

STATE OF NEW YORK

11139

IN ASSEMBLY

June 7, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ryan) --
read once and referred to the Committee on Corporations, Authorities
and Commissions

AN ACT to amend the public authorities law, in relation to various
transportation authorities

The People of the State of New York, represented in Senate and Assem-
bly, 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 indi-
5 vidual, (a) has no means of private transportation; (b) is elderly (over
6 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
7 or median income levels as defined by the U.S. Census Bureau.

8 19. "Para-transit dependent" shall mean an individual who is limited
9 to public transit as their primary mode of transportation and who has
10 either a permanent or temporary disability.

11 § 2. Subdivision 1 of section 1299-c of the public authorities law, as
12 amended by chapter 220 of the laws of 2012, paragraph (b) as amended by
13 chapter 197 of the laws of 2017, and paragraph (c) as amended by chapter
14 176 of the laws of 2012, is amended to read as follows:

15 1. (a) There is hereby created the "Niagara Frontier transportation
16 authority." The authority shall be a body corporate and politic consti-
17 tuting a public benefit corporation. The authority shall consist of a
18 chairman, ~~[ten]~~ not more than twelve other members and shall have two
19 non-voting members as described in paragraphs (b) and (c) of this subdi-
20 vision appointed by the governor by and with the advice and consent of
21 the senate. The chairman and all members shall be residents of the
22 district. Of the ~~[ten]~~ members other than the chairman, one shall be
23 appointed upon the written recommendation of the Erie county executive
24 ~~[and]~~, one shall be appointed upon the written recommendation of the
25 Erie county legislature, at least one shall be appointed as a represen-
26 tative of the transit dependent community and at least one shall be
27 appointed as a representative of the para-transit dependent community,

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

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1 as described in paragraph (d) of this subdivision. The chairman and
2 each of the members shall be appointed for a term of eight years,
3 provided however, that the chairman first appointed shall serve for a
4 term ending June thirtieth, nineteen hundred seventy-three, and of the
5 eight other members first appointed, one shall serve for a term ending
6 June thirtieth, nineteen hundred sixty-eight, two shall serve for a term
7 ending June thirtieth, nineteen hundred sixty-nine, one shall serve for
8 a term ending June thirtieth, nineteen hundred seventy, two shall serve
9 for a term ending June thirtieth, nineteen hundred seventy-one, one
10 shall serve for a term ending June thirtieth, nineteen hundred seventy-
11 two and one shall serve for a term ending June thirtieth, nineteen
12 hundred seventy-three. The term of one of the members appointed to
13 memberships first created by law after April first, nineteen hundred
14 sixty-nine shall end on June thirtieth, nineteen hundred seventy-four,
15 and the term of the other such member shall end on June thirtieth, nine-
16 teen hundred seventy-five. Following the expiration of any term ending
17 on or after June thirtieth, nineteen hundred eighty-seven, each member
18 shall be appointed for a term of five years beginning on the day after
19 the expiration date of such prior term; provided, however, that the term
20 of the member first appointed upon the written recommendation of the
21 Erie county executive and the term of the member first appointed upon
22 the written recommendation of the Erie county legislature shall be for a
23 term ending on June thirtieth, nineteen hundred ninety-six.

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

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

49 (d) There shall be at least two members of the authority appointed by
50 the governor as representatives of the transit dependent and para-tran-
51 sit dependent community. The governor shall make initial appointments to
52 the authority in such number and from lists submitted as follows: at
53 least two members shall be appointed to the authority from a list of not
54 less than four names, submitted to the governor by local and statewide
55 transit advocacy organizations. The members shall be residents of a
56 county described in paragraph (a) of this subdivision. The members

1 shall be appointed for a term of five years. If a vacancy shall occur
2 for these member positions, a replacement shall be appointed within six
3 months.

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

6 25. "Transit dependent" shall mean an individual who is limited to
7 public transit as their primary mode of transportation because the indi-
8 vidual, (a) has no means of private transportation; (b) is elderly (over
9 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
10 or median income levels as defined by the U.S. Census Bureau.

11 26. "Para-transit dependent" shall mean an individual who is limited
12 to public transit as their primary mode of transportation and who has
13 either a permanent or temporary disability.

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

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

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

organization may at any time during such term recommend a new member to the governor who shall serve the remainder of the term. If the local bargaining unit decertifies its existing union affiliation and certifies a new union, the union which represents the plurality of the employees may recommend a new member to the governor who shall serve the remainder of the term. The chairman of the authority, at his or her discretion, may exclude such non-voting member from attending any portion of a meeting of the authority or of any committee held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, or the investigation, evaluation, or discipline of an employee.

(c) There shall be at least two members of the authority appointed by the governor as representatives of the transit dependent and para-transit dependent community. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: at least two members shall be appointed to the authority from a list of not less than four names, submitted to the governor by local and statewide transit advocacy organizations. The members shall be residents of a county described in paragraph (a) of this subdivision. The members shall be appointed for a term of five years. If a vacancy shall occur for these member positions, a replacement shall be appointed within six months.

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

26. "Transit dependent" shall mean an individual who is limited to public transit as their primary mode of transportation because the individual, (a) has no means of private transportation; (b) is elderly (over age 65); (c) is a youth (under age 18); or (d) lives below the poverty or median income levels as defined by the U.S. Census Bureau.

27. "Para-transit dependent" shall mean an individual who is limited to public transit as their primary mode of transportation and who has either a permanent or temporary disability.

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

1. (a) There is hereby created the Capital District transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of not less than eight nor more than fifteen members, including a chairman and shall have one non-voting member as described in paragraph (b) of this subdivision, at least one shall be appointed as a representative of the transit dependent community and at least one shall be appointed as a representative of the para-transit dependent community, as described in paragraph (c) of this subdivision. The members shall be appointed by the governor by and with the advice and consent of the senate. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: three members shall be appointed to the authority from a list of six names, all of whom shall be residents of the county of Albany, four of which names shall be submitted to the governor by the majority party of the legislature of the county of Albany and two of which names shall be submitted by the minority party of such legislature; two members shall be appointed to the authority from a list of four names, all of whom shall be residents of the county of Schenectady, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Schenectady and one of which names shall be submitted by the minority party of such

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

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

39 (c) There shall be at least two members of the authority appointed by
40 the governor as representatives of the transit dependent and para-tran-
41 sit dependent community. The governor shall make initial appointments to
42 the authority in such number and from lists submitted as follows: at
43 least two members shall be appointed to the authority from a list of not
44 less than four names, submitted to the governor by local and statewide
45 transit advocacy organizations. The members shall be residents of a
46 county described in paragraph (a) of this subdivision. The members
47 shall be appointed for a term of five years. If a vacancy shall occur
48 for these member positions, a replacement shall be appointed within six
49 months.

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

52 26. "Transit dependent" shall mean an individual who is limited to
53 public transit as their primary mode of transportation because the indi-
54 vidual, (a) has no means of private transportation; (b) is elderly (over
55 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
56 or median income levels as defined by the U.S. Census Bureau.

1 27. "Para-transit dependent" shall mean an individual who is limited
2 to public transit as their primary mode of transportation and who has
3 either a permanent or temporary disability.

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

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

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

53 (c) There shall be at least two members of the authority appointed by
54 the governor as representatives of the transit dependent and para-tran-
55 sit dependent community. The governor shall make initial appointments to
56 the authority in such number and from lists submitted as follows: at

1 least two members shall be appointed to the authority from a list of not
2 less than four names, submitted to the governor by local and statewide
3 transit advocacy organizations. The members shall be residents of a
4 county described in paragraph (a) of this subdivision. The members
5 shall be appointed for a term of five years. If a vacancy shall occur
6 for these member positions, a replacement shall be appointed within six
7 months.

8 § 9. This act shall take effect on the ninetieth day after it shall
9 have become a law.