

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. KENNEDY -- 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 transportation authorities

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

1 Section 1. Section 1299-a of the public authorities law is amended by
2 adding two new subdivisions 18 and 19 to read as follows:
3 18. "TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED TO
4 PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION BECAUSE THE INDIVIDUAL, (A) HAS NO MEANS OF PRIVATE TRANSPORTATION, (B) IS ELDERLY (OVER
5 AGE 65); (C) IS A YOUTH (UNDER AGE 18); OR (D) LIVES BELOW THE POVERTY
6 OR MEDIAN INCOME LEVELS AS DEFINED BY THE U.S. CENSUS BUREAU;
7 19. "PARA-TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED
8 TO PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION AND WHO HAS
9 EITHER A PERMANENT OR TEMPORARY DISABILITY.
10 S 2. Subdivision 1 of section 1299-c of the public authorities law, as
11 amended by chapter 220 of the laws of 2012, paragraph (c) as amended by
12 chapter 176 of the laws of 2012, is amended to read as follows:
13 1. (a) There is hereby created the "Niagara Frontier transportation
14 authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a
15 chairman, [ten] NOT MORE THAN TWELVE other members and shall have two
16 non-voting members as described in paragraphs (b) and (c) of this subdivision appointed by the governor by and with the advice and consent of
17 the senate. The chairman and all members shall be residents of the
18 district. Of the [ten] members other than the chairman, one shall be
19 appointed upon the written recommendation of the Erie county executive
20 [and], one shall be appointed upon the written recommendation of the
21 Erie county legislature, AND AT LEAST ONE SHALL BE APPOINTED AS A REPRESENTATIVE

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

LBD01924-01-3

1 SENTATIVE OF THE TRANSIT DEPENDENT COMMUNITY AND AT LEAST ONE SHALL BE
2 APPOINTED AS A REPRESENTATIVE OF THE PARA-TRANSIT DEPENDENT COMMUNITY,
3 AS DESCRIBED IN PARAGRAPH (D) OF THIS SUBDIVISION. The chairman and
4 each of the members shall be appointed for a term of eight years,
5 provided however, that the chairman first appointed shall serve for a
6 term ending June thirtieth, nineteen hundred seventy-three, and of the
7 eight other members first appointed, one shall serve for a term ending
8 June thirtieth, nineteen hundred sixty-eight, two shall serve for a term
9 ending June thirtieth, nineteen hundred sixty-nine, one shall serve for
10 a term ending June thirtieth, nineteen hundred seventy, two shall serve
11 for a term ending June thirtieth, nineteen hundred seventy-one, one
12 shall serve for a term ending June thirtieth, nineteen hundred seventy-
13 two and one shall serve for a term ending June thirtieth, nineteen
14 hundred seventy-three. The term of one of the members appointed to
15 memberships first created by law after April first, nineteen hundred
16 sixty-nine shall end on June thirtieth, nineteen hundred seventy-four,
17 and the term of the other such member shall end on June thirtieth, nine-
18 teen hundred seventy-five. Following the expiration of any term ending
19 on or after June thirtieth, nineteen hundred eighty-seven, each member
20 shall be appointed for a term of five years beginning on the day after
21 the expiration date of such prior term; provided, however, that the term
22 of the member first appointed upon the written recommendation of the
23 Erie county executive and the term of the member first appointed upon
24 the written recommendation of the Erie county legislature shall be for a
25 term ending on June thirtieth, nineteen hundred ninety-six.

26 (b) The first non-voting member of the authority who shall not be
27 considered in determining a quorum, shall be recommended to the governor
28 by the labor organization representing the plurality of the employees
29 within the authority and shall be a resident of the Niagara Frontier
30 transportation district as described in section twelve hundred ninety-
31 nine-b of this title. Such first non-voting member shall be appointed
32 for a term of eight years, provided, however, that if at any time during
33 the term of appointment such non-voting member ceases to be affiliated
34 with the labor organization representing the plurality of employees
35 within the authority, then such labor organization may at any time
36 during such term recommend a new member to the governor who shall serve
37 the remainder of the term. If the local bargaining unit decertifies its
38 existing union affiliation and certifies a new union, the union which
39 represents the plurality of the employees may recommend a new member to
40 the governor who shall serve the remainder of the term. The chairman of
41 the authority, at his or her discretion, may exclude such non-voting
42 member from attending any portion of a meeting of the authority or of
43 any committee held for the purpose of discussing negotiations with labor
44 organizations, pending litigation involving the labor organization, or
45 the investigation, evaluation, or discipline of an employee.

46 (c) There shall also be a second non-voting member of the authority,
47 who shall not be considered in determining a quorum. The second non-vot-
48 ing member shall be appointed by the governor as a representative of the
49 transit dependent community and/or people with disabilities. The second
50 non-voting member shall be appointed for a term of five years.

51 (D) THERE SHALL BE AT LEAST TWO MEMBERS OF THE AUTHORITY APPOINTED BY
52 THE GOVERNOR AS REPRESENTATIVES OF THE TRANSIT DEPENDENT AND PARA-TRAN-
53 SIT DEPENDENT COMMUNITY. THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO
54 THE AUTHORITY IN SUCH NUMBER AND FROM LISTS SUBMITTED AS FOLLOWS: AT
55 LEAST TWO MEMBERS SHALL BE APPOINTED TO THE AUTHORITY FROM A LIST OF NOT
56 LESS THAN FOUR NAMES, SUBMITTED TO THE GOVERNOR BY LOCAL AND STATEWIDE

1 TRANSIT ADVOCACY ORGANIZATIONS. THE MEMBERS SHALL BE RESIDENTS OF A
2 COUNTY DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION. THE MEMBERS
3 SHALL BE APPOINTED FOR A TERM OF FIVE YEARS. IF A VACANCY SHALL OCCUR
4 FOR THESE MEMBER POSITIONS, A REPLACEMENT SHALL BE APPOINTED WITHIN SIX
5 MONTHS.

6 S 3. Section 1299-bb of the public authorities law is amended by
7 adding two new subdivisions 25 and 26 to read as follows:

8 25. "TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED TO
9 PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION BECAUSE THE INDI-
10 VIDUAL, (A) HAS NO MEANS OF PRIVATE TRANSPORTATION, (B) IS ELDERLY (OVER
11 AGE 65); (C) IS A YOUTH (UNDER AGE 18); OR (D) LIVES BELOW THE POVERTY
12 OR MEDIAN INCOME LEVELS AS DEFINED BY THE U.S. CENSUS BUREAU;

13 26. "PARA-TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED
14 TO PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION AND WHO HAS
15 EITHER A PERMANENT OR TEMPORARY DISABILITY.

16 S 4. Subdivision 1 of section 1299-dd of the public authorities law,
17 as amended by chapter 388 of the laws of 2007, is amended to read as
18 follows:

19 1. (a) There is hereby created the Rochester-Genesee regional trans-
20 portation authority. The authority shall be a body corporate and politic
21 constituting a public benefit corporation. It shall consist of at least
22 one member from each county that elects to join the authority except
23 that the county of Monroe shall have seven members of whom three shall
24 be appointed from the city of Rochester and four at large from the coun-
25 ty of Monroe and shall have one non-voting member as described in para-
26 graph (b) of this subdivision, AND AT LEAST ONE SHALL BE APPOINTED AS A
27 REPRESENTATIVE OF THE TRANSIT DEPENDENT COMMUNITY AND AT LEAST ONE SHALL
28 BE APPOINTED AS A REPRESENTATIVE OF THE PARA-TRANSIT DEPENDENT COMMUNI-
29 TY, AS DESCRIBED IN PARAGRAPH (C) OF THIS SUBDIVISION. The members
30 shall be appointed by the governor by and with the advice and consent of
31 the senate. The governor shall make initial appointments to the authori-
32 ty in such number and from lists submitted as follows: three members
33 shall be appointed to the authority from a list of not less than six
34 names, all of whom must be residents of the city of Rochester, submitted
35 to the governor by the council of the city of Rochester; four persons
36 from a list of not less than eight persons, all of whom must be resi-
37 dents of the county of Monroe submitted by the legislature of the county
38 of Monroe. Other counties electing to participate shall each submit to
39 the governor a list of not less than two persons for each one hundred
40 thousand or major fraction of the total population, as determined by the
41 last federal decennial or federal county-wide special census. From the
42 counties outside the county of Monroe which shall elect to participate,
43 the governor shall appoint one member for each one hundred thousand or
44 major fraction of the total population, as determined by the last feder-
45 al decennial or federal county-wide special census, with a minimum of
46 one member to represent each county outside the county of Monroe so
47 electing to participate. All members of the authority shall be residents
48 of the area from which they are nominated.

49 (b) There shall also be one non-voting member of the authority, which
50 shall not be considered in determining a quorum. The non-voting member
51 shall be recommended to the governor by the labor organization repres-
52 enting the plurality of the employees within the authority and shall be
53 a resident of the Rochester-Genesee regional transportation district as
54 described in section twelve hundred ninety-nine-cc of this title. The
55 non-voting member shall be appointed for a term of five years, provided,
56 however, that if at any time during the term of appointment the non-vot-

1 ing member ceases to be affiliated with the labor organization repres-
2 enting the plurality of employees within the authority, then such labor
3 organization may at any time during such term recommend a new member to
4 the governor who shall serve the remainder of the term. If the local
5 bargaining unit decertifies its existing union affiliation and certifies
6 a new union, the union which represents the plurality of the employees
7 may recommend a new member to the governor who shall serve the remainder
8 of the term. The chairman of the authority, at his or her discretion,
9 may exclude such non-voting member from attending any portion of a meet-
10 ing of the authority or of any committee held for the purpose of
11 discussing negotiations with labor organizations, pending litigation
12 involving the labor organization, or the investigation, evaluation, or
13 discipline of an employee.

14 (C) THERE SHALL BE AT LEAST TWO MEMBERS OF THE AUTHORITY APPOINTED BY
15 THE GOVERNOR AS REPRESENTATIVES OF THE TRANSIT DEPENDENT AND PARA-TRAN-
16 SIT DEPENDENT COMMUNITY. THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO
17 THE AUTHORITY IN SUCH NUMBER AND FROM LISTS SUBMITTED AS FOLLOWS: AT
18 LEAST TWO MEMBERS SHALL BE APPOINTED TO THE AUTHORITY FROM A LIST OF NOT
19 LESS THAN FOUR NAMES, SUBMITTED TO THE GOVERNOR BY LOCAL AND STATEWIDE
20 TRANSIT ADVOCACY ORGANIZATIONS. THE MEMBERS SHALL BE RESIDENTS OF A
21 COUNTY DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION. THE MEMBERS
22 SHALL BE APPOINTED FOR A TERM OF FIVE YEARS. IF A VACANCY SHALL OCCUR
23 FOR THESE MEMBER POSITIONS, A REPLACEMENT SHALL BE APPOINTED WITHIN SIX
24 MONTHS.

25 S 5. Section 1301 of the public authorities law is amended by adding
26 two new subdivisions 26 and 27 to read as follows:

27 26. "TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED TO
28 PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION BECAUSE THE INDI-
29 VIDUAL, (A) HAS NO MEANS OF PRIVATE TRANSPORTATION, (B) IS ELDERLY (OVER
30 AGE 65); (C) IS A YOUTH (UNDER AGE 18); OR (D) LIVES BELOW THE POVERTY
31 OR MEDIAN INCOME LEVELS AS DEFINED BY THE U.S. CENSUS BUREAU;

32 27. "PARA-TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED
33 TO PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION AND WHO HAS
34 EITHER A PERMANENT OR TEMPORARY DISABILITY.

35 S 6. Subdivision 1 of section 1303 of the public authorities law, as
36 amended by chapter 388 of the laws of 2007, is amended to read as
37 follows:

38 1. (a) There is hereby created the Capital District transportation
39 authority. The authority shall be a body corporate and politic consti-
40 tuting a public benefit corporation. It shall consist of not less than
41 eight nor more than fifteen members, including a chairman and shall have
42 one non-voting member as described in paragraph (b) of this subdivision,
43 AND AT LEAST ONE SHALL BE APPOINTED AS A REPRESENTATIVE OF THE TRANSIT
44 DEPENDENT COMMUNITY AND AT LEAST ONE SHALL BE APPOINTED AS A REPRES-
45 TATIVE OF THE PARA-TRANSIT DEPENDENT COMMUNITY, AS DESCRIBED IN PARA-
46 GRAPH (C) OF THIS SUBDIVISION. The members shall be appointed by the
47 governor by and with the advice and consent of the senate. The governor
48 shall make initial appointments to the authority in such number and from
49 lists submitted as follows: three members shall be appointed to the
50 authority from a list of six names, all of whom shall be residents of
51 the county of Albany, four of which names shall be submitted to the
52 governor by the majority party of the legislature of the county of Alba-
53 ny and two of which names shall be submitted by the minority party of
54 such legislature; two members shall be appointed to the authority from a
55 list of four names, all of whom shall be residents of the county of
56 Schenectady, three of which names shall be submitted to the governor by

1 the majority party of the legislature of the county of Schenectady and
2 one of which names shall be submitted by the minority party of such
3 legislature; two members shall be appointed to the authority from a list
4 of four names, all of whom shall be residents of the county of Rensse-
5 laer, three of which names shall be submitted to the governor by the
6 majority party of the legislature of the county of Rensselaer and one of
7 which names shall be submitted by the minority party of such legisla-
8 ture; two members shall be appointed to the authority from a list of
9 four names, all of whom shall be residents of the county of Saratoga,
10 three of which names shall be submitted to the governor by the majority
11 party of the legislature of the county of Saratoga and one of which
12 names shall be submitted by the minority party of such legislature.
13 Other counties electing to participate shall each submit to the governor
14 a list of two persons each of whom shall be a resident of such county,
15 one of which names shall be submitted to the governor by the majority
16 party of the legislature of such county and one of which names shall be
17 submitted by the minority party of such legislature, from which number
18 the governor shall appoint one member for each such county so electing
19 to participate.

20 (b) There shall also be one non-voting member of the authority, which
21 shall not be considered in determining a quorum. The non-voting member
22 shall be recommended to the governor by the labor organization repres-
23 enting the plurality of the employees within the authority and shall be
24 a resident of the Capital District transportation district as described
25 in section thirteen hundred two of this title. The non-voting member
26 shall be appointed for a term of five years, provided, however, that if
27 at any time during the term of appointment the non-voting member ceases
28 to be affiliated with the labor organization representing the plurality
29 of employees within the authority, then such labor organization may at
30 any time during such term recommend a new member to the governor who
31 shall serve the remainder of the term. If the local bargaining unit
32 decertifies its existing union affiliation and certifies a new union,
33 the union which represents the plurality of the employees may recommend
34 a new member to the governor who shall serve the remainder of the term.
35 The chairman of the authority, at his or her discretion, may exclude
36 such non-voting member from attending any portion of a meeting of the
37 authority or of any committee held for the purpose of discussing negoti-
38 ations with labor organizations, pending litigation involving the labor
39 organization, or the investigation, evaluation, or discipline of an
40 employee.

41 (C) THERE SHALL BE AT LEAST TWO MEMBERS OF THE AUTHORITY APPOINTED BY
42 THE GOVERNOR AS REPRESENTATIVES OF THE TRANSIT DEPENDENT AND PARA-TRAN-
43 SIT DEPENDENT COMMUNITY. THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO
44 THE AUTHORITY IN SUCH NUMBER AND FROM LISTS SUBMITTED AS FOLLOWS: AT
45 LEAST TWO MEMBERS SHALL BE APPOINTED TO THE AUTHORITY FROM A LIST OF NOT
46 LESS THAN FOUR NAMES, SUBMITTED TO THE GOVERNOR BY LOCAL AND STATEWIDE
47 TRANSIT ADVOCACY ORGANIZATIONS. THE MEMBERS SHALL BE RESIDENTS OF A
48 COUNTY DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION. THE MEMBERS
49 SHALL BE APPOINTED FOR A TERM OF FIVE YEARS. IF A VACANCY SHALL OCCUR
50 FOR THESE MEMBER POSITIONS, A REPLACEMENT SHALL BE APPOINTED WITHIN SIX
51 MONTHS.

52 S 7. Section 1326 of the public authorities law is amended by adding
53 two new subdivisions 26 and 27 to read as follows:

54 26. "TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED TO
55 PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION BECAUSE THE INDI-
56 VIDUAL, (A) HAS NO MEANS OF PRIVATE TRANSPORTATION, (B) IS ELDERLY (OVER

1 AGE 65); (C) IS A YOUTH (UNDER AGE 18); OR (D) LIVES BELOW THE POVERTY
2 OR MEDIAN INCOME LEVELS AS DEFINED BY THE U.S. CENSUS BUREAU;

3 27. "PARA-TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED
4 TO PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION AND WHO HAS
5 EITHER A PERMANENT OR TEMPORARY DISABILITY.

6 S 8. Subdivision 1 of section 1328 of the public authorities law, as
7 separately amended by chapters 388 and 396 of the laws of 2007, is
8 amended to read as follows:

9 1. (a) There is hereby created the central New York regional transpor-
10 tation authority. The authority shall be a body corporate and politic
11 constituting a public benefit corporation. It shall consist of not more
12 than twelve members, including a chairman and shall have one non-voting
13 member as described in paragraph (b) of this subdivision, AND AT LEAST
14 ONE SHALL BE APPOINTED AS A REPRESENTATIVE OF THE TRANSIT DEPENDENT
15 COMMUNITY AND AT LEAST ONE SHALL BE APPOINTED AS A REPRESENTATIVE OF THE
16 PARA-TRANSIT DEPENDENT COMMUNITY, AS DESCRIBED IN PARAGRAPH (C) OF THIS
17 SUBDIVISION. The members shall be appointed by the governor by and with
18 the advice and consent of the senate. The governor shall make initial
19 appointments to the authority in such number and from lists submitted as
20 follows: three members shall be appointed to the authority from a list
21 of not less than six names, submitted to the governor by the common
22 council of the city of Syracuse, five persons from a list of not less
23 than ten names, submitted by the legislature of the county of Onondaga
24 and two members shall be appointed from a list of not less than four
25 names submitted by the legislature of the county of Oneida. Other coun-
26 ties electing to participate shall each submit to the governor a list of
27 not less than two persons for each one hundred thousand or major frac-
28 tion of the total population, as determined by the nineteen hundred
29 seventy or any subsequent federal decennial or federal county-wide
30 special census, of the counties outside the county of Onondaga which
31 shall elect to participate, from which number the governor shall appoint
32 one member for each one hundred thousand or major fraction of the total
33 population, as determined by such federal decennial or federal county-
34 wide special census, with a maximum of three members to represent such
35 counties outside the county of Onondaga so electing to participate.

36 (b) There shall also be one non-voting member of the authority, which
37 shall not be considered in determining a quorum. The non-voting member
38 shall be recommended to the governor by the labor organization repres-
39 enting the plurality of the employees within the authority. The non-vot-
40 ing member shall be appointed for a term of seven years, provided,
41 however, that if at any time during the term of appointment the non-vot-
42 ing member ceases to be affiliated with the labor organization repres-
43 enting the plurality of employees within the authority, then such labor
44 organization may at any time during such term recommend a new member to
45 the governor who shall serve the remainder of the term. If the local
46 bargaining unit decertifies its existing union affiliation and certifies
47 a new union, the union which represents the plurality of the employees
48 may recommend a new member to the governor who shall serve the remainder
49 of the term. The chairman of the authority, at his or her discretion,
50 may exclude such non-voting member from attending any portion of a meet-
51 ing of the authority or of any committee held for the purpose of
52 discussing negotiations with labor organizations, pending litigation
53 involving the labor organization, or the investigation, evaluation, or
54 discipline of an employee.

55 (C) THERE SHALL BE AT LEAST TWO MEMBERS OF THE AUTHORITY APPOINTED BY
56 THE GOVERNOR AS REPRESENTATIVES OF THE TRANSIT DEPENDENT AND PARA-TRAN-

1 SIT DEPENDENT COMMUNITY. THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO
2 THE AUTHORITY IN SUCH NUMBER AND FROM LISTS SUBMITTED AS FOLLOWS: AT
3 LEAST TWO MEMBERS SHALL BE APPOINTED TO THE AUTHORITY FROM A LIST OF NOT
4 LESS THAN FOUR NAMES, SUBMITTED TO THE GOVERNOR BY LOCAL AND STATEWIDE
5 TRANSIT ADVOCACY ORGANIZATIONS. THE MEMBERS SHALL BE RESIDENTS OF A
6 COUNTY DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION. THE MEMBERS
7 SHALL BE APPOINTED FOR A TERM OF FIVE YEARS. IF A VACANCY SHALL OCCUR
8 FOR THESE MEMBER POSITIONS, A REPLACEMENT SHALL BE APPOINTED WITHIN SIX
9 MONTHS.
10 S 9. This act shall take effect on the ninetieth day after it shall
11 have become a law.