

# STATE OF NEW YORK

5662

2017-2018 Regular Sessions

## IN ASSEMBLY

February 14, 2017

Introduced by M. of A. BRABENEC -- read once and referred to the Committee on Corporations, Authorities and Commissions

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph 1 of paragraph (a) of subdivision 1 of section  
2 1263 of the public authorities law, as amended by section 3 of part H of  
3 chapter 25 of the laws of 2009, is amended to read as follows:

4 (1) There is hereby created the "metropolitan transportation authori-  
5 ty." The authority shall be a body corporate and politic constituting a  
6 public benefit corporation. The authority shall consist of a chairman,  
7 sixteen other voting members, and two non-voting and four alternate  
8 non-voting members, as described in subparagraph two of this paragraph  
9 appointed by the governor by and with the advice and consent of the  
10 senate. Any member appointed to a term commencing on or after June thir-  
11 tieth, two thousand nine shall have experience in one or more of the  
12 following areas: transportation, public administration, business manage-  
13 ment, finance, accounting, law, engineering, land use, urban and  
14 regional planning, management of large capital projects, labor  
15 relations, or have experience in some other area of activity central to  
16 the mission of the authority. Four of the sixteen voting members other  
17 than the chairman shall be appointed on the written recommendation of  
18 the mayor of the city of New York; and each of seven other voting  
19 members other than the chairman shall be appointed after selection from  
20 a written list of three recommendations from the chief executive officer  
21 of the county in which the particular member is required to reside  
22 pursuant to the provisions of this subdivision. Of the members appointed  
23 on recommendation of the chief executive officer of a county, one such  
24 member shall be, at the time of appointment, a resident of the county of  
25 Nassau, one a resident of the county of Suffolk, one a resident of the

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

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

40 § 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) There is hereby created the "metropolitan transportation authori-  
44 ty." The authority shall be a body corporate and politic constituting a  
45 public benefit corporation. The authority shall consist of a chairman  
46 and sixteen other members appointed by the governor by and with the  
47 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 shall be appointed on the  
55 written recommendation of the mayor of the city of New York; and each of  
56 seven other members other than the chairman shall be appointed after

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

45 § 3. Subdivision 3 of section 1263 of the public authorities law, as  
46 amended by chapter 929 of the laws of 1986, paragraph (b) as amended by  
47 chapter 14 of the laws of 2006, is amended to read as follows:

48 3. **[+a]** A majority of the whole number of members of the authority  
49 then in office shall constitute a quorum for the transaction of any  
50 business or the exercise of any power of the authority. Except as other-  
51 wise specified in this title, for the transaction of any business or the  
52 exercise of any power of the authority, the authority shall have power  
53 to act by a majority vote of the members present at any meeting at which  
54 a quorum is in attendance and except further, that in the event of a tie  
55 vote the chairman shall cast one additional vote.

~~1 [(b) For purposes of determining the presence of a quorum, and for  
2 purposes of participation on any committee or subcommittee, those  
3 members who collectively cast a single vote pursuant to the provisions  
4 of paragraph (a) of subdivision one of this section shall be considered  
5 to be a single member, and the presence of such member shall be deter-  
6 mined as provided in this subdivision. Except as otherwise provided in a  
7 by-law adopted as hereinafter provided, such single member constituting  
8 those members entitled to a collective vote shall be deemed present as a  
9 single member for purposes of a quorum if one or more of the members  
10 then in office entitled to cast such collective vote is present, and  
11 such collective vote shall be cast in accordance with the majority  
12 agreement of the members entitled to a collective vote who are present  
13 or in the event a single member entitled to a collective vote is present  
14 it shall be cast by that member. To evidence the existence of such  
15 majority agreement among the members entitled to a collective vote, each  
16 such member shall be polled as to his vote and such poll shall be  
17 recorded in the minutes. In the event a majority vote is not achieved by  
18 the members entitled to a collective vote who are present, then the vote  
19 shall not be cast. Nothing herein shall limit the right of an individual  
20 member to participate in board meetings or in other activities of the  
21 authority when the other members then in office entitled to collectively  
22 east a vote are not present. At any meeting of the authority at which  
23 there is a quorum including all the members then in office entitled to  
24 east a collective vote, the authority may adopt a by-law or by-laws  
25 regulating the casting of such collective vote, provided all members  
26 then in office entitled to east a collective vote affirmatively approve  
27 such by-law or by-laws. Any action taken by the authority in accordance  
28 with any such by-law or by-laws adopted pursuant to the provisions of  
29 this paragraph shall take effect in the same manner as any other action  
30 of the authority. Any such by-law or by-laws shall not provide for the  
31 easting of any fractional vote. Nor shall such a by-law or by-laws  
32 provide for the amendment, repeal or adoption in the future of such a  
33 by-law or by-laws in a manner other than that set forth in this para-  
34 graph.]~~

~~35 (c) No provision of paragraph (b) of this subdivision relating to the  
36 adoption of certain by-laws by the authority shall affect the manner in  
37 which by-laws of the authority are adopted concerning any subject other  
38 than the voting and presence for quorum purposes of the members from the  
39 counties of Dutchess, Putnam, Orange and Rockland.~~

~~40 (d) Notwithstanding the provisions of paragraph (a) of subdivision one  
41 of this section, any member appointed from the county of Dutchess,  
42 Orange, Putnam or Rockland prior to the increase in the number of  
43 members of the authority to include a member from each such county shall  
44 continue in office as the member from such counties pursuant to section  
45 five of the public officers law until the appointment and confirmation  
46 of all of the new members from such counties pursuant to the provisions  
47 of this section, and no individual member exercising a collective vote  
48 appointed and confirmed pursuant to paragraph (a) of subdivision one of  
49 this section shall take office until all such new members are appointed  
50 and confirmed.]~~

51 § 4. This act shall take effect immediately, provided that the amend-  
52 ments to paragraph (a) of subdivision 1 of section 1263 of the public  
53 authorities law made by section one of this act shall be subject to the  
54 expiration and reversion of such paragraph pursuant to chapter 549 of  
55 the laws of 1994, as amended, when upon such date the provisions of  
56 section two of this act shall take effect.