

# STATE OF NEW YORK

6168--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 28, 2019

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

3 18. "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  
6 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 19. "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 § 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  
13 chapter 197 of the laws of 2017, and paragraph (c) as amended by chapter  
14 176 of the laws of 2012, is amended to read as follows:

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  
22 district. Of the [~~ten~~] members other than the chairman, one shall be  
23 appointed upon the written recommendation of the Erie county executive

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

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

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

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

53 (d) There shall be at least two members of the authority appointed by  
54 the governor as representatives of the transit dependent and para-tran-  
55 sit dependent community. The governor shall make initial appointments to  
56 the authority in such number and from lists submitted as follows: at

1 least two members shall be appointed to the authority from a list of not  
2 less than four names, submitted to the governor by local and statewide  
3 transit advocacy organizations. The members shall be residents of a  
4 county described in paragraph (a) of this subdivision. The members  
5 shall be appointed for a term of five years. If a vacancy shall occur  
6 for these member positions, a replacement shall be appointed within six  
7 months, subject to the same appointment process within this paragraph.

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

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

15 26. "Para-transit dependent" shall mean an individual who is limited  
16 to public transit as their primary mode of transportation and who has  
17 either a permanent or temporary disability.

18 § 4. Subdivision 1 of section 1299-dd of the public authorities law,  
19 as amended by chapter 388 of the laws of 2007, is amended to read as  
20 follows:

21 1. (a) There is hereby created the Rochester-Genesee regional trans-  
22 portation authority. The authority shall be a body corporate and politic  
23 constituting a public benefit corporation. It shall consist of at least  
24 one member from each county that elects to join the authority except  
25 that the county of Monroe shall have seven members of whom three shall  
26 be appointed from the city of Rochester and four at large from the coun-  
27 ty of Monroe and shall have one non-voting member as described in para-  
28 graph (b) of this subdivision, at least one shall be appointed as a  
29 representative of the transit dependent community and at least one shall  
30 be appointed as a representative of the para-transit dependent communi-  
31 ty, as described in paragraph (c) of this subdivision. The members  
32 shall be appointed by the governor by and with the advice and consent of  
33 the senate. The governor shall make initial appointments to the authori-  
34 ty in such number and from lists submitted as follows: three members  
35 shall be appointed to the authority from a list of not less than six  
36 names, all of whom must be residents of the city of Rochester, submitted  
37 to the governor by the council of the city of Rochester; four persons  
38 from a list of not less than eight persons, all of whom must be resi-  
39 dents of the county of Monroe submitted by the legislature of the county  
40 of Monroe. Other counties electing to participate shall each submit to  
41 the governor a list of not less than two persons for each one hundred  
42 thousand or major fraction of the total population, as determined by the  
43 last federal decennial or federal county-wide special census. From the  
44 counties outside the county of Monroe which shall elect to participate,  
45 the governor shall appoint one member for each one hundred thousand or  
46 major fraction of the total population, as determined by the last feder-  
47 al decennial or federal county-wide special census, with a minimum of  
48 one member to represent each county outside the county of Monroe so  
49 electing to participate. All members of the authority shall be residents  
50 of the area from which they are nominated.

51 (b) There shall also be one non-voting member of the authority, which  
52 shall not be considered in determining a quorum. The non-voting member  
53 shall be recommended to the governor by the labor organization repres-  
54 enting the plurality of the employees within the authority and shall be  
55 a resident of the Rochester-Genesee regional transportation district as  
56 described in section twelve hundred ninety-nine-cc of this title. The

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

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

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

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

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

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

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

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

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

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

54 § 7. Section 1326 of the public authorities law is amended by adding  
55 two new subdivisions 26 and 27 to read as follows:

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

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

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

12 1. (a) There is hereby created the central New York regional transpor-  
13 tation authority. The authority shall be a body corporate and politic  
14 constituting a public benefit corporation. It shall consist of not more  
15 than twelve members, including a chairman and shall have one non-voting  
16 member as described in paragraph (b) of this subdivision, at least one  
17 shall be appointed as a representative of the transit dependent communi-  
18 ty and at least one shall be appointed as a representative of the para-  
19 transit dependent community, as described in paragraph (c) of this  
20 subdivision. The members shall be appointed by the governor by and with  
21 the advice and consent of the senate. The governor shall make initial  
22 appointments to the authority in such number and from lists submitted as  
23 follows: three members shall be appointed to the authority from a list  
24 of not less than six names, submitted to the governor by the common  
25 council of the city of Syracuse, five persons from a list of not less  
26 than ten names, submitted by the legislature of the county of Onondaga  
27 and two members shall be appointed from a list of not less than four  
28 names submitted by the legislature of the county of Oneida. Other coun-  
29 ties electing to participate shall each submit to the governor a list of  
30 not less than two persons for each one hundred thousand or major frac-  
31 tion of the total population, as determined by the nineteen hundred  
32 seventy or any subsequent federal decennial or federal county-wide  
33 special census, of the counties outside the county of Onondaga which  
34 shall elect to participate, from which number the governor shall appoint  
35 one member for each one hundred thousand or major fraction of the total  
36 population, as determined by such federal decennial or federal county-  
37 wide special census, with a maximum of three members to represent such  
38 counties outside the county of Onondaga so electing to participate.

39 (b) There shall also be one non-voting member of the authority, which  
40 shall not be considered in determining a quorum. The non-voting member  
41 shall be recommended to the governor by the labor organization repres-  
42 enting the plurality of the employees within the authority. The non-vot-  
43 ing member shall be appointed for a term of seven years, provided,  
44 however, that if at any time during the term of appointment the non-vot-  
45 ing member ceases to be affiliated with the labor organization repres-  
46 enting the plurality of employees within the authority, then such labor  
47 organization may at any time during such term recommend a new member to  
48 the governor who shall serve the remainder of the term. If the local  
49 bargaining unit decertifies its existing union affiliation and certifies  
50 a new union, the union which represents the plurality of the employees  
51 may recommend a new member to the governor who shall serve the remainder  
52 of the term. The chairman of the authority, at his or her discretion,  
53 may exclude such non-voting member from attending any portion of a meet-  
54 ing of the authority or of any committee held for the purpose of  
55 discussing negotiations with labor organizations, pending litigation

1 involving the labor organization, or the investigation, evaluation, or  
2 discipline of an employee.

3 (c) There shall be at least two members of the authority appointed by  
4 the governor as representatives of the transit dependent and para-tran-  
5 sit dependent community. The governor shall make initial appointments to  
6 the authority in such number and from lists submitted as follows: at  
7 least two members shall be appointed to the authority from a list of not  
8 less than four names, submitted to the governor by local and statewide  
9 transit advocacy organizations. The members shall be residents of a  
10 county described in paragraph (a) of this subdivision. The members  
11 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 months, subject to the same appointment process within this paragraph.

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