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2015-2016 Regular Sessions

I N   S E N A T E

January 13, 2015

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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 OF THE TRANSIT DEPENDENT COMMUNITY AND AT LEAST ONE SHALL BE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 26. "TRANSIT DEPENDENT" SHALL MEAN AN INDIVIDUAL WHO IS LIMITED TO  
54 PUBLIC TRANSIT AS THEIR PRIMARY MODE OF TRANSPORTATION BECAUSE THE INDI-  
55 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.