

# STATE OF NEW YORK

5042

2019-2020 Regular Sessions

## IN ASSEMBLY

February 6, 2019

Introduced by M. of A. BARNWELL -- 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's voting members and requires such authority to approve new financial obligations by a two-thirds vote; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Paragraph (a) of subdivision 1 of section 1263 of the  
2 public authorities law is REPEALED and a new paragraph (a) is added to  
3 read as follows:

4 (a)(1) There is hereby created the "metropolitan transportation  
5 authority." The authority shall be a body corporate and politic consti-  
6 tuting a public benefit corporation. The authority shall consist of a  
7 chairman, eight other voting members or collectives, and two non-voting  
8 and four alternate non-voting members, as described in subparagraph two  
9 of this paragraph appointed by the governor by and with the advice and  
10 consent of the senate. Any member appointed to a term commencing on or  
11 after June thirtieth, two thousand nine shall have experience in one or  
12 more of the following areas: transportation, public administration,  
13 business management, finance, accounting, law, engineering, land use,  
14 urban and 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. Two of the eight voting members or collec-  
17 tives other than the chairman shall be members appointed on the written  
18 recommendation of the mayor of the city of New York upon the advice and  
19 consent of the New York City council; two of the voting members other  
20 than the chairman shall be members appointed by the governor upon the  
21 advice and consent of the senate; one of the voting members other than  
22 the chairman shall be the comptroller for New York City; one of the  
23 voting members other than the chairman shall be the state comptroller

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

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1 except where such member has a conflict of interest where the deputy  
2 state comptroller shall be a voting member of the board; one of the  
3 collectives, which shall hold one collective vote, shall be made up of  
4 the county executives for Orange county, Putnam county, Rockland county,  
5 Dutchess county, and Westchester county; and the other collective, which  
6 shall hold one collective vote, shall be made up of the Nassau county  
7 comptroller and the Suffolk county comptroller. The chairman shall be  
8 appointed by the governor and confirmed by the state senate and shall  
9 not vote unless there is a tie in the number of votes between the other  
10 eight voting members and collectives. Of the two voting members, other  
11 than the chairman, appointed by the governor, one shall be, at the time  
12 of appointment, a resident of the city of New York and one shall be, at  
13 the time of appointment, a resident of such city or of any of the afore-  
14 mentioned counties in the metropolitan commuter transportation district.  
15 The chairman and each of the appointed members shall be appointed for a  
16 term of four years, provided however, that thirty days after the effec-  
17 tive date of this subparagraph, the term of the chairman shall expire;  
18 provided, further, that such chairman may continue to discharge the  
19 duties of his or her office until the position of chairman is filled by  
20 appointment by the governor upon the advice and consent of the senate  
21 and the term of such new chairman shall terminate June thirtieth, two  
22 thousand twenty-three. The two non-voting and four alternate non-voting  
23 members shall serve until January first, two thousand twenty-three.

24 (2)(i) There shall be two non-voting members and four alternate non-  
25 voting members of the authority, as referred to in subparagraph one of  
26 this paragraph.

27 (ii) The first non-voting member shall be a regular mass transit user  
28 of the facilities of the authority and be recommended to the governor by  
29 the New York city transit authority advisory council. The first alter-  
30 nate non-voting member shall be a regular mass transit user of the  
31 facilities of the authority and be recommended to the governor by the  
32 Metro-North commuter council. The second alternate non-voting member  
33 shall be a regular mass transit user of the facilities of the authority  
34 and be recommended to the governor by the Long Island Rail Road  
35 commuter's council.

36 (iii) The second non-voting member shall be recommended to the gover-  
37 nor by the labor organization representing the majority of employees of  
38 the Long Island Rail Road. The third alternate non-voting member shall  
39 be recommended to the governor by the labor organization representing  
40 the majority of employees of the New York city transit authority. The  
41 fourth alternate non-voting member shall be recommended to the governor  
42 by the labor organization representing the majority of employees of the  
43 Metro-North Commuter Railroad Company. The chairman of the authority, at  
44 his direction, may exclude such non-voting member or alternate non-vot-  
45 ing member from attending any portion of a meeting of the authority or  
46 of any committee established pursuant to paragraph (b) of subdivision  
47 four of this section held for the purpose of discussing negotiations  
48 with labor organizations.

49 (iv) The non-voting member and the two alternate non-voting members  
50 representing the New York city transit authority advisory council,  
51 the Metro-North commuter council, and the Long Island Rail Road  
52 commuter's council shall serve eighteen month rotating terms, after  
53 which time an alternate non-voting member shall become the non-voting  
54 member and the rotation shall continue until each alternate member has  
55 served at least one eighteen month term as a non-voting member. The  
56 other non-voting member and alternate non-voting members representing

1 the New York city transit authority, Metro-North Commuter Railroad  
2 Company, and the Long Island Rail Road labor organizations shall serve  
3 eighteen month rotating terms, after which time an alternate non-voting  
4 member shall become the non-voting member and the rotation shall contin-  
5 ue until each alternate member has served at least one eighteen month  
6 term as a non-voting member. The transit authority and the commuter  
7 railroads shall not be represented concurrently by the two non-voting  
8 members during any such eighteen month period.

9 § 2. Paragraph (a) of subdivision 3 of section 1263 of the public  
10 authorities law, as amended by chapter 929 of the laws of 1986, is  
11 amended to read as follows:

12 (a) A majority of the whole number of members of the authority then in  
13 office shall constitute a quorum for the transaction of any business or  
14 the exercise of any power of the authority. Except as otherwise speci-  
15 fied in this title, for the transaction of any business or the exercise  
16 of any power of the authority, the authority shall have power to act by  
17 a majority vote of the members present at any meeting at which a quorum  
18 is in attendance and except further, [~~that in the event of a tie vote~~  
19 ~~the chairman shall cast one additional vote~~] that all votes involving  
20 the authority taking on any new financial obligation must be by a two-  
21 thirds vote of its member then in office.

22 § 3. This act shall take effect immediately.