

STATE OF NEW YORK

3959--B

Cal. No. 907

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, BROUK, COONEY, MANNION, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 a new subdivision 18 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 has either a permanent or temporary disability.

6 § 2. Subdivision 1 of section 1299-c of the public authorities law, as
7 amended by chapter 220 of the laws of 2012, paragraph (b) as amended by
8 chapter 197 of the laws of 2017, and paragraph (c) as amended by chapter
9 176 of the laws of 2012, is amended to read as follows:

10 1. (a) There is hereby created the "Niagara Frontier transportation
11 authority." The authority shall be a body corporate and politic consti-
12 tuting a public benefit corporation. The authority shall consist of a
13 chairman, ten ~~[other]~~ voting members and shall have ~~[two]~~ one non-voting
14 ~~[members]~~ member as described in ~~[paragraphs]~~ paragraph (b) ~~[and (e)]~~
15 this subdivision appointed by the governor by and with the advice and
16 consent of the senate. The chairman and all members shall be residents
17 of the district. Of the ten voting members other than the chairman, one

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

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1 shall be appointed upon the written recommendation of the Erie county
2 executive ~~[and]~~, one shall be appointed upon the written recommendation
3 of the Erie county legislature, and at least one shall be a transit
4 dependent individual. The chairman and each of the members shall be
5 appointed for a term of eight years, provided however, that the chairman
6 first appointed shall serve for a term ending June thirtieth, nineteen
7 hundred seventy-three, and of the eight other members first appointed,
8 one shall serve for a term ending June thirtieth, nineteen hundred
9 sixty-eight, two shall serve for a term ending June thirtieth, nineteen
10 hundred sixty-nine, one shall serve for a term ending June thirtieth,
11 nineteen hundred seventy, two shall serve for a term ending June thirti-
12 eth, nineteen hundred seventy-one, one shall serve for a term ending
13 June thirtieth, nineteen hundred seventy-two and one shall serve for a
14 term ending June thirtieth, nineteen hundred seventy-three. The term of
15 one of the members appointed to memberships first created by law after
16 April first, nineteen hundred sixty-nine shall end on June thirtieth,
17 nineteen hundred seventy-four, and the term of the other such member
18 shall end on June thirtieth, nineteen hundred seventy-five. Following
19 the expiration of any term ending on or after June thirtieth, nineteen
20 hundred eighty-seven, each member shall be appointed for a term of five
21 years beginning on the day after the expiration date of such prior term;
22 provided, however, that the term of the member first appointed upon the
23 written recommendation of the Erie county executive and the term of the
24 member first appointed upon the written recommendation of the Erie coun-
25 ty legislature shall be for a term ending on June thirtieth, nineteen
26 hundred ninety-six.

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

47 (c) ~~[There shall also be a second non-voting member of the authority,~~
48 ~~who shall not be considered in determining a quorum. The second non-vot-~~
49 ~~ing member shall be appointed by the governor as a representative of the~~
50 ~~transit dependent community and/or people with disabilities. The second~~
51 ~~non-voting member shall be appointed for a term of five years.]~~ The
52 transit dependent individual appointed pursuant to subdivision (a) of
53 this section shall be appointed by the governor at the recommendation of
54 a local or statewide transit advocacy organization. Such member shall be
55 a resident of a county described in paragraph (a) of this subdivision.
56 If a vacancy shall occur, a replacement shall be appointed within six

1 months, subject to the same appointment process set forth in this para-
2 graph.

3 § 3. Section 1299-bb of the public authorities law is amended by
4 adding a new subdivision 25 to read as follows:

5 25. "Transit dependent" shall mean an individual who is limited to
6 public transit as their primary mode of transportation because the indi-
7 vidual has either a permanent or temporary disability.

8 § 4. Subdivisions 1 and 4 of section 1299-dd of the public authorities
9 law, subdivision 1 as amended by chapter 495 of the laws of 2019 and
10 subdivision 4 as amended by chapter 1115 of the laws of 1971, are
11 amended to read as follows:

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

41 (b) The [~~first~~] non-voting member of the authority, who shall not be
42 considered in determining a quorum, shall be recommended to the governor
43 by the labor organization representing the plurality of the employees
44 within the authority and shall be a resident of the Rochester-Genesee
45 regional transportation district as described in section twelve hundred
46 ninety-nine-cc of this title. Such [~~first~~] non-voting member shall be
47 appointed for a term of five years, provided, however, that if at any
48 time during the term of appointment such non-voting member ceases to be
49 affiliated with the labor organization representing the plurality of
50 employees within the authority, then such labor organization may at any
51 time during such term recommend a new member to the governor who shall
52 serve the remainder of the term. If the local bargaining unit decerti-
53 fies its existing union affiliation and certifies a new union, the union
54 which represents the plurality of the employees may recommend a new
55 member to the governor who shall serve the remainder of the term. The
56 chairman of the authority, at his or her discretion, may exclude such

1 non-voting member from attending any portion of a meeting of the author-
2 ity or of any committee held for the purpose of discussing negotiations
3 with labor organizations, pending litigation involving the labor organ-
4 ization, or the investigation, evaluation, or discipline of an employee.

5 ~~[(c) There shall also be a second non-voting member of the authority,
6 who shall not be considered in determining a quorum. The second non-vot-
7 ing member shall be appointed by the governor as a representative of the
8 transit dependent and/or disabled community. The second non-voting
9 member shall be appointed for a term of five years. The chair of the
10 authority, at his or her discretion, may exclude such non-voting member
11 from attending any portion of a meeting of the authority or of any
12 committee held pursuant to the executive session provisions of the open
13 meetings law.]~~

14 (c) The voting member who is a transit dependent individual as
15 described in paragraph (a) of this subdivision shall be appointed by the
16 governor at the recommendation of a local or statewide transit advocacy
17 organization for a term of five years. If a vacancy occurs for such
18 position, a replacement shall be appointed within six months pursuant to
19 this process.

20 4. A majority of the whole number of votes of members of the
21 authority, including the voting member who is a transit dependent indi-
22 vidual as described in subdivision one of this section, shall constitute
23 a quorum for the transaction of business or the exercise of any power of
24 the authority. Except as otherwise specified in this act, for the trans-
25 action of any business or the exercise of any power of the authority,
26 the authority shall have power to act by a majority vote of the members
27 present at any meeting at which a quorum is in attendance. Each member
28 of the authority shall have one vote for each thirty-five thousand or
29 major fraction thereof of the population of the county or city from
30 which he is appointed based upon the results of the last federal decen-
31 nial or federal county-wide special census divided by the total number
32 of members appointed from such county or city, except that the voting
33 member who is a transit dependent individual as described in subdivision
34 one of this section shall have one vote in total. The minimum number of
35 votes each member shall have, regardless of population, is one. The
36 votes of all members shall be calculated with fractions being rounded to
37 the nearest whole number. The population of a county for the purposes of
38 this provision is the total population of such county less the popu-
39 lation of any city which is entitled to have members appointed on the
40 authority.

41 § 5. Section 1301 of the public authorities law is amended by adding a
42 new subdivision 26 to read as follows:

43 26. "Transit dependent" shall mean an individual who is limited to
44 public transit as their primary mode of transportation because the indi-
45 vidual has a temporary or permanent disability.

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

49 1. (a) There is hereby created the Capital District transportation
50 authority. The authority shall be a body corporate and politic consti-
51 tuting a public benefit corporation. It shall consist of not less than
52 eight nor more than fifteen members, including a chairman and shall have
53 one non-voting member as described in paragraph (b) of this subdivision.
54 At least one voting member shall be a transit dependent individual who
55 shall be appointed by the governor at the recommendation of a local or
56 statewide transit advocacy organization, provided that if a vacancy

1 occurs for such transit dependent member position, a replacement shall
2 be appointed within six months, subject to the same appointment
3 process within this paragraph. The members shall be appointed by the
4 governor by and with the advice and consent of the senate. The governor
5 shall make initial appointments to the authority in such number and from
6 lists submitted as follows: three members shall be appointed to the
7 authority from a list of six names, all of whom shall be residents of
8 the county of Albany, four of which names shall be submitted to the
9 governor by the majority party of the legislature of the county of Alba-
10 ny and two of which names shall be submitted by the minority party of
11 such legislature; two members shall be appointed to the authority from a
12 list of four names, all of whom shall be residents of the county of
13 Schenectady, three of which names shall be submitted to the governor by
14 the majority party of the legislature of the county of Schenectady and
15 one of which names shall be submitted by the minority party of such
16 legislature; two members shall be appointed to the authority from a list
17 of four names, all of whom shall be residents of the county of Rensse-
18 laer, three of which names shall be submitted to the governor by the
19 majority party of the legislature of the county of Rensselaer and one of
20 which names shall be submitted by the minority party of such legisla-
21 ture; two members shall be appointed to the authority from a list of
22 four names, all of whom shall be residents of the county of Saratoga,
23 three of which names shall be submitted to the governor by the majority
24 party of the legislature of the county of Saratoga and one of which
25 names shall be submitted by the minority party of such legislature.
26 Other counties electing to participate shall each submit to the governor
27 a list of two persons each of whom shall be a resident of such county,
28 one of which names shall be submitted to the governor by the majority
29 party of the legislature of such county and one of which names shall be
30 submitted by the minority party of such legislature, from which number
31 the governor shall appoint one member for each such county so electing
32 to participate.

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

54 § 7. Section 1326 of the public authorities law is amended by adding a
55 new subdivision 26 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 has a temporary or permanent disability.

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

7 1. (a) There is hereby created the central New York regional transpor-
8 tation authority. The authority shall be a body corporate and politic
9 constituting a public benefit corporation. It shall consist of not more
10 than twelve members, including a chairman and shall have one non-voting
11 member as described in paragraph (b) of this subdivision. At least one
12 voting member shall be a transit dependent individual who shall be
13 appointed by the governor at the recommendation of a local or statewide
14 transit advocacy organization, provided that if a vacancy occurs for
15 such transit dependent member position, a replacement shall be appointed
16 within six months, subject to the same appointment process within
17 this paragraph. The members shall be appointed by the governor by and
18 with the advice and consent of the senate. The governor shall make
19 initial appointments to the authority in such number and from lists
20 submitted as follows: three members shall be appointed to the authority
21 from a list of not less than six names, submitted to the governor by the
22 common council of the city of Syracuse, five persons from a list of not
23 less than ten names, submitted by the legislature of the county of Onon-
24 daga and two members shall be appointed from a list of not less than
25 four names submitted by the legislature of the county of Oneida. Other
26 counties electing to participate shall each submit to the governor a
27 list of not less than two persons for each one hundred thousand or major
28 fraction 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~~] The non-voting member of the authority,
37 [~~which~~] who shall not be considered in determining a quorum[~~, The non-~~
38 ~~voting member~~], shall be recommended to the governor by the labor organ-
39 ization representing the plurality of the employees within the authori-
40 ty. The non-voting member shall be appointed for a term of seven years,
41 provided, however, that if at any time during the term of appointment
42 the non-voting member ceases to be affiliated with the labor organiza-
43 tion representing the plurality of employees within the authority, then
44 such labor organization may at any time during such term recommend a new
45 member to the governor who shall serve the remainder of the term. If the
46 local bargaining unit decertifies its existing union affiliation and
47 certifies a new union, the union which represents the plurality of the
48 employees may recommend a new member to the governor who shall serve the
49 remainder of the term. The chairman of the authority, at his or her
50 discretion, may exclude such non-voting member from attending any
51 portion of a meeting of the authority or of any committee held for the
52 purpose of discussing negotiations with labor organizations, pending
53 litigation involving the labor organization, or the investigation, eval-
54 uation, or discipline of an employee.

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