

7421

I N S E N A T E

January 17, 2018

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to the interagency coordinating committee on rural public transportation; and to amend the social services law, in relation to the transportation of eligible persons residing in a rural area

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 73-d of the transportation law, as amended by chap-  
2 ter 562 of the laws of 1987, is amended to read as follows:  
3 § 73-d. Interagency coordinating committee on rural public transporta-  
4 tion. 1. There is hereby created a committee to be known as the "intera-  
5 gency coordinating committee on rural public transportation", to be  
6 comprised of nineteen members. The commissioner or his or her designee  
7 shall serve as chairperson. Twelve of such members shall be the follow-  
8 ing or his or her duly designated representative: the director of the  
9 office for the aging; the commissioner of education; the commissioner of  
10 labor; the commissioner of health; the commissioner of the office of  
11 mental health; THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND  
12 SUBSTANCE ABUSE SERVICES; the commissioner of the office [of mental  
13 retardation and] FOR PEOPLE WITH developmental disabilities; the commis-  
14 sioner of [social services; state advocate for the disabled] THE OFFICE  
15 FOR TEMPORARY AND DISABILITY ASSISTANCE; THE EXECUTIVE DIRECTOR OF THE  
16 NEW YORK STATE JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL  
17 NEEDS; THE secretary of state; THE commissioner of agriculture and  
18 markets[; the director of the office of rural affairs] and the [director  
19 of the division for youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND  
20 FAMILY SERVICES. Six additional members, [all] FIVE of whom shall be  
21 transportation providers or consumers representing rural counties AND  
22 ONE SHALL BE A REPRESENTATIVE OF A LABOR UNION AFFILIATED WITH PUBLIC  
23 TRANSPORTATION SYSTEMS RECEIVING PUBLIC TRANSPORTATION SYSTEMS OPERATING  
24 ASSISTANCE ACCOUNT FUNDS, shall be appointed to serve a term of three  
25 years as follows: two by the [president pro-tempore] TEMPORARY PRESIDENT  
26 of the senate, two by the speaker of the assembly, one by the minority

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

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1 leader of the senate, and one by the minority leader of the assembly.  
2 Efforts shall be made to provide a broad representation of consumers and  
3 providers of transportation services in rural counties when making such  
4 appointments. [Members of the committee shall receive no salary.] THE  
5 SIX MEMBERS APPOINTED BY THE LEGISLATURE, AS WELL AS THE COMMISSIONER OR  
6 HIS OR HER DESIGNEE, SHALL BE THE VOTING MEMBERS. THE BALANCE OF THE  
7 COMMITTEE WILL SERVE IN AN ADVISORY OR CONSULTING CAPACITY. THE COMMIT-  
8 TEE SHALL KEEP A RECORD OF ITS OFFICIAL ACTIONS.

9 The commissioner shall cause the department to provide staff assist-  
10 ance necessary for the efficient and effective operation of the commit-  
11 tee.

12 2. The committee shall[:] MEET AT LEAST ONCE EVERY THREE MONTHS AND  
13 SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND  
14 THE SPEAKER OF THE ASSEMBLY ANNUALLY, BEGINNING OCTOBER FIRST, TWO THOU-  
15 SAND EIGHTEEN. THE ANNUAL REPORT SHALL:

16 A. IDENTIFY EXISTING RURAL TRANSPORTATION SYSTEMS AND PROVIDE DATA ON  
17 RIDERSHIP, REVENUE, AND FINANCIAL CHALLENGES FOR EACH SYSTEM;

18 B. IDENTIFY RURAL POPULATIONS CURRENTLY UTILIZING PUBLIC TRANSPORTA-  
19 TION, AS WELL AS POPULATIONS IN NEED OF PUBLIC TRANSPORTATION WITHOUT  
20 ACCESS, AND DISCUSS RECOMMENDATIONS FOR MAINTAINING AND EXPANDING  
21 SERVICES;

22 C. INCLUDE A BREAKDOWN BY COUNTY OF COST SAVINGS, MODES OF TRANSPORTA-  
23 TION PROVIDED TO MEDICAID PATIENTS, AND RATES OF UTILIZATION OF PUBLIC  
24 TRANSPORTATION BY MEDICAID PATIENTS;

25 D. identify programs and the annual amounts and sources of funds from  
26 such programs that are eligible to be used to support a coordinated  
27 public transportation service, and the annual amounts and sources of  
28 such funds that are actually used for client transportation or for  
29 transportation of persons in connection with agency-affiliated programs  
30 or services; such data shall be provided on a county basis;

31 [b. identify restrictions on existing programs that inhibit funds from  
32 such programs being used to pay for a coordinated public transportation  
33 service in rural counties;

34 c.] E. recommend changes in state or local laws or regulations that  
35 would improve the coordination of funds, facilities, vehicles or equip-  
36 ment and other resources used for transportation at the local level;

37 [d.] F. upon request, compile and forward to the commissioner any data  
38 or other information required by this section.

39 3. A MAJORITY OF THE WHOLE NUMBER OF VOTING MEMBERS OF THE COMMITTEE  
40 SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF THE COMMITTEE'S BUSI-  
41 NESS. THE COMMITTEE SHALL HAVE THE POWER TO ACT BY A MAJORITY VOTE OF  
42 THE VOTING MEMBERS. COMMITTEE MEMBERS SHALL HOLD OFFICE UNTIL THEIR  
43 SUCCESSORS HAVE BEEN APPOINTED AND HAVE QUALIFIED. THE SELECTION OF  
44 SUCCESSORS TO FILL A VACANCY SHALL BE MADE IN THE SAME MANNER IN WHICH  
45 THE RETIRING COMMITTEE MEMBERS SHALL HAVE BEEN SELECTED. MEMBERS OF THE  
46 COMMITTEE SHALL RECEIVE NO SALARY OR OTHER COMPENSATION, BUT SHALL BE  
47 ENTITLED TO THEIR ACTUAL AND NECESSARY EXPENSES, INCLUDING TRAVELING  
48 EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES.

49 § 2. The opening paragraph of subdivision 4 of section 365-h of the  
50 social services law is designated paragraph (a) and a new paragraph (b)  
51 is added to read as follows:

52 (B) WHERE THE COMMISSIONER OF HEALTH ELECTS TO ASSUME SUCH RESPONSI-  
53 BILITY FROM A LOCAL SOCIAL SERVICES DISTRICT AUTHORIZED TRANSPORTATION  
54 FOR AN ELIGIBLE PERSON, WHOSE ORIGINATING LOCATION EXISTS WITHIN A COUN-  
55 TY DEFINED AS A RURAL AREA PURSUANT TO SUBDIVISION SEVEN OF SECTION FOUR  
56 HUNDRED EIGHTY-ONE OF THE EXECUTIVE LAW, SHALL BE ASSIGNED TO AN EXIST-

1 ING PUBLIC TRANSPORTATION SYSTEM, AS DEFINED IN SUBDIVISION ONE OF  
2 SECTION EIGHTEEN-B OF THE TRANSPORTATION LAW, IF THAT SYSTEM PROVIDES AN  
3 APPROPRIATE, AVAILABLE AND LEAST EXPENSIVE MODE OF TRANSPORTATION. A  
4 COUNTY DEFINED AS A RURAL AREA PURSUANT TO SUBDIVISION SEVEN OF SECTION  
5 FOUR HUNDRED EIGHTY-ONE OF THE EXECUTIVE LAW MAY OPT OUT OF SUCH  
6 ELECTION BY THE COMMISSIONER OF HEALTH BY NOTIFYING SUCH COMMISSIONER IN  
7 WRITING.

8 § 3. This act shall take effect immediately; provided, however, that  
9 section two of this act shall take effect on the thirtieth day after it  
10 shall have become a law and that the amendments to subdivision 4 of  
11 section 365-h of the social services law, made by section two of this  
12 act, shall not affect the expiration and repeal of such section, and  
13 shall expire and be deemed repealed therewith.