

STATE OF NEW YORK

6168--B

2019-2020 Regular Sessions

IN ASSEMBLY

February 28, 2019

Introduced by M. of A. RYAN, WALLACE, BRONSON -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the Niagara Frontier transportation authority

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

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

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1 district. Of the [~~ten~~] members other than the chairman, one shall be
2 appointed upon the written recommendation of the Erie county executive
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
6 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
12 June thirtieth, nineteen hundred sixty-eight, two shall serve for a term
13 ending June thirtieth, nineteen hundred sixty-nine, one shall serve for
14 a term ending June thirtieth, nineteen hundred seventy, two shall serve
15 for a term ending June thirtieth, nineteen hundred seventy-one, one
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
18 hundred seventy-three. The term of one of the members appointed to
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, nine-
22 teen hundred seventy-five. Following the expiration of any term ending
23 on or after June thirtieth, nineteen hundred eighty-seven, each member
24 shall be appointed for a term of five years beginning on the day after
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
38 with the labor organization representing the plurality of employees
39 within the authority, then such labor organization may at any time
40 during such term recommend a new member to the governor who shall serve
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-tran-

sit dependent community. The governor shall make initial appointments to 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 less than four names, submitted to the governor by local and statewide transit advocacy organizations. The members shall be residents of a county described in paragraph (a) of this subdivision. The members shall be appointed for a term of five years. If a vacancy shall occur for these member positions, a replacement shall be appointed within six months, subject to the same appointment process within this paragraph.

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