

# STATE OF NEW YORK

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5503

2021-2022 Regular Sessions

## IN SENATE

March 9, 2021

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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:

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

4 § 73-d. Interagency coordinating committee on rural public transporta-  
5 tion. 1. There is hereby created a committee to be known as the "intera-  
6 gency coordinating committee on rural public transportation", to be  
7 comprised of nineteen members. The commissioner or his or her designee  
8 shall serve as chairperson. Twelve of such members shall be the follow-  
9 ing or his or her duly designated representative: the director of the  
10 office for the aging; the commissioner of education; the commissioner of  
11 labor; the commissioner of health; the commissioner of the office of  
12 mental health; the commissioner of the office of alcoholism and  
13 substance abuse services; the commissioner of the office for people with  
14 developmental disabilities; the commissioner of [~~social services, state~~  
15 ~~advocate for the disabled~~] the office for temporary and disability  
16 assistance; the executive director of the New York state justice center  
17 for the protection of people with special needs; the secretary of state;  
18 the commissioner of agriculture and markets[~~, the director of the office~~  
19 ~~of rural affairs~~] and the [~~director of the division for youth~~] commis-  
20 sioner of the office of children and family services. Six additional  
21 members, [~~all~~] five of whom shall be transportation providers or consum-  
22 ers representing rural counties and one shall be a representative of a  
23 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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1 public transportation systems operating assistance account funds, shall  
2 be appointed to serve a term of three years as follows: two by the  
3 ~~[president pro-tempore]~~ temporary president of the senate, two by the  
4 speaker of the assembly, one by the minority leader of the senate, and  
5 one by the minority leader of the assembly. Efforts shall be made to  
6 provide a broad representation of consumers and providers of transporta-  
7 tion services in rural counties when making such appointments. ~~[Members~~  
8 ~~of the committee shall receive no salary.]~~ The six members appointed by  
9 the legislature, as well as the commissioner or his or her designee,  
10 shall be the voting members. The balance of the committee will serve in  
11 an advisory or consulting capacity. The committee shall keep a record of  
12 its official actions.

13 The commissioner shall cause the department to provide staff assist-  
14 ance necessary for the efficient and effective operation of the commit-  
15 tee.

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

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

22 b. identify rural populations currently utilizing public transporta-  
23 tion, as well as populations in need of public transportation without  
24 access, and discuss recommendations for maintaining and expanding  
25 services;

26 c. include a breakdown by county of cost savings, modes of transporta-  
27 tion provided to Medicaid patients, and rates of utilization of public  
28 transportation by Medicaid patients;

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

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

38 ~~e-]~~ e. recommend changes in state or local laws or regulations that  
39 would improve the coordination of funds, facilities, vehicles or equip-  
40 ment and other resources used for transportation at the local level;

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

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

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

1 (b) Where the commissioner of health elects to assume such responsi-  
2 bility from a local social services district authorized transportation  
3 for an eligible person, whose originating location exists within a coun-  
4 ty defined as a rural area pursuant to subdivision seven of section four  
5 hundred eighty-one of the executive law, shall be assigned to an exist-  
6 ing public transportation system, as defined in subdivision one of  
7 section eighteen-b of the transportation law, if that system provides an  
8 appropriate, available and least expensive mode of transportation. A  
9 county defined as a rural area pursuant to subdivision seven of section  
10 four hundred eighty-one of the executive law may opt out of such  
11 election by the commissioner of health by notifying such commissioner in  
12 writing.

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

17 (b) Where the commissioner of health elects to assume such responsi-  
18 bility from a local social services district authorized transportation  
19 for an eligible person, whose originating location exists within a coun-  
20 ty defined as a rural area pursuant to subdivision seven of section four  
21 hundred eighty-one of the executive law, shall be assigned to an exist-  
22 ing public transportation system, as defined in subdivision one of  
23 section eighteen-b of the transportation law, if that system provides an  
24 appropriate, available and least expensive mode of transportation. A  
25 county defined as a rural area pursuant to subdivision seven of section  
26 four hundred eighty-one of the executive law may opt out of such  
27 election by the commissioner of health by notifying such commissioner in  
28 writing.

29 § 4. This act shall take effect immediately; provided, however, that  
30 sections two and three of this act shall take effect on the thirtieth  
31 day after it shall have become a law; provided, however, that if section  
32 2 of part LL of chapter 56 of the laws of 2020 shall not have taken  
33 effect on or before such date then section three of this act shall take  
34 effect on the same date and in the same manner as such chapter of the  
35 laws of 2020 takes effect; and provided further that the amendments to  
36 subdivision 4 of section 365-h of the social services law, made by  
37 sections two and three of this act, shall not affect the expiration and  
38 repeal of such section pursuant to subdivision (a) of section 40 of part  
39 B of chapter 109 of the laws of 2010, as amended, and shall expire and  
40 be deemed repealed therewith.