

# STATE OF NEW YORK

3656

2019-2020 Regular Sessions

## IN SENATE

February 11, 2019

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

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  
24 ~~and~~, one shall be appointed upon the written recommendation of the  
25 Erie county legislature, at least one shall be appointed as a represen-

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

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tative of the transit dependent community and at least one shall be appointed as a representative of the para-transit dependent community, as described in paragraph (d) of this subdivision. The chairman and each of the members shall be appointed for a term of eight years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred seventy-three, and of the eight other members first appointed, one shall serve for a term ending June thirtieth, nineteen hundred sixty-eight, two shall serve for a term ending June thirtieth, nineteen hundred sixty-nine, one shall serve for a term ending June thirtieth, nineteen hundred seventy, two shall serve for a term ending June thirtieth, nineteen hundred seventy-one, one shall serve for a term ending June thirtieth, nineteen hundred seventy-two and one shall serve for a term ending June thirtieth, nineteen hundred seventy-three. The term of one of the members appointed to memberships first created by law after April first, nineteen hundred sixty-nine shall end on June thirtieth, nineteen hundred seventy-four, and the term of the other such member shall end on June thirtieth, nineteen hundred seventy-five. Following the expiration of any term ending on or after June thirtieth, nineteen hundred eighty-seven, each member shall be appointed for a term of five years beginning on the day after the expiration date of such prior term; provided, however, that the term of the member first appointed upon the written recommendation of the Erie county executive and the term of the member first appointed upon the written recommendation of the Erie county legislature shall be for a term ending on June thirtieth, nineteen hundred ninety-six.

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

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

(d) There shall be at least two members of the authority appointed by the governor as representatives of the transit dependent and para-transit 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

1 transit advocacy organizations. The members shall be residents of a  
2 county described in paragraph (a) of this subdivision. The members  
3 shall be appointed for a term of five years. If a vacancy shall occur  
4 for these member positions, a replacement shall be appointed within six  
5 months, subject to the same appointment process within this paragraph.

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

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

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

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

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

49 (b) There shall also be one non-voting member of the authority, which  
50 shall not be considered in determining a quorum. The non-voting member  
51 shall be recommended to the governor by the labor organization repres-  
52 enting the plurality of the employees within the authority and shall be  
53 a resident of the Rochester-Genesee regional transportation district as  
54 described in section twelve hundred ninety-nine-cc of this title. The  
55 non-voting member shall be appointed for a term of five years, provided,  
56 however, that if at any time during the term of appointment the non-vot-

ing member ceases to be affiliated with the labor organization representing the plurality of employees within the authority, then such labor organization may at any time during such term recommend a new member to the governor who shall serve the remainder of the term. If the local bargaining unit decertifies its existing union affiliation and certifies a new union, the union which represents the plurality of the employees may recommend a new member to the governor who shall serve the remainder of the term. The chairman of the authority, at his or her discretion, may exclude such non-voting member from attending any portion of a meeting of the authority or of any committee held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, or the investigation, evaluation, or discipline of an employee.

(c) There shall be at least two members of the authority appointed by the governor as representatives of the transit dependent and para-transit 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.

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

26. "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.

27. "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.

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

1. (a) There is hereby created the Capital District transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of not less than eight nor more than fifteen members, including a chairman and shall have one non-voting member as described in paragraph (b) of this subdivision, at least one shall be appointed as a representative of the transit dependent community and at least one shall be appointed as a representative of the para-transit dependent community, as described in paragraph (c) of this subdivision. The members shall be appointed by the governor by and with the advice and consent of the senate. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: three members shall be appointed to the authority from a list of six names, all of whom shall be residents of the county of Albany, four of which names shall be submitted to the governor by the majority party of the legislature of the county of Albany and two of which names shall be submitted by the minority party of such legislature; two members shall be appointed to the authority from a list of four names, all of whom shall be residents of the county of Schenectady, three of which names shall be submitted to the governor by

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

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

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

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

54 26. "Transit dependent" shall mean an individual who is limited to  
55 public transit as their primary mode of transportation because the indi-  
56 vidual, (a) has no means of private transportation; (b) is elderly (over



1 age 65); (c) is a youth (under age 18); or (d) lives below the poverty  
2 or median income levels as defined by the U.S. Census Bureau.

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

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

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

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

55 (c) There shall be at least two members of the authority appointed by  
56 the governor as representatives of the transit dependent and para-tran-

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

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