

STATE OF NEW YORK

3959

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, 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 various
transportation authorities

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

1 Section 1. Section 1299-a of the public authorities law is amended by
2 adding two new subdivisions 18 and 19 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, (a) has no means of private transportation; (b) is elderly (over
6 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
7 or median income levels as defined by the U.S. Census Bureau.

8 19. "Para-transit dependent" shall mean an individual who is limited
9 to public transit as their primary mode of transportation and who has
10 either a permanent or temporary disability.

11 § 2. Subdivision 1 of section 1299-c of the public authorities law, as
12 amended by chapter 220 of the laws of 2012, paragraph (b) as amended by
13 chapter 197 of the laws of 2017, and paragraph (c) as amended by chapter
14 176 of the laws of 2012, is amended to read as follows:

15 1. (a) There is hereby created the "Niagara Frontier transportation
16 authority." The authority shall be a body corporate and politic consti-
17 tuting a public benefit corporation. The authority shall consist of a
18 chairman, ~~ten~~ not more than twelve other members and shall have two
19 non-voting members as described in paragraphs (b) and (c) of this subdi-
20 vision appointed by the governor by and with the advice and consent of
21 the senate. The chairman and all members shall be residents of the
22 district. Of the ~~ten~~ members other than the chairman, one shall be
23 appointed upon the written recommendation of the Erie county executive
24 ~~and~~, one shall be appointed upon the written recommendation of the
25 Erie county legislature, at least one shall be appointed as a represen-

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

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tative of the transit dependent community and at least one shall be appointed as a representative of the para-transit dependent community, as described in paragraph (d) of this subdivision. 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.

(d) There shall be at least two members of the authority appointed by the governor as representatives of the transit dependent and para-transit dependent community. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: at least two members shall be appointed to the authority from a list of not less than four names, submitted to the governor by local and statewide

transit advocacy organizations. The members shall be residents of a county described in paragraph (a) of this subdivision. The members shall be appointed for a term of five years. If a vacancy shall occur for these member positions, a replacement shall be appointed within six months, subject to the same appointment process within this paragraph.

§ 3. Section 1299-bb of the public authorities law is amended by adding two new subdivisions 25 and 26 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, (a) has no means of private transportation; (b) is elderly (over age 65); (c) is a youth (under age 18); or (d) lives below the poverty or median income levels as defined by the U.S. Census Bureau.

26. "Para-transit dependent" shall mean an individual who is limited to public transit as their primary mode of transportation and who has either a permanent or temporary disability.

§ 4. Subdivision 1 of section 1299-dd of the public authorities law, as amended by chapter 495 of the laws of 2019, is 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 shall have [~~two~~] one non-voting [~~members~~] member as described in [~~paragraphs~~] paragraph (b) [~~and (c)~~] of this subdivision, at least one shall be appointed as a representative of the transit dependent community and at least one shall be appointed as a representative of the para-transit dependent community, as described in paragraph (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~~] There shall also be one non-voting member of the authority who shall not be considered in determining a quorum[~~7~~]. 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 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

1 for a term of five years, provided, however, that if at any time during
2 the term of appointment such non-voting member ceases to be affiliated
3 with the labor organization representing the plurality of employees
4 within the authority, then such labor organization may at any time
5 during such term recommend a new member to the governor who shall serve
6 the remainder of the term. If the local bargaining unit decertifies its
7 existing union affiliation and certifies a new union, the union which
8 represents the plurality of the employees may recommend a new member to
9 the governor who shall serve the remainder of the term. The chairman of
10 the authority, at his or her discretion, may exclude such non-voting
11 member from attending any portion of a meeting of the authority or of
12 any committee held for the purpose of discussing negotiations with labor
13 organizations, pending litigation involving the labor organization, or
14 the investigation, evaluation, or discipline of an employee.

15 (c) There shall ~~[also]~~ be ~~[a second non-voting member]~~ at least two
16 members of the authority~~[, who shall not be considered in determining a~~
17 ~~quorum. The second non-voting member shall be]~~ appointed by the governor
18 as ~~[a representative]~~ representatives of the transit dependent and~~[or~~
19 ~~disabled]~~ para-transit dependent community. The ~~[second non-voting~~
20 ~~member]~~ governor shall ~~[be appointed]~~ make initial appointments to the
21 authority in such number and from lists submitted as follows: at least
22 two members shall be appointed to the authority from a list of not less
23 than four names, submitted to the governor by local and statewide trans-
24 it advocacy organizations. The members shall be residents of a county
25 described in paragraph (a) of this subdivision. The members shall be
26 appointed for a term of five years. ~~[The chair of the authority, at his~~
27 ~~or her discretion, may exclude such non-voting member from attending any~~
28 ~~portion of a meeting of the authority or of any committee held pursuant~~
29 ~~to the executive session provisions of the open meetings law]~~ If a
30 vacancy shall occur for these member positions, a replacement shall be
31 appointed within six months, subject to the same appointment process
32 within this paragraph.

33 § 5. Section 1301 of the public authorities law is amended by adding
34 two new subdivisions 26 and 27 to read as follows:

35 26. "Transit dependent" shall mean an individual who is limited to
36 public transit as their primary mode of transportation because the indi-
37 vidual, (a) has no means of private transportation; (b) is elderly (over
38 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
39 or median income levels as defined by the U.S. Census Bureau.

40 27. "Para-transit dependent" shall mean an individual who is limited
41 to public transit as their primary mode of transportation and who has
42 either a permanent or temporary disability.

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

46 1. (a) There is hereby created the Capital District transportation
47 authority. The authority shall be a body corporate and politic consti-
48 tuting a public benefit corporation. It shall consist of not less than
49 eight nor more than fifteen members, including a chairman and shall have
50 one non-voting member as described in paragraph (b) of this subdivision,
51 at least one shall be appointed as a representative of the transit
52 dependent community and at least one shall be appointed as a represen-
53 tative of the para-transit dependent community, as described in para-
54 graph (c) of this subdivision. The members shall be appointed by the
55 governor by and with the advice and consent of the senate. The governor
56 shall make initial appointments to the authority in such number and from

1 lists submitted as follows: three members shall be appointed to the
2 authority from a list of six names, all of whom shall be residents of
3 the county of Albany, four of which names shall be submitted to the
4 governor by the majority party of the legislature of the county of Alba-
5 ny and two of which names shall be submitted by the minority party of
6 such legislature; two members shall be appointed to the authority from a
7 list of four names, all of whom shall be residents of the county of
8 Schenectady, three of which names shall be submitted to the governor by
9 the majority party of the legislature of the county of Schenectady and
10 one of which names shall be submitted by the minority party of such
11 legislature; two members shall be appointed to the authority from a list
12 of four names, all of whom shall be residents of the county of Rensse-
13 laer, three of which names shall be submitted to the governor by the
14 majority party of the legislature of the county of Rensselaer and one of
15 which names shall be submitted by the minority party of such legisla-
16 ture; two members shall be appointed to the authority from a list of
17 four names, all of whom shall be residents of the county of Saratoga,
18 three of which names shall be submitted to the governor by the majority
19 party of the legislature of the county of Saratoga and one of which
20 names shall be submitted by the minority party of such legislature.
21 Other counties electing to participate shall each submit to the governor
22 a list of two persons each of whom shall be a resident of such county,
23 one of which names shall be submitted to the governor by the majority
24 party of the legislature of such county and one of which names shall be
25 submitted by the minority party of such legislature, from which number
26 the governor shall appoint one member for each such county so electing
27 to participate.

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

49 (c) There shall be at least two members of the authority appointed by
50 the governor as representatives of the transit dependent and para-tran-
51 sit dependent community. The governor shall make initial appointments to
52 the authority in such number and from lists submitted as follows: at
53 least two members shall be appointed to the authority from a list of not
54 less than four names, submitted to the governor by local and statewide
55 transit advocacy organizations. The members shall be residents of a
56 county described in paragraph (a) of this subdivision. The members

1 shall be appointed for a term of five years. If a vacancy shall occur
2 for these member positions, a replacement shall be appointed within six
3 months, subject to the same appointment process within this paragraph.

4 § 7. Section 1326 of the public authorities law is amended by adding
5 two new subdivisions 26 and 27 to read as follows:

6 26. "Transit dependent" shall mean an individual who is limited to
7 public transit as their primary mode of transportation because the indi-
8 vidual, (a) has no means of private transportation; (b) is elderly (over
9 age 65); (c) is a youth (under age 18); or (d) lives below the poverty
10 or median income levels as defined by the U.S. Census Bureau.

11 27. "Para-transit dependent" shall mean an individual who is limited
12 to public transit as their primary mode of transportation and who has
13 either a permanent or temporary disability.

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

17 1. (a) There is hereby created the central New York regional transpor-
18 tation authority. The authority shall be a body corporate and politic
19 constituting a public benefit corporation. It shall consist of not more
20 than twelve members, including a chairman and shall have one non-voting
21 member as described in paragraph (b) of this subdivision, at least one
22 shall be appointed as a representative of the transit dependent communi-
23 ty and at least one shall be appointed as a representative of the para-
24 transit dependent community, as described in paragraph (c) of this
25 subdivision. The members shall be appointed by the governor by and with
26 the advice and consent of the senate. The governor shall make initial
27 appointments to the authority in such number and from lists submitted as
28 follows: three members shall be appointed to the authority from a list
29 of not less than six names, submitted to the governor by the common
30 council of the city of Syracuse, five persons from a list of not less
31 than ten names, submitted by the legislature of the county of Onondaga
32 and two members shall be appointed from a list of not less than four
33 names submitted by the legislature of the county of Oneida. Other coun-
34 ties electing to participate shall each submit to the governor a list of
35 not less than two persons for each one hundred thousand or major frac-
36 tion of the total population, as determined by the nineteen hundred
37 seventy or any subsequent federal decennial or federal county-wide
38 special census, of the counties outside the county of Onondaga which
39 shall elect to participate, from which number the governor shall appoint
40 one member for each one hundred thousand or major fraction of the total
41 population, as determined by such federal decennial or federal county-
42 wide special census, with a maximum of three members to represent such
43 counties outside the county of Onondaga so electing to participate.

44 (b) There shall also be one non-voting member of the authority, which
45 shall not be considered in determining a quorum. The non-voting member
46 shall be recommended to the governor by the labor organization repres-
47 enting the plurality of the employees within the authority. The non-vot-
48 ing member shall be appointed for a term of seven years, provided,
49 however, that if at any time during the term of appointment the non-vot-
50 ing member ceases to be affiliated with the labor organization repres-
51 enting the plurality of employees within the authority, then such labor
52 organization may at any time during such term recommend a new member to
53 the governor who shall serve the remainder of the term. If the local
54 bargaining unit decertifies its existing union affiliation and certifies
55 a new union, the union which represents the plurality of the employees
56 may recommend a new member to the governor who shall serve the remainder

1 of the term. The chairman of the authority, at his or her discretion,
2 may exclude such non-voting member from attending any portion of a meet-
3 ing of the authority or of any committee held for the purpose of
4 discussing negotiations with labor organizations, pending litigation
5 involving the labor organization, or the investigation, evaluation, or
6 discipline of an employee.

7 (c) There shall be at least two members of the authority appointed by
8 the governor as representatives of the transit dependent and para-tran-
9 sit dependent community. The governor shall make initial appointments to
10 the authority in such number and from lists submitted as follows: at
11 least two members shall be appointed to the authority from a list of not
12 less than four names, submitted to the governor by local and statewide
13 transit advocacy organizations. The members shall be residents of a
14 county described in paragraph (a) of this subdivision. The members
15 shall be appointed for a term of five years. If a vacancy shall occur
16 for these member positions, a replacement shall be appointed within six
17 months, subject to the same appointment process within this paragraph.

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