

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. KELLNER, CAHILL, ROSENTHAL, WEISENBERG, TITUS, ZEBROWSKI, ABINANTI -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, BOYLAND, CUSICK, FARRELL, FINCH, GLICK, GOTTFRIED, HOOPER, PAULIN, PERRY, RAIA, RIVERA, 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  
19    authority. Four of the sixteen voting members other than the [chairman]

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

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

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

54 The first non-voting member shall be a regular [mass transit] user of  
55 the MASS TRANSIT facilities of the authority and be recommended to the  
56 governor by the New York city transit authority advisory council. The

1 first alternate non-voting member shall be a regular mass transit user  
2 of the facilities of the authority and be recommended to the governor by  
3 the Metro-North commuter council. The second alternate non-voting member  
4 shall be a regular mass transit user of the facilities of the authority  
5 and be recommended to the governor by the Long Island Rail Road  
6 commuter's council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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