

# STATE OF NEW YORK

5106--A

2017-2018 Regular Sessions

## IN SENATE

March 8, 2017

Introduced by Sens. KENNEDY, MARCHIONE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

Section 1. Section 1299-a of the public authorities law is amended by adding two new subdivisions 18 and 19 to read as follows:

18. "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.

19. "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.

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

1. (a) There is hereby created the "Niagara Frontier transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman, [~~ten~~] not more than twelve other members and shall have two 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 the senate. The chairman and all members shall be residents of the

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

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

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

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

55 (d) There shall be at least two members of the authority appointed by  
56 the governor as representatives of the transit dependent and para-tran-

sit 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.

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

25. "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.

26. "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.

§ 4. Subdivision 1 of section 1299-dd 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 Rochester-Genesee regional transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of at least one member from each county that elects to join the authority except that the county of Monroe shall have seven members of whom three shall be appointed from the city of Rochester and four at large from the county of Monroe 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 not less than six names, all of whom must be residents of the city of Rochester, submitted to the governor by the council of the city of Rochester; four persons from a list of not less than eight persons, all of whom must be residents of the county of Monroe submitted by the legislature of the county of Monroe. Other counties electing to participate shall each submit to the governor a list of not less than two persons for each one hundred thousand or major fraction of the total population, as determined by the last federal decennial or federal county-wide special census. From the counties outside the county of Monroe which shall elect to participate, the governor shall appoint one member for each one hundred thousand or major fraction of the total population, as determined by the last federal decennial or federal county-wide special census, with a minimum of one member to represent each county outside the county of Monroe so electing to participate. All members of the authority shall be residents of the area from which they are nominated.

(b) There shall also be one non-voting member of the authority, which shall not be considered in determining a quorum. The non-voting member shall be recommended to the governor by the labor organization representing the plurality of the employees within the authority and shall be

1 a resident of the Rochester-Genesee regional transportation district as  
2 described in section twelve hundred ninety-nine-cc of this title. The  
3 non-voting member shall be appointed for a term of five years, provided,  
4 however, that if at any time during the term of appointment the non-vot-  
5 ing member ceases to be affiliated with the labor organization repres-  
6 enting the plurality of employees within the authority, then such labor  
7 organization may at any time during such term recommend a new member to  
8 the governor who shall serve the remainder of the term. If the local  
9 bargaining unit decertifies its existing union affiliation and certifies  
10 a new union, the union which represents the plurality of the employees  
11 may recommend a new member to the governor who shall serve the remainder  
12 of the term. The chairman of the authority, at his or her discretion,  
13 may exclude such non-voting member from attending any portion of a meet-  
14 ing of the authority or of any committee held for the purpose of  
15 discussing negotiations with labor organizations, pending litigation  
16 involving the labor organization, or the investigation, evaluation, or  
17 discipline of an employee.

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

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

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

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

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

42 1. (a) There is hereby created the Capital District transportation  
43 authority. The authority shall be a body corporate and politic consti-  
44 tuting a public benefit corporation. It shall consist of not less than  
45 eight nor more than fifteen members, including a chairman and shall have  
46 one non-voting member as described in paragraph (b) of this subdivision,  
47 at least one shall be appointed as a representative of the transit  
48 dependent community and at least one shall be appointed as a represen-  
49 tative of the para-transit dependent community, as described in para-  
50 graph (c) of this subdivision. The members shall be appointed by the  
51 governor by and with the advice and consent of the senate. The governor  
52 shall make initial appointments to the authority in such number and from  
53 lists submitted as follows: three members shall be appointed to the  
54 authority from a list of six names, all of whom shall be residents of  
55 the county of Albany, four of which names shall be submitted to the  
56 governor by the majority party of the legislature of the county of Alba-

ny 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 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 Rensselaer, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Rensselaer and one 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 Saratoga, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Saratoga and one of which names shall be submitted by the minority party of such legislature. Other counties electing to participate shall each submit to the governor a list of two persons each of whom shall be a resident of such county, one of which names shall be submitted to the governor by the majority party of the legislature of such county and one of which names shall be submitted by the minority party of such legislature, from which number the governor shall appoint one member for each such county so electing to participate.

(b) There shall also be one non-voting member of the authority, which shall not be considered in determining a quorum. The non-voting member shall be recommended to the governor by the labor organization representing the plurality of the employees within the authority and shall be a resident of the Capital District transportation district as described in section thirteen hundred two of this title. The non-voting member shall be appointed for a term of five years, provided, however, that if at any time during the term of appointment the non-voting member ceases to be affiliated with the labor organization representing 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.



§ 7. Section 1326 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.

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

1. (a) There is hereby created the central New York regional transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of not more than twelve 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 not less than six names, submitted to the governor by the common council of the city of Syracuse, five persons from a list of not less than ten names, submitted by the legislature of the county of Onondaga and two members shall be appointed from a list of not less than four names submitted by the legislature of the county of Oneida. Other counties electing to participate shall each submit to the governor a list of not less than two persons for each one hundred thousand or major fraction of the total population, as determined by the nineteen hundred seventy or any subsequent federal decennial or federal county-wide special census, of the counties outside the county of Onondaga which shall elect to participate, from which number the governor shall appoint one member for each one hundred thousand or major fraction of the total population, as determined by such federal decennial or federal county-wide special census, with a maximum of three members to represent such counties outside the county of Onondaga so electing to participate.

(b) There shall also be one non-voting member of the authority, which shall not be considered in determining a quorum. The non-voting member shall be recommended to the governor by the labor organization representing the plurality of the employees within the authority. The non-voting member shall be appointed for a term of seven years, provided, however, that if at any time during the term of appointment the non-voting member ceases to be affiliated with the labor organization representing 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

1 discussing negotiations with labor organizations, pending litigation  
2 involving the labor organization, or the investigation, evaluation, or  
3 discipline of an employee.

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

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