

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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.