

# 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:

Section 1. Section 1299-a of the public authorities law is amended by adding a new subdivision 18 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 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 ~~other~~ voting members and shall have ~~two~~ one non-voting ~~members~~ member as described in ~~paragraphs~~ paragraph (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 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

occurs for such transit dependent member position, a replacement shall be appointed within six months, subject to the same appointment process within this paragraph. 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 the majority party of the legislature of the county of Schenectady and one 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 Rensselaer, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Rensselaer and one 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 Saratoga, three of which names shall be submitted to the governor by the majority party of the legislature of the county of Saratoga and one of which names shall be submitted by the minority party of such legislature. Other counties electing to participate shall each submit to the governor a list of two persons each of whom shall be a resident of such county, one of which names shall be submitted to the governor by the majority party of the legislature of such county and one of which names shall be submitted by the minority party of such legislature, from which number the governor shall appoint one member for each such county so electing to participate.

(b) ~~[There shall also be one]~~ The non-voting member of the authority, ~~[which]~~ who shall not be considered in determining a quorum~~[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 Capital District transportation district as described in section thirteen hundred two of this title. The non-voting member shall be appointed for a term of five years, provided, however, that if at any time during the term of appointment the 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.

§ 7. Section 1326 of the public authorities law is amended by adding a 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.