

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:

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 district. Of the ~~ten~~ members other than the chairman, one shall be 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.