STATE OF NEW YORK

5503

2021-2022 Regular Sessions

IN SENATE

March 9, 2021

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to the interagency coordinating committee on rural public transportation; and to amend the social services law, in relation to the transportation of eligible persons residing in a rural area

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 73-d of the transportation law, as amended by chapter 562 of the laws of 1987 and subdivision 1 as amended by chapter 672 of the laws of 2019, is amended to read as follows:

§ 73-d. Interagency coordinating committee on rural public transportation. 1. There is hereby created a committee to be known as the "interagency coordinating committee on rural public transportation", to be comprised of nineteen members. The commissioner or his or her designee shall serve as chairperson. Twelve of such members shall be the following or his or her duly designated representative: the director of the office for the aging; the commissioner of education; the commissioner of labor; the commissioner of health; the commissioner of the office of mental health; **the commissioner of the office of alcoholism and substance abuse services;** the commissioner of the office for people with developmental disabilities; the commissioner of [~~social services; state advocate for the disabled~~] **the office for temporary and disability assistance**; **the executive director of the New York state justice center for the protection of people with special needs; the** secretary of state; **the** commissioner of agriculture and markets[~~; the director of the office of rural affairs~~] and the [~~director of the division for youth~~] **commissioner of the office of children and family services**. Six additional members, [~~all~~] **five** of whom shall be transportation providers or consumers representing rural counties **and one shall be a representative of a labor union affiliated with public transportation systems receiving**

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

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public transportation systems operating assistance account funds, shall be appointed to serve a term of three years as follows: two by the [~~president pro-tempore~~] temporary president of the senate, two by the speaker of the assembly, one by the minority leader of the senate, and one by the minority leader of the assembly. Efforts shall be made to provide a broad representation of consumers and providers of transportation services in rural counties when making such appointments. [~~Members of the committee shall receive no salary.~~] The six members appointed by the legislature, as well as the commissioner or his or her designee, shall be the voting members. The balance of the committee will serve in an advisory or consulting capacity. The committee shall keep a record of its official actions.

The commissioner shall cause the department to provide staff assistance necessary for the efficient and effective operation of the committee.

2. The committee shall[~~:~~] meet at least once every three months and shall report to the governor, the temporary president of the senate and the speaker of the assembly annually, beginning October first, two thousand twenty-two. The annual report shall:

a. identify existing rural transportation systems and provide data on ridership, revenue, and financial challenges for each system;

b. identify rural populations currently utilizing public transportation, as well as populations in need of public transportation without access, and discuss recommendations for maintaining and expanding services;

c. include a breakdown by county of cost savings, modes of transportation provided to Medicaid patients, and rates of utilization of public transportation by Medicaid patients;

d. identify programs and the annual amounts and sources of funds from such programs that are eligible to be used to support a coordinated public transportation service, and the annual amounts and sources of such funds that are actually used for client transportation or for transportation of persons in connection with agency-affiliated programs or services; such data shall be provided on a county basis;

[~~b. identify restrictions on existing programs that inhibit funds from such programs being used to pay for a coordinated public transportation service in rural counties;~~

~~c.~~] e. recommend changes in state or local laws or regulations that would improve the coordination of funds, facilities, vehicles or equipment and other resources used for transportation at the local level;

[~~d.~~] f. upon request, compile and forward to the commissioner any data or other information required by this section.

3. A majority of the whole number of voting members of the committee shall constitute a quorum for the transaction of the committee's business. The committee shall have the power to act by a majority vote of the voting members. Committee members shall hold office until their successors have been appointed and have qualified. The selection of successors to fill a vacancy shall be made in the same manner in which the retiring committee members shall have been selected. Members of the committee shall receive no salary or other compensation, but shall be entitled to their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties.

§ 2. The opening paragraph of subdivision 4 of section 365-h of the social services law, as separately amended by section 50 of part B and section 24 of part D of chapter 57 of the laws of 2015, is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(b) Where the commissioner of health elects to assume such responsibility from a local social services district authorized transportation for an eligible person, whose originating location exists within a county defined as a rural area pursuant to subdivision seven of section four hundred eighty-one of the executive law, shall be assigned to an existing public transportation system, as defined in subdivision one of section eighteen-b of the transportation law, if that system provides an appropriate, available and least expensive mode of transportation. A county defined as a rural area pursuant to subdivision seven of section four hundred eighty-one of the executive law may opt out of such election by the commissioner of health by notifying such commissioner in writing.

§ 3. Paragraph (b) of subdivision 4 of section 365-h of the social services law, as added by section 2 of part LL of chapter 56 of the laws of 2020, is relettered paragraph (c) and a new paragraph (b) is added to read as follows:

(b) Where the commissioner of health elects to assume such responsibility from a local social services district authorized transportation for an eligible person, whose originating location exists within a county defined as a rural area pursuant to subdivision seven of section four hundred eighty-one of the executive law, shall be assigned to an existing public transportation system, as defined in subdivision one of section eighteen-b of the transportation law, if that system provides an appropriate, available and least expensive mode of transportation. A county defined as a rural area pursuant to subdivision seven of section four hundred eighty-one of the executive law may opt out of such election by the commissioner of health by notifying such commissioner in writing.

§ 4. This act shall take effect immediately; provided, however, that sections two and three of this act shall take effect on the thirtieth day after it shall have become a law; provided, however, that if section 2 of part LL of chapter 56 of the laws of 2020 shall not have taken effect on or before such date then section three of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2020 takes effect; and provided further that the amendments to subdivision 4 of section 365-h of the social services law, made by sections two and three of this act, shall not affect the expiration and repeal of such section pursuant to subdivision (a) of section 40 of part B of chapter 109 of the laws of 2010, as amended, and shall expire and be deemed repealed therewith.