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:

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: 18. "Transit dependent" shall mean an individual who is limited to 3 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 б 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. 19. "Para-transit dependent" shall mean an individual who is limited 8 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 chapter 197 of the laws of 2017, and paragraph (c) as amended by chapter 13 176 of the laws of 2012, is amended to read as follows: 14 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

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

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district. Of the [ten] members other than the chairman, one shall be 1 appointed upon the written recommendation of the Erie county executive 2 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 б 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 June thirtieth, nineteen hundred sixty-eight, two shall serve for a term 12 13 ending June thirtieth, nineteen hundred sixty-nine, one shall serve for 14 a term ending June thirtieth, nineteen hundred seventy, two shall serve for a term ending June thirtieth, nineteen hundred seventy-one, one 15 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 hundred seventy-three. The term of one of the members appointed to 18 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, nineteen hundred seventy-five. Following the expiration of any term ending 22 on or after June thirtieth, nineteen hundred eighty-seven, each member 23 shall be appointed for a term of five years beginning on the day after 24 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 with the labor organization representing the plurality of employees 38 within the authority, then such labor organization may at any time 39 during such term recommend a new member to the governor who shall serve 40 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-tranS. 5106--A

2 the authority in such number and from lists submitted 3 least two members shall be appointed to the authority fr 4 less than four names, submitted to the governor by loc 5 transit advocacy organizations. The members shall be	
4 less than four names, submitted to the governor by loc 5 transit advocacy organizations. The members shall be	<u>as follows: at</u>
5 transit advocacy organizations. The members shall be	com a list of not
	cal and statewide
	<u>residents of a</u>
6 county described in paragraph (a) of this subdivision	on. The members
7 shall be appointed for a term of five years. If a vacar	ncy shall occur
8 for these member positions, a replacement shall be appo	ointed within six
9 months.	
10 § 3. Section 1299-bb of the public authorities law	is amended by
11 adding two new subdivisions 25 and 26 to read as follows	5:
12 25. "Transit dependent" shall mean an individual w	who is limited to
13 public transit as their primary mode of transportation h	because the indi-
14 vidual, (a) has no means of private transportation; (b)	is elderly (over
15 age 65); (c) is a youth (under age 18); or (d) lives bel	<u>low the poverty</u>
16 or median income levels as defined by the U.S. Census Bu	<u>ireau.</u>
17 <u>26. "Para-transit dependent" shall mean an individua</u>	
18 to public transit as their primary mode of transportation	on and who has
19 either a permanent or temporary disability.	
20 § 4. Subdivision 1 of section 1299-dd of the public	
21 as amended by chapter 388 of the laws of 2007, is amend	led to read as
22 follows:	
23 1. (a) There is hereby created the Rochester-Genesee	
24 portation authority. The authority shall be a body corpo	-
25 constituting a public benefit corporation. It shall cons	
26 one member from each county that elects to join the	
27 that the county of Monroe shall have seven members of wh	
28 be appointed from the city of Rochester and four at larg	
29 ty of Monroe and shall have one non-voting member as de	escribed in para-
30 graph (b) of this subdivision, at least one shall be	<u>appointed as a</u>
31 representative of the transit dependent community and at	<u>appointed as a</u> : least one shall
31 representative of the transit dependent community and at 32 be appointed as a representative of the para-transit dependent of the para-transit depende	<u>appointed as a</u> <u>least one shall</u> ependent communi-
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a resident of the Rochester-Genesee regional transportation district as 1 described in section twelve hundred ninety-nine-cc of this title. The 2 3 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-vot-4 5 ing member ceases to be affiliated with the labor organization represб 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 the governor who shall serve the remainder of the term. If the local 8 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 of the term. The chairman of the authority, at his or her discretion, 12 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 least two members shall be appointed to the authority from a list of not 22 less than four names, submitted to the governor by local and statewide 23 24 transit advocacy organizations. The members shall be residents of a county described in paragraph (a) of this subdivision. The members 25 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 <u>26. "Transit dependent" shall mean an individual who is limited to</u> 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 <u>27. "Para-transit dependent" shall mean an individual who is limited</u> 37 <u>to public transit as their primary mode of transportation and who has</u> 38 <u>either a permanent or temporary disability.</u>

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 dependent community and at least one shall be appointed as a represen-48 tative of the para-transit dependent community, as described in para-49 graph (c) of this subdivision. The members shall be appointed by the 50 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-

1 ny and two of which names shall be submitted by the minority party of 2 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 3 4 Schenectady, three of which names shall be submitted to the governor by 5 the majority party of the legislature of the county of Schenectady and б one of which names shall be submitted by the minority party of such 7 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 Rensse-8 9 laer, three of which names shall be submitted to the governor by the 10 majority party of the legislature of the county of Rensselaer and one of 11 which names shall be submitted by the minority party of such legislature; two members shall be appointed to the authority from a list of 12 13 four names, all of whom shall be residents of the county of Saratoga, 14 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 15 16 names shall be submitted by the minority party of such legislature. 17 Other counties electing to participate shall each submit to the governor 18 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 19 20 party of the legislature of such county and one of which names shall be 21 submitted by the minority party of such legislature, from which number the governor shall appoint one member for each such county so electing 22 23 to participate.

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

45 (c) There shall be at least two members of the authority appointed by 46 the governor as representatives of the transit dependent and para-tran-47 sit dependent community. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: at 48 least two members shall be appointed to the authority from a list of not 49 50 less than four names, submitted to the governor by local and statewide 51 transit advocacy organizations. The members shall be residents of a county described in paragraph (a) of this subdivision. The members 52 53 shall be appointed for a term of five years. If a vacancy shall occur 54 for these member positions, a replacement shall be appointed within six 55 months.

1 § 7. Section 1326 of the public authorities law is amended by adding 2 two new subdivisions 26 and 27 to read as follows: 3 26. "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 б 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 27. "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 § 8. Subdivision 1 of section 1328 of the public authorities law, as separately amended by chapters 388 and 396 of the laws of 2007, 12 is 13 amended to read as follows: 14 1. (a) There is hereby created the central New York regional transpor-15 tation authority. The authority shall be a body corporate and politic 16 constituting a public benefit corporation. It shall consist of not more 17 than twelve members, including a chairman and shall have one non-voting member as described in paragraph (b) of this subdivision, at least one 18 19 shall be appointed as a representative of the transit dependent communi-20 ty and at least one shall be appointed as a representative of the para-21 transit dependent community, as described in paragraph (c) of this subdivision. The members shall be appointed by the governor by and with 22 the advice and consent of the senate. The governor shall make initial 23 appointments to the authority in such number and from lists submitted as 24 25 follows: three members shall be appointed to the authority from a list 26 of not less than six names, submitted to the governor by the common 27 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 28 29 and two members shall be appointed from a list of not less than four 30 names submitted by the legislature of the county of Oneida. Other coun-31 ties electing to participate shall each submit to the governor a list of 32 not less than two persons for each one hundred thousand or major frac-33 tion of the total population, as determined by the nineteen hundred seventy or any subsequent federal decennial or federal county-wide 34 35 special census, of the counties outside the county of Onondaga which 36 shall elect to participate, from which number the governor shall appoint 37 one member for each one hundred thousand or major fraction of the total 38 population, as determined by such federal decennial or federal county-39 wide special census, with a maximum of three members to represent such 40 counties outside the county of Onondaga so electing to participate. 41 There shall also be one non-voting member of the authority, which (b) 42 shall not be considered in determining a quorum. The non-voting member 43 shall be recommended to the governor by the labor organization repres-44 enting the plurality of the employees within the authority. The non-vot-45 ing member shall be appointed for a term of seven years, provided, 46 however, that if at any time during the term of appointment the non-vot-47 ing member ceases to be affiliated with the labor organization representing the plurality of employees within the authority, then such labor 48 49 organization may at any time during such term recommend a new member to 50 the governor who shall serve the remainder of the term. If the local 51 bargaining unit decertifies its existing union affiliation and certifies 52 a new union, the union which represents the plurality of the employees 53 may recommend a new member to the governor who shall serve the remainder 54 of the term. The chairman of the authority, at his or her discretion, 55 may exclude such non-voting member from attending any portion of a meet-56 ing of the authority or of any committee held for the purpose of

discussing negotiations with labor organizations, pending litigation 1 involving the labor organization, or the investigation, evaluation, or 2 discipline of an employee. 3 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-tranб sit dependent community. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: at 7 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 shall be appointed for a term of five years. If a vacancy shall occur 12 for these member positions, a replacement shall be appointed within six 13 14 months.

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