ascertain responsibility therefor and recommend those actions required or appropriate to accelerate their implementation. The committee shall issue a quarterly report on its activities and findings, and shall in connection with the preparation of such quarterly report, consult with the state division of the budget, the state department of transportation, the members of the metropolitan transportation authority capital program review board and any other group the committee deems relevant, including public employee organizations, and, at least annually, with a nationally recognized independent transit engineering firm. Such report shall be made available to the members of the authority, to the members of the metropolitan transportation authority capital program review board, and the directors of the municipal assistance corporation for the city of New York.

S 3. Subdivision 1 of section 1201 of the public authorities law, as amended by chapter 929 of the laws of 1986, is amended to read as follows:

1. A board, to be known as "New York City Transit Authority" is hereby created. Such board shall be a body corporate and politic constituting a public benefit corporation. It shall consist of [seventeen] TWENTY-THREE members, all serving ex officio. Those members shall be the persons who from time to time shall hold the offices of chairman and members of metropolitan transportation authority.

S 4. Subdivision 1 of section 552 of the public authorities law, as amended by chapter 506 of the laws of 2009, is amended to read as follows:

1. A board, to be known as "Triborough bridge and tunnel authority" is hereby created. Such board shall be a body corporate and politic constituting a public benefit corporation. It shall consist of [seventeen] TWENTY-THREE members, all serving ex officio. Those members shall be the persons who from time to time shall hold the offices of chairman and members of metropolitan transportation authority. The chairman of such board shall be the chairman of metropolitan transportation authority, serving ex officio, and, provided that there is an executive director of the metropolitan transportation authority, the executive director of the authority shall be the executive director of the metropolitan transportation authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman and executive director, if any, each shall be empowered to delegate his or her functions and powers to the executive officer of the Triborough bridge and tunnel authority or to such person as may succeed to the powers and duties of said executive officer. The chairman and other members of the board hereby created, and the executive director, if any, shall not be entitled to compensation for their services hereunder but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

S 5. This act shall take effect immediately; provided, however, that sections two, three, and four of this act shall take effect January 1, 2014.