

# STATE OF NEW YORK

3959--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 two new subdivisions 18 and 19 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, (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.

19. "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.

§ 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~~ not more than twelve other members and shall have two non-voting members as described in paragraphs (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 shall be appointed upon the written recommendation of the Erie county execu-

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

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tive ~~and~~, one shall be appointed upon the written recommendation of the Erie county legislature, 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 (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

1 least two members shall be appointed to the authority from a list of not  
2 less than four names, submitted to the governor by local and statewide  
3 transit advocacy organizations. The members shall be residents of a  
4 county described in paragraph (a) of this subdivision. The members  
5 shall be appointed for a term of five years. If a vacancy shall occur  
6 for these member positions, a replacement shall be appointed within six  
7 months, subject to the same appointment process within this paragraph.

8 § 3. Section 1299-bb of the public authorities law is amended by  
9 adding two new subdivisions 25 and 26 to read as follows:

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

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

18 § 4. Subdivision 1 of section 1299-dd of the public authorities law,  
19 as amended by chapter 495 of the laws of 2019, is amended to read as  
20 follows:

21 1. (a) There is hereby created the Rochester-Genesee regional trans-  
22 portation authority. The authority shall be a body corporate and politic  
23 constituting a public benefit corporation. It shall consist of at least  
24 one member from each county that elects to join the authority except  
25 that the county of Monroe shall have seven members of whom three shall  
26 be appointed from the city of Rochester and four at large from the coun-  
27 ty of Monroe and shall have [~~two~~] one non-voting [~~members~~] member as  
28 described in [~~paragraphs~~] paragraph (b) [~~and (c)~~] of this subdivision.  
29 At least one voting member shall be appointed as a representative of the  
30 transit dependent community and at least one voting member shall be  
31 appointed as a representative of the para-transit dependent community,  
32 as described in paragraph (c) of this subdivision. The members shall be  
33 appointed by the governor by and with the advice and consent of the  
34 senate. The governor shall make initial appointments to the authority in  
35 such number and from lists submitted as follows: three members shall be  
36 appointed to the authority from a list of not less than six names, all  
37 of whom must be residents of the city of Rochester, submitted to the  
38 governor by the council of the city of Rochester; four persons from a  
39 list of not less than eight persons, all of whom must be residents of  
40 the county of Monroe submitted by the legislature of the county of  
41 Monroe. Other counties electing to participate shall each submit to the  
42 governor a list of not less than two persons for each one hundred thou-  
43 sand or major fraction of the total population, as determined by the  
44 last federal decennial or federal county-wide special census. From the  
45 counties outside the county of Monroe which shall elect to participate,  
46 the governor shall appoint one member for each one hundred thousand or  
47 major fraction of the total population, as determined by the last feder-  
48 al decennial or federal county-wide special census, with a minimum of  
49 one member to represent each county outside the county of Monroe so  
50 electing to participate. All members of the authority shall be residents  
51 of the area from which they are nominated.

52 (b) [~~The first~~] There shall also be one non-voting member of the  
53 authority who shall not be considered in determining a quorum[~~7~~]. The  
54 non-voting member shall be recommended to the governor by the labor  
55 organization representing the plurality of the employees within the  
56 authority and shall be a resident of the Rochester-Genesee regional

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

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

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

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

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

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

48 1. (a) There is hereby created the Capital District transportation  
49 authority. The authority shall be a body corporate and politic consti-  
50 tuting a public benefit corporation. It shall consist of not less than  
51 eight nor more than fifteen members, including a chairman and shall have  
52 one non-voting member as described in paragraph (b) of this subdivision.  
53 At least one voting member shall be appointed as a representative of the  
54 transit dependent community and at least one voting member shall be  
55 appointed as a representative of the para-transit dependent community,  
56 as described in paragraph (c) of this subdivision. The members shall be

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

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

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



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

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

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

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

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

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

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

1 bargaining unit decertifies its existing union affiliation and certifies  
2 a new union, the union which represents the plurality of the employees  
3 may recommend a new member to the governor who shall serve the remainder  
4 of the term. The chairman of the authority, at his or her discretion,  
5 may exclude such non-voting member from attending any portion of a meet-  
6 ing of the authority or of any committee held for the purpose of  
7 discussing negotiations with labor organizations, pending litigation  
8 involving the labor organization, or the investigation, evaluation, or  
9 discipline of an employee.

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

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