

1284

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. PARKER -- 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

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

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

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

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

1 shall be a regular mass transit user of the facilities of the authority  
2 and be recommended to the governor by the Long Island Rail Road  
3 commuter's council.

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

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

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

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

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

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

46 (2) THERE SHALL BE THREE NON-VOTING MEMBERS AND FOUR ALTERNATE  
47 NON-VOTING MEMBERS OF THE AUTHORITY, AS REFERRED TO IN SUBPARAGRAPH ONE  
48 OF THIS PARAGRAPH.

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

1 RECOMMENDED TO THE GOVERNOR BY THE LONG ISLAND RAIL ROAD COMMUTER'S  
2 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 CHAIRPERSON OF THE AUTHORITY, AT  
11 HIS DIRECTION, MAY EXCLUDE SUCH NON-VOTING MEMBER OR ALTERNATE NON-VOT-  
12 ING MEMBER FROM ATTENDING ANY PORTION OF A MEETING OF THE AUTHORITY OR  
13 OF ANY COMMITTEE ESTABLISHED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION  
14 FOUR OF THIS SECTION HELD FOR THE PURPOSE OF DISCUSSING NEGOTIATIONS  
15 WITH LABOR ORGANIZATIONS.

16 THE NON-VOTING MEMBER AND THE TWO ALTERNATE NON-VOTING MEMBERS REPRES-  
17 ENTING THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL, THE METRO-  
18 NORTH COMMUTER COUNCIL, AND THE LONG ISLAND RAIL ROAD COMMUTER'S COUNCIL  
19 SHALL SERVE EIGHTEEN MONTH ROTATING TERMS, AFTER WHICH TIME AN ALTERNATE  
20 NON-VOTING MEMBER SHALL BECOME THE NON-VOTING MEMBER AND THE ROTATION  
21 SHALL CONTINUE UNTIL EACH ALTERNATE MEMBER HAS SERVED AT LEAST ONE EIGH-  
22 TEEN MONTH TERM AS A NON-VOTING MEMBER. THE OTHER NON-VOTING MEMBER AND  
23 ALTERNATE NON-VOTING MEMBERS REPRESENTING THE NEW YORK CITY TRANSIT  
24 AUTHORITY, METRO-NORTH COMMUTER RAILROAD COMPANY, AND THE LONG ISLAND  
25 RAIL ROAD LABOR ORGANIZATIONS SHALL SERVE EIGHTEEN MONTH ROTATING TERMS,  
26 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 3. The public authorities law is amended by adding a new section  
37 1266-j to read as follows:

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

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

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

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

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

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

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