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

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shall be appointed upon the written recommendation of the Erie county executive [~~and~~], one shall be appointed upon the written recommendation of the Erie county legislature**, and at least one shall be a transit dependent individual**. 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.~~] **The transit dependent individual appointed pursuant to subdivision (a) of this section shall be appointed by the governor at the recommendation of a local or statewide transit advocacy organization. Such member shall be a resident of a county described in paragraph (a) of this subdivision. If a vacancy shall occur, a replacement shall be appointed within six**

months, subject to the same appointment process set forth in this paragraph.

§ 3. Section 1299-bb of the public authorities law is amended by adding a new subdivision 25 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 has either a permanent or temporary disability.

§ 4. Subdivisions 1 and 4 of section 1299-dd of the public authorities law, subdivision 1 as amended by chapter 495 of the laws of 2019 and subdivision 4 as amended by chapter 1115 of the laws of 1971, are 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 a voting member who is a transit dependent individual appointed pursuant to paragraph (c) of this subdivision** and shall have [~~two~~] **one** non-voting [~~members~~] **member** as described in [~~paragraphs~~] **paragraph** (b) [~~and (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~~] 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 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 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 and/or disabled community. The second non-voting member shall be appointed for a term of five years. The chair 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 pursuant to the executive session provisions of the open meetings law.~~]

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

4. A majority of the whole number of votes of members of the authority**, including the voting member who is a transit dependent individual as described in subdivision one of this section,** shall constitute a quorum for the transaction of business or the exercise of any power of the authority. Except as otherwise specified in this act, 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. Each member of the authority shall have one vote for each thirty-five thousand or major fraction thereof of the population of the county or city from which he is appointed based upon the results of the last federal decennial or federal county-wide special census divided by the total number of members appointed from such county or city**, except that the voting member who is a transit dependent individual as described in subdivision one of this section shall have one vote in total**. The minimum number of votes each member shall have, regardless of population, is one. The votes of all members shall be calculated with fractions being rounded to the nearest whole number. The population of a county for the purposes of this provision is the total population of such county less the population of any city which is entitled to have members appointed on the authority.

§ 5. Section 1301 of the public authorities law is amended by adding a new subdivision 26 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 has a temporary or permanent 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 voting member shall be a transit dependent individual who shall be appointed by the governor at the recommendation of a local or 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:

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

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

1. (a) There is hereby created the central New York regional transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of not more than twelve members, including a chairman and shall have one non-voting member as described in paragraph (b) of this subdivision. **At least one voting member shall be a transit dependent individual who shall be appointed by the governor at the recommendation of a local or 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 not less than six names, submitted to the governor by the common council of the city of Syracuse, five persons from a list of not less than ten names, submitted by the legislature of the county of Onondaga and two members shall be appointed from a list of not less than four names submitted by the legislature of the county of Oneida. 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 nineteen hundred seventy or any subsequent federal decennial or federal county-wide special census, of the counties outside the county of Onondaga which shall elect to participate, from which number the governor shall appoint one member for each one hundred thousand or major fraction of the total population, as determined by such federal decennial or federal county-wide special census, with a maximum of three members to represent such counties outside the county of Onondaga 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. The non-voting member shall be appointed for a term of seven 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.

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