

# STATE OF NEW YORK

3959

2021-2022 Regular Sessions

## IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, RAMOS -- 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 Assem-  
bly, 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.

LBD07644-01-1

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

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

25. "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.

26. "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.

§ 4. Subdivision 1 of section 1299-dd of the public authorities law, as amended by chapter 495 of the laws of 2019, is amended to read as follows:

1. (a) There is hereby created the Rochester-Genesee regional transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of at least one member from each county that elects to join the authority except that the county of Monroe shall have seven members of whom three shall be appointed from the city of Rochester and four at large from the county of Monroe and shall have [~~two~~] one non-voting [~~members~~] member as described in [~~paragraphs~~] paragraph (b) [~~and (c)~~] 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 not less than six names, all of whom must be residents of the city of Rochester, submitted to the governor by the council of the city of Rochester; four persons from a list of not less than eight persons, all of whom must be residents of the county of Monroe submitted by the legislature of the county of Monroe. Other counties electing to participate shall each submit to the governor a list of not less than two persons for each one hundred thousand or major fraction of the total population, as determined by the last federal decennial or federal county-wide special census. From the counties outside the county of Monroe which shall elect to participate, the governor shall appoint one member for each one hundred thousand or major fraction of the total population, as determined by the last federal decennial or federal county-wide special census, with a minimum of one member to represent each county outside the county of Monroe so electing to participate. All members of the authority shall be residents of the area from which they are nominated.

(b) [~~The first~~] There shall also be one non-voting member of the authority who shall not be considered in determining a quorum[~~7~~]. The non-voting member 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 Rochester-Genesee regional transportation district as described in section twelve hundred ninety-nine-cc of this title. Such [~~first~~] non-voting member shall be appointed

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

15 (c) There shall ~~[also]~~ be ~~[a second non-voting member]~~ at least two  
16 members of the authority~~[, who shall not be considered in determining a~~  
17 ~~quorum. The second non-voting member shall be]~~ appointed by the governor  
18 as ~~[a representative]~~ representatives of the transit dependent and~~/or~~  
19 ~~disabled]~~ para-transit dependent community. The ~~[second non-voting~~  
20 ~~member]~~ governor shall ~~[be appointed]~~ make initial appointments to the  
21 authority in such number and from lists submitted as follows: at least  
22 two members shall be appointed to the authority from a list of not less  
23 than four names, submitted to the governor by local and statewide trans-  
24 it advocacy organizations. The members shall be residents of a county  
25 described in paragraph (a) of this subdivision. The members shall be  
26 appointed for a term of five years. ~~[The chair of the authority, at his~~  
27 ~~or her discretion, may exclude such non-voting member from attending any~~  
28 ~~portion of a meeting of the authority or of any committee held pursuant~~  
29 ~~to the executive session provisions of the open meetings law]~~ If a  
30 vacancy shall occur for these member positions, a replacement shall be  
31 appointed within six months, subject to the same appointment process  
32 within this paragraph.

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

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

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

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

46 1. (a) There is hereby created the Capital District transportation  
47 authority. The authority shall be a body corporate and politic consti-  
48 tuting a public benefit corporation. It shall consist of not less than  
49 eight nor more than fifteen members, including a chairman and shall have  
50 one non-voting member as described in paragraph (b) of this subdivision,  
51 at least one shall be appointed as a representative of the transit  
52 dependent community and at least one shall be appointed as a represen-  
53 tative of the para-transit dependent community, as described in para-  
54 graph (c) of this subdivision. The members shall be appointed by the  
55 governor by and with the advice and consent of the senate. The governor  
56 shall make initial appointments to the authority in such number and from

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

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

49 (c) There shall be at least two members of the authority appointed by  
50 the governor as representatives of the transit dependent and para-tran-  
51 sit dependent community. The governor shall make initial appointments to  
52 the authority in such number and from lists submitted as follows: at  
53 least two members shall be appointed to the authority from a list of not  
54 less than four names, submitted to the governor by local and statewide  
55 transit advocacy organizations. The members shall be residents of a  
56 county described in paragraph (a) of this subdivision. The members

1 shall be appointed for a term of five years. If a vacancy shall occur  
2 for these member positions, a replacement shall be appointed within six  
3 months, subject to the same appointment process within this paragraph.

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

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

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

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

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

44 (b) There shall also be one non-voting member of the authority, which  
45 shall not be considered in determining a quorum. The non-voting member  
46 shall be recommended to the governor by the labor organization repres-  
47 enting the plurality of the employees within the authority. The non-vot-  
48 ing member shall be appointed for a term of seven years, provided,  
49 however, that if at any time during the term of appointment the non-vot-  
50 ing member ceases to be affiliated with the labor organization repres-  
51 enting the plurality of employees within the authority, then such labor  
52 organization may at any time during such term recommend a new member to  
53 the governor who shall serve the remainder of the term. If the local  
54 bargaining unit decertifies its existing union affiliation and certifies  
55 a new union, the union which represents the plurality of the employees  
56 may recommend a new member to the governor who shall serve the remainder

1 of the term. The chairman of the authority, at his or her discretion,  
2 may exclude such non-voting member from attending any portion of a meet-  
3 ing of the authority or of any committee held for the purpose of  
4 discussing negotiations with labor organizations, pending litigation  
5 involving the labor organization, or the investigation, evaluation, or  
6 discipline of an employee.

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

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