

STATE OF NEW YORK

2889

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sens. GOUNARDES, BIAGGI, GIANARIS, KAPLAN, KAVANAGH, 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 membership on
the board of the metropolitan transportation authority

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

1 Section 1. Paragraph (a) of subdivision 1 of section 1263 of the
2 public authorities law, as amended by chapter 549 of the laws of 1994
3 and subparagraph 1 as amended by section 1 of part E of chapter 39 of
4 the laws of 2019, is amended to read as follows:
5 (a) (1) There is hereby created the "metropolitan transportation
6 authority." The authority shall be a body corporate and politic consti-
7 tuting a public benefit corporation. The authority shall consist of a
8 ~~[chairman]~~ chairperson, ~~[sixteen]~~ twenty other voting members, and ~~[two]~~
9 three non-voting ~~[and four alternate non-voting members]~~, as described
10 in subparagraph two of this paragraph appointed by the governor by and
11 with the advice and consent of the senate. Any member appointed to a
12 term commencing on or after June thirtieth, two thousand nine shall have
13 experience in one or more of the following areas: transportation, public
14 administration, business management, finance, accounting, law, engineer-
15 ing, land use, urban and regional planning, management of large capital
16 projects, labor relations, or have experience in some other area of
17 activity central to the mission of the authority. Four of the ~~[sixteen]~~
18 twenty voting members other than the ~~[chairman]~~ chairperson shall be
19 appointed on the written recommendation of the mayor of the city of New
20 York; one of the twenty voting members other than the chairperson shall
21 be appointed on the written recommendation of the New York city transit
22 authority advisory council; one of the twenty voting members other than
23 the chairperson shall be appointed on the written recommendation of the
24 Metro-North rail commuter council; one of the twenty voting members

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

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1 other than the chairperson shall be appointed on the written recommenda-
2 tion of the Long Island Rail Road commuter's council; one of the twenty
3 voting members other than the chairperson shall be appointed on the
4 written recommendation of the MTA New York city transit's paratransit
5 advisory committee's selection committee; and each of seven other voting
6 members other than the [~~chairman~~] chairperson shall be appointed after
7 selection from a written list of three recommendations from the chief
8 executive officer of the county in which the particular member is
9 required to reside pursuant to the provisions of this subdivision. Of
10 the members appointed on recommendation of the chief executive officer
11 of a county, one such member shall be, at the time of appointment, a
12 resident of the county of Nassau, one a resident of the county of
13 Suffolk, one a resident of the county of Westchester, one a resident of
14 the county of Dutchess, one a resident of the county of Orange, one a
15 resident of the county of Putnam and one a resident of the county of
16 Rockland, provided that the term of any member who is a resident of a
17 county that has withdrawn from the metropolitan commuter transportation
18 district pursuant to section twelve hundred seventy-nine-b of this title
19 shall terminate upon the effective date of such county's withdrawal from
20 such district. Of the five voting members, other than the [~~chairman~~]
21 chairperson, appointed by the governor without recommendation from any
22 other person, three shall be, at the time of appointment, residents of
23 the city of New York and two shall be, at the time of appointment, resi-
24 dents of such city or of any of the aforementioned counties in the
25 metropolitan commuter transportation district. Provided however,
26 notwithstanding the foregoing residency requirement, one of the five
27 voting members appointed by the governor without recommendation from any
28 other person, other than the [~~chairman~~] chairperson, may be the director
29 of the New York state division of the budget, and provided further that,
30 in the event of such appointment, the budget director's membership in
31 the authority shall be deemed ex-officio. The [~~chairman~~] chairperson
32 and each of the members shall be appointed for a term of six years,
33 provided however, that the [~~chairman~~] chairperson first appointed shall
34 serve for a term ending June thirtieth, nineteen hundred eighty-one,
35 provided that thirty days after the effective date of the chapter of the
36 laws of two thousand nine which amended this subparagraph, the term of
37 the [~~chairman~~] chairperson shall expire; provided, further, that such
38 [~~chairman~~] chairperson may continue to discharge the duties of his or
39 her office until the position of [~~chairman~~] chairperson is filled by
40 appointment by the governor upon the advice and consent of the senate
41 and the term of such new [~~chairman~~] chairperson shall terminate June
42 thirtieth, two thousand fifteen. The [~~sixteen~~] twenty other members
43 first appointed shall serve for the following terms: The members from
44 the counties of Nassau and Westchester shall each serve for a term
45 ending June thirtieth, nineteen hundred eighty-five; the members from
46 the county of Suffolk and from the counties of Dutchess, Orange, Putnam
47 and Rockland shall each serve for a term ending June thirtieth, nineteen
48 hundred ninety-two; two of the members appointed on recommendation of
49 the mayor of the city of New York shall each serve for a term ending
50 June thirtieth, nineteen hundred eighty-four and, two shall each serve
51 for a term ending June thirtieth, nineteen hundred eighty-one; two of
52 the members appointed by the governor without the recommendation of any
53 other person shall each serve for a term ending June thirtieth, nineteen
54 hundred eighty-two, two shall each serve for a term ending June thirti-
55 eth, nineteen hundred eighty and one shall serve for a term ending June
56 thirtieth, nineteen hundred eighty-five; the member appointed by the

1 governor on recommendation of the New York city transit authority advi-
2 sory council shall serve for a term ending June thirtieth, two thousand
3 twenty-five; the member appointed by the governor on recommendation of
4 the Metro-North rail commuter council shall serve for a term ending June
5 thirtieth, two thousand twenty-five; the member appointed by the gover-
6 nor on recommendation of the Long Island Rail Road commuter's council
7 shall serve for a term ending June thirtieth, two thousand twenty-five;
8 and the member appointed by the governor on recommendation of the MTA
9 New York city transit's paratransit advisory committee selection commit-
10 tee's shall serve for a term ending June thirtieth, two thousand twen-
11 ty-five. [The two non-voting and four alternate non-voting members shall
12 serve until January first, two thousand one.] The members from the coun-
13 ties of Dutchess, Orange, Putnam and Rockland shall cast one collective
14 vote.

15 (2) There shall be [~~two~~] three non-voting members [~~and four alternate~~
16 ~~non-voting members~~] of the authority, as referred to in subparagraph one
17 of this paragraph.

18 The first non-voting member shall be [~~a regular mass transit user of~~
19 ~~the facilities of the authority and be recommended to the governor by~~
20 ~~the New York city transit authority advisory council. The first alter-~~
21 ~~nate non-voting member shall be a regular mass transit user of the~~
22 ~~facilities of the authority and be recommended to the governor by the~~
23 ~~Metro-North commuter council. The second alternate non-voting member~~
24 ~~shall be a regular mass transit user of the facilities of the authority~~
25 ~~and be recommended to the governor by the Long Island Rail Road~~
26 ~~commuter's council.~~

27 ~~The second non-voting member shall be~~] recommended to the governor by
28 the labor organization representing the majority of employees of the
29 Long Island Rail Road. The [~~third alternate~~] second non-voting member
30 shall be recommended to the governor by the labor organization repres-
31 enting the majority of employees of the New York city transit authority.
32 The [~~fourth alternate~~] third non-voting member shall be recommended to
33 the governor by the labor organization representing the majority of
34 employees of the Metro-North Commuter Railroad Company. The [~~chairman~~]
35 chairperson of the authority, at his or her direction, may exclude
36 [~~such~~] any non-voting member [~~or alternate non-voting member~~] from
37 attending any portion of a meeting of the authority or of any committee
38 established pursuant to paragraph (b) of subdivision four of this
39 section held for the purpose of discussing negotiations with labor
40 organizations.

41 [~~The non-voting member and the two alternate non-voting members~~
42 ~~representing the New York city transit authority advisory council,~~
43 ~~the Metro-North commuter council, and the Long Island Rail Road~~
44 ~~commuter's council shall serve eighteen month rotating terms, after~~
45 ~~which time an alternate non-voting member shall become the non-voting~~
46 ~~member and the rotation shall continue until each alternate member has~~
47 ~~served at least one eighteen month term as a non-voting member. The~~
48 ~~other non-voting member and alternate non-voting members representing~~
49 ~~the New York city transit authority, Metro-North Commuter Railroad~~
50 ~~Company, and the Long Island Rail Road labor organizations shall serve~~
51 ~~eighteen month rotating terms, after which time an alternate non-voting~~
52 ~~member shall become the non-voting member and the rotation shall contin-~~
53 ~~ue until each alternate member has served at least one eighteen month~~
54 ~~term as a non-voting member. The transit authority and the commuter~~
55 ~~railroads shall not be represented concurrently by the two non-voting~~
56 ~~members during any such eighteen month period.]~~

§ 2. Paragraph (a) of subdivision 1 of section 1263 of the public authorities law, as amended by section 2 of part E of chapter 39 of the laws of 2019, is amended to read as follows:

(a) There is hereby created the "metropolitan transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a ~~chairman~~ chairperson and ~~sixteen~~ twenty other members appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas of expertise: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. Four of the ~~sixteen~~ twenty members other than the ~~chairman~~ chairperson shall be appointed on the written recommendation of the mayor of the city of New York; one of the twenty voting members other than the chairperson shall be appointed on the written recommendation of the New York city transit authority advisory council; one of the twenty voting members other than the chairperson shall be appointed on the written recommendation of the Metro-North rail commuter council; one of the twenty voting members other than the chairperson shall be appointed on the written recommendation of the Long Island Rail Road commuter's council; one of the twenty voting members other than the chairperson shall be appointed on the written recommendation of the MTA New York city transit's paratransit advisory committee's selection committee; and each of seven other members other than the ~~chairman~~ chairperson shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau; one a resident of the county of Suffolk; one a resident of the county of Westchester; and one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this title shall terminate upon the effective date of such county's withdrawal from such district. Of the five members, other than the ~~chairman~~ chairperson, appointed by the governor without recommendation from any other person, three shall be, at the time of appointment, residents of the city of New York and two shall be, at the time of appointment, residents of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. Provided however, notwithstanding the foregoing residency requirement, one of the five voting members appointed by the governor without recommendation from any other person, other than the ~~chairman~~ chairperson, may be the director of the New York state division of the budget, and provided further that, in the event of such appointment, the budget director's membership in the authority shall be deemed ex-officio. The ~~chairman~~ chairperson and each of the members shall be appointed for a term of six years, provided however, that the ~~chairman~~ chairperson first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date

1 of the chapter of the laws of two thousand nine which amended this para-
2 graph, the term of the [~~chairman~~] chairperson shall expire; provided,
3 further, that such [~~chairman~~] chairperson may continue to discharge the
4 duties of his or her office until the position of [~~chairman~~] chairperson
5 is filled by appointment by the governor upon the advice and consent of
6 the senate and the term of such new [~~chairman~~] chairperson shall termi-
7 nate June thirtieth, two thousand fifteen. The [~~sixteen~~] twenty other
8 members first appointed shall serve for the following terms: The members
9 from the counties of Nassau and Westchester shall each serve for a term
10 ending June thirtieth, nineteen hundred eighty-five; the members from
11 the county of Suffolk and from the counties of Dutchess, Orange, Putnam
12 and Rockland shall each serve for a term ending June thirtieth, nineteen
13 hundred ninety-two; two of the members appointed on recommendation of
14 the mayor of the city of New York shall each serve for a term ending
15 June thirtieth, nineteen hundred eighty-four and, two shall each serve
16 for a term ending June thirtieth, nineteen hundred eighty-one; two of
17 the members appointed by the governor without the recommendation of any
18 other person shall each serve for a term ending June thirtieth, nineteen
19 hundred eighty-two, two shall each serve for a term ending June thirti-
20 eth, nineteen hundred eighty and one shall serve for a term ending June
21 thirtieth, nineteen hundred eighty-five; the member appointed by the
22 governor on recommendation of the New York city transit authority advi-
23 sory council shall serve for a term ending June thirtieth, two thousand
24 twenty-five; the member appointed by the governor on recommendation of
25 the Metro-North rail commuter council shall serve for a term ending June
26 thirtieth, two thousand twenty-five; the member appointed by the gover-
27 nor on recommendation of the Long Island Rail Road commuter's council
28 shall serve for a term ending June thirtieth, two thousand twenty-five;
29 and the member appointed by the governor on recommendation of the MTA
30 New York city transit's paratransit advisory committee's selection
31 committee shall serve for a term ending June thirtieth, two thousand
32 twenty-five. The members from the counties of Dutchess, Orange, Putnam
33 and Rockland shall cast one collective vote.

34 § 3. Subdivision 2 of the section 1263 of the public authorities law,
35 as amended by chapter 55 of the laws of 1992, is amended to read as
36 follows:

37 2. The [~~chairman~~] chairperson and the first vice [~~chairman~~] chair-
38 person shall be paid a salary in the amount determined by the authority;
39 the other members shall not receive a salary or other compensation. Each
40 member, including the [~~chairman~~] chairperson and the first vice [~~chair-~~
41 ~~man~~] chairperson, shall be entitled to reimbursement for actual and
42 necessary expenses incurred in the performance of his or her official
43 duties.

44 § 4. Paragraph (a) of subdivision 4 of section 1263 of the public
45 authorities law, as amended by chapter 506 of the laws of 2009, is
46 amended to read as follows:

47 (a) Notwithstanding any provision of law to the contrary, the [~~chair-~~
48 ~~man~~] chairperson shall be the chief executive officer of the authority
49 and shall be responsible for the discharge of the executive and adminis-
50 trative functions and powers of the authority. The [~~chairman~~] chair-
51 person may appoint an executive director and such other officials and
52 employees as shall in his or her judgment be needed to discharge the
53 executive and administrative functions and powers of the authority.

54 § 5. Paragraph (b) of subdivision 4 of section 1263 of the public
55 authorities law, as amended by section 1 of chapter 425 of the laws of
56 2018, is amended to read as follows:

(b) The ~~chairman~~ chairperson shall establish committees to assist him ~~or her~~ in the performance of his ~~or her~~ duties and shall appoint members of the authority to such committees. Among such committees, there shall be a committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority; a committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority; a committee on operations of the Metro-North commuter railroad; a committee on operations of the Triborough bridge and tunnel authority; a committee on finance; a committee on capital program oversight; and a committee on safety. In addition to such appointed members, each of the non-voting members referred to in subparagraph two of paragraph (a) of subdivision one of this section shall serve on the committee on capital program oversight, the committee on finance, the committee on safety, the committee on operations of the Triborough bridge and tunnel authority, and the operations committee relevant to the commuter council that recommended such member. ~~[The alternate non-voting members shall each serve on the respective operations committee relevant to the commuter council that recommended each member.]~~ The committee on capital program oversight and the committee on safety shall include not less than three members, and shall include the chairpersons of the committee on operations of the New York city transit authority, the Manhattan and Bronx surface transit operating authority and the Staten Island rapid transit operating authority, the committee on operations of the Long Island Rail Road and the metropolitan suburban bus authority, and the committee on operations of the Metro-North commuter railroad. The committee on safety shall convene at least once annually and each committee chairperson, that is a member of the committee on safety, shall report to the committee on safety any and all initiatives, concerns, improvements, or failures involving the safety of: (1) customers; (2) employees; and (3) the public at large, in relation to authority facilities and services. The capital program committee shall, with respect to any approved or proposed capital program plans, (i) monitor the current and future availability of funds to be utilized for such plans approved or proposed to be submitted to the metropolitan transportation capital program review board as provided in section twelve hundred sixty-nine-b of this title; (ii) monitor the contract awards of the metropolitan transportation authority and the New York city transit authority to insure that such awards are consistent with (A) provisions of law authorizing United States content and New York state content; (B) collective bargaining agreements; (C) provisions of law providing for participation by minority and women-owned businesses; (D) New York state labor laws; (E) competitive bidding requirements including those regarding sole source contracts; and (F) any other relevant requirements established by law; (iii) monitor the award of contracts to determine if such awards are consistent with the manner in which the work was traditionally performed in the past provided, however, that any such determination shall not be admissible as evidence in any arbitration or judicial proceeding; (iv) review the relationship between capital expenditures pursuant to each such capital program plan and current and future operating budget requirements; (v) monitor the progress of capital elements described in each capital program plan approved as provided in section twelve hundred sixty-nine-b of this title; (vi) monitor the expenditures incurred and to be incurred for each such element; and (vii) identify capital elements not progressing on schedule, ascertain responsibility therefor and recommend those actions required or appro-

1 priate to accelerate their implementation. The capital program committee
2 shall issue a quarterly report on its activities and findings, and shall
3 in connection with the preparation of such quarterly report, consult
4 with the state division of the budget, the state department of transpor-
5 tation, the members of the metropolitan transportation authority capital
6 program review board and any other group the committee deems relevant,
7 including public employee organizations, and, at least annually, with a
8 nationally recognized independent transit engineering firm. Such report
9 shall be made available to the members of the authority, to the members
10 of the metropolitan transportation authority capital program review
11 board, and the directors of the municipal assistance corporation for the
12 city of New York.

13 § 6. Paragraph (b) of subdivision 4 of section 1263 of the public
14 authorities law, as amended by section 2 of chapter 425 of the laws of
15 2018, is amended to read as follows:

16 (b) The [~~chairman~~] chairperson shall establish committees to assist
17 him or her in the performance of his or her duties and shall appoint
18 members of the authority to such committees. Among such committees,
19 there shall be a committee on operations of the New York city transit
20 authority, the Manhattan and Bronx surface transit operating authority
21 and the Staten Island rapid transit operating authority; a committee on
22 operations of the Long Island Rail Road and the metropolitan suburban
23 bus authority; a committee on operations of the Metro-North commuter
24 railroad; a committee on operations of the Triborough bridge and tunnel
25 authority; a committee on finance; a committee on capital program over-
26 sight; and a committee on safety. The committee on capital program over-
27 sight shall include not less than four members, and shall include the
28 chairpersons of the committee on operations of the New York city transit
29 authority, the Manhattan and Bronx surface transit operating authority
30 and the Staten Island rapid transit operating authority, the committee
31 on operations of the Long Island Rail Road and the metropolitan suburban
32 bus authority, the committee on operations of the Metro-North commuter
33 railroad, and the committee on safety. The committee on safety shall
34 convene at least once annually and each committee chairperson, that is a
35 member of the committee on safety, shall report to the committee on
36 safety any and all initiatives, concerns, improvements, or failures
37 involving the safety of: (1) customers; (2) employees; and (3) the
38 public at large, in relation to authority facilities and services. The
39 capital program committee shall, with respect to any approved or
40 proposed capital program plans, (i) monitor the current and future
41 availability of funds to be utilized for such plans approved or proposed
42 to be submitted to the metropolitan transportation capital program
43 review board as provided in section twelve hundred sixty-nine-b of this
44 title; (ii) monitor the contract awards of the metropolitan transpor-
45 tation authority and the New York city transit authority to insure that
46 such awards are consistent with (A) provisions of law authorizing United
47 States content and New York state content; (B) collective bargaining
48 agreements; (C) provisions of law providing for participation by minori-
49 ty and women-owned businesses; (D) New York state labor laws; (E)
50 competitive bidding requirements including those regarding sole source
51 contracts; and (F) any other relevant requirements established by law;
52 (iii) monitor the award of contracts to determine if such awards are
53 consistent with the manner in which the work was traditionally performed
54 in the past provided, however, that any such determination shall not be
55 admissible as evidence in any arbitration or judicial proceeding; (iv)
56 review the relationship between capital expenditures pursuant to each

1 such capital program plan and current and future operating budget
2 requirements; (v) monitor the progress of capital elements described in
3 each capital program plan approved as provided in section twelve hundred
4 sixty-nine-b of this title; (vi) monitor the expenditures incurred and
5 to be incurred for each such element; and (vii) identify capital
6 elements not progressing on schedule, ascertain responsibility therefor
7 and recommend those actions required or appropriate to accelerate their
8 implementation. The capital program committee shall issue a quarterly
9 report on its activities and findings, and shall in connection with the
10 preparation of such quarterly report, consult with the state division of
11 the budget, the state department of transportation, the members of the
12 metropolitan transportation authority capital program review board and
13 any other group the committee deems relevant, including public employee
14 organizations, and, at least annually, with a nationally recognized
15 independent transit engineering firm. Such report shall be made avail-
16 able to the members of the authority, to the members of the metropolitan
17 transportation authority capital program review board, and the directors
18 of the municipal assistance corporation for the city of New York.

19 § 7. Paragraphs (c) and (d) of subdivision 4 of section 1263 of the
20 public authorities law, paragraph (c) as added by chapter 247 of the
21 laws of 1990, paragraph (d) as added by section 5 of part H of chapter
22 25 of the laws of 2009, are amended to read as follows:

23 (c) The [~~chairman~~] chairperson shall ensure that at every meeting of
24 the board and at every meeting of each committee the public shall be
25 allotted a period of time, not less than thirty minutes, to speak on any
26 topic on the agenda.

27 (d) Notwithstanding paragraph (c) of subdivision one of section twen-
28 ty-eight hundred twenty-four of this chapter or any other provision of
29 law to the contrary, the [~~chairman~~] chairperson shall not participate in
30 establishing authority policies regarding the payment of salary, compen-
31 sation and reimbursement to, nor establish rules for the time and
32 attendance of, the chief executive officer. The salary of the [~~chairman~~]
33 chairperson, as determined pursuant to subdivision two of this section,
34 shall also be compensation for all services performed as chief executive
35 officer.

36 § 8. This act shall take effect immediately; provided that the amend-
37 ments to paragraph (a) of subdivision 1 of section 1263 of the public
38 authorities law made by section one of this act shall be subject to the
39 expiration and reversion of such paragraph pursuant to section 3 of
40 chapter 549 of the laws of 1994, as amended, when upon such date the
41 provisions of section two of this act shall take effect; and provided
42 further that the amendments to paragraph (b) of subdivision 4 of section
43 1263 of the public authorities law made by section five of this act
44 shall be subject to the expiration and reversion of such subdivision
45 pursuant to section 3 of chapter 549 of the laws of 1994, as amended,
46 when upon such date the provisions of section six of this act shall take
47 effect.