STATE OF NEW YORK

1958

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by M. of A. BARNWELL, MONTESANO -- Multi-Sponsored by -- M. of A. HEVESI -- 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:

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 Paragraph (a) of subdivision 1 of section 1263 of the public authorities law is REPEALED and a new paragraph (a) is added to read as follows:

(a)(1) There is hereby created the "metropolitan transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman, eight other voting members or collectives, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Two of the eight voting members or collectives other than the chairman shall be members appointed on the written recommendation of the mayor of the city of New York upon the advice and consent of the New York City council; two of the voting members other than the chairman shall be members appointed by the governor upon the advice and consent of the senate; one of the voting members other than the chairman shall be the comptroller for New York City; one of the

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

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voting members other than the chairman shall be the state comptroller except where such member has a conflict of interest where the deputy state comptroller shall be a voting member of the board; one of the collectives, which shall hold one collective vote, shall be made up of the county executives for Orange county, Putnam county, Rockland county, Dutchess county, and Westchester county; and the other collective, which shall hold one collective vote, shall be made up of the Nassau county comptroller and the Suffolk county comptroller. The chairman shall be appointed by the governor and confirmed by the state senate and shall not vote unless there is a tie in the number of votes between the other eight voting members and collectives. Of the two voting members, other than the chairman, appointed by the governor, one shall be, at the time of appointment, a resident of the city of New York and one shall be, at the time of appointment, a resident of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. The chairman and each of the appointed members shall be appointed for a term of four years, provided however, that thirty days after the effective date of this subparagraph, the term of the chairman shall expire; provided, further, that such chairman may continue to discharge the duties of his or her office until the position of chairman is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairman shall terminate June thirtieth, two thousand twenty-five. The two non-voting and four alternate non-voting members shall serve until January first, two thousand twenty-five.

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

(ii) The first non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the New York city transit authority advisory council. The first alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Metro-North commuter council. The second alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Long Island Rail Road commuter's council.

(iii) The second non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the Long Island Rail Road. The third alternate non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the New York city transit authority. The fourth alternate non-voting member shall be recommended to the governor by the labor organization representing the majority of employees of the Metro-North Commuter Railroad Company. The chairman of the authority, at his direction, may exclude such non-voting member or alternate non-voting member from attending any portion of a meeting of the authority or of any committee established pursuant to paragraph (b) of subdivision four of this section held for the purpose of discussing negotiations with labor organizations.

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

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

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

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

§ 3. This act shall take effect immediately.