STATE OF NEW YORK

9162--A

IN SENATE

May 2, 2024

Introduced by Sen. SCARCELLA-SPANTON -- 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 vehicle and traffic law and the public authorities law, in relation to congestion pricing in New York city, and repealing certain provisions of the vehicle and traffic law, the public authorities law, the public officers law, the tax law, and subpart A of part ZZZ of chapter 59 of the laws of 2019, amending the vehicle and traffic law and the public authorities law relating to establishing a central business district tolling program in the city of New York and amending the public officers law relating to confidentiality of certain public records, relating thereto (Part A); to amend the public authorities law, in relation to the membership of the metropolitan transportation authority (Part B); and to amend the public authorities law, in relation to commissioning an independent forensic audit of the metropolitan transportation authority; and providing for the repeal of such provisions upon the expiration thereof (Part C)

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

Section 1. This act enacts into law components of legislation relating to the metropolitan transportation authority. Each component is wholly contained within a Part identified as Parts A through C. The effective date for each particular provision contained within such Part as set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section two of this act sets forth the general effective date of this act.

PART A

Section 1. Article 44-C of the vehicle and traffic law is REPEALED.

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

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§ 2. Subdivision 4 of section 1630 of the vehicle and traffic law, as amended by section 2 of subpart A of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

4. Charging of tolls, taxes, fees, licenses or permits for the use of the highway or any of its parts [~~or entry into or remaining within the central business district established by article forty-four-C of this chapter~~], where the imposition thereof is authorized by law.

§ 3. Paragraph (s) of subdivision 9 of section 553 of the public authorities law is REPEALED.

§ 4. Subdivision 12-a of section 553 of the public authorities law is REPEALED.

§ 5. Section 553-j of the public authorities law is REPEALED.

§ 6. Paragraph (p) of subdivision 2 of section 87 of the public officers law, as added by section 7 of subpart A of part ZZZ of chapter 59 of the laws of 2019, is REPEALED.

§ 7. Section 553-k of the public authorities law is REPEALED.

§ 8. Sections 9, 10, and 11 of subpart A of part ZZZ of chapter 59 of the laws of 2019, amending the vehicle and traffic law and the public authorities law relating to establishing a central business district tolling program in the city of New York and amending the public officers law relating to confidentiality of certain public records, are REPEALED.

§ 9. Section 566-a of the public authorities law, as amended by section 12 of subpart A of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

§ 566-a. Tax contract by the state. 1. It is hereby found, determined and declared that the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York, for the improvement of their health, welfare and prosperity, and, in the case of some of the said purposes, for the promotion of their traffic, and that said purposes are public purposes and, in the case of those purposes which consist of vehicular bridges, vehicular tunnels and approaches thereto [~~and the central business district tolling program~~], the project is an essential part of the public highway system and the authority will be performing an essential governmental function in the exercise of the powers conferred by this title, and the state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds issued after January first, nineteen hundred thirty-nine by the authority pursuant to this title, in consideration of the acceptance of any payment for the bonds that the bonds of the authority issued after January first, nineteen hundred thirty-nine pursuant to this title and the income therefrom, and all moneys, funds, tolls and other revenues pledged to pay or secure the payment of such bonds, shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.

2. Nothing herein shall be construed to repeal or supersede any tax exemptions heretofore or hereafter granted by general or other laws.

§ 10. Subsection (jjj) of section 606 of the tax law, as added by section 1 of subpart F of part ZZZ of chapter 59 of the laws of 2019, is REPEALED.

§ 11. This act shall take effect immediately.

PART B

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

(1) 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, [~~sixteen~~] seventeen other voting members, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph 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: 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~~] seventeen voting members, one member from each of New York city's five boroughs, as defined in section 2-202 of the administrative code of the city of New York, other than the [~~chairman~~] chairperson shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other voting 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, 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 voting 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 of the chapter of the laws of two thousand nine which amended this subparagraph, the term of the [~~chairman~~] chairperson shall expire; provided, further, that such [~~chairman~~] chairperson may continue to discharge the duties of [~~his or her~~] their office until the position of [~~chairman~~] chairperson is filled by appointment by the governor upon the advice and consent of the senate and the term of such new [~~chairman~~] chairperson shall terminate June thirtieth, two thousand fifteen. The [~~sixteen~~] seventeen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester

shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. **Thirty days after the effective date of the chapter of the laws of two thousand twenty-four which amended this subparagraph, the terms of the members appointed on recommendation of the mayor of the city of New York shall expire, provided, that such members may continue to discharge the duties of their office until the positions are filled by appointment on recommendation of the mayor of the city of New York and the term of three of such new members shall terminate June thirtieth, two thousand twenty-six, and the term of two of such new members shall terminate June thirtieth, two thousand twenty-nine.** The two non-voting and four alternate non-voting members shall serve until January first, two thousand one. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

§ 1-a. Subparagraph 1 of paragraph (a) of subdivision 1 of section 1263 of the public authorities law, as amended by chapter 68 of the laws of 2024, is amended to read as follows:

(1) 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 chairperson, [~~sixteen~~] **seventeen** other voting members, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph 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: 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~~] **seventeen** voting members**, one member from each of New York city's five boroughs, as defined in section 2-202 of the administrative code of the city of New York,** other than the chairperson shall be appointed on the written recommendation of the mayor of the city of New York; and each of seven other voting members other than the 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, 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 voting members, other than the 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 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. Provided further, one of the twelve voting members, other than the chairperson, appointed by the governor without recommendation by any other person, or on the recommendation of the mayor of the city of New York, or of the chief executive officer of the counties of Westchester, Nassau, or Suffolk shall be a transit dependent individual. A "transit dependent individual" shall mean an individual who is limited to public transit as their primary mode of transportation because the individual has a permanent disability, provided that any local or statewide transit advocacy organization may recommend one or more transit dependent individuals to be considered for appointment pursuant to this section. The chairperson and each of the members shall be appointed for a term of six years, provided however, that the chairperson first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this subparagraph, the term of the chairperson shall expire; provided, further, that such chairperson may continue to discharge the duties of [~~his or her~~] **their** office until the position of chairperson is filled by appointment by the governor upon the advice and consent of the senate and the term of such new chairperson shall terminate June thirtieth, two thousand fifteen. The [~~sixteen~~] **seventeen** other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. **Thirty days after the effective date of the chapter of the laws of two thousand twenty-four which amended this subparagraph, the terms of the members appointed on recommendation of the mayor of the city of New York shall expire, provided, that such members may continue to discharge the duties of their office until the positions are filled by appointment on recommendation of the mayor of the city of New York and the term of three of such new members shall terminate June thirtieth, two thousand twenty-six, and the term of two of such new members shall terminate June thirtieth, two thousand twenty-nine.** The two non-

voting and four alternate non-voting members shall serve until January first, two thousand one. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

§ 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~~] seventeen 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~~] Five of the [~~sixteen~~] seventeen members, one member from each of New York city's five boroughs, as defined in section 2-202 of the administrative code of the city of New York, other than the [~~chairman~~] chairperson shall be appointed on the written recommendation of the mayor of the city of New York; 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 of the chapter of the laws of two thousand nine which amended this paragraph, the term of the [~~chairman~~] chairperson shall expire; provided, further, that such [~~chairman~~] chairperson may continue to discharge the duties of [~~his~~] their office until the position of [~~chairman~~] chairperson is filled by appointment by the governor

upon the advice and consent of the senate and the term of such new [~~chairman~~] **chairperson** shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. **Thirty days after the effective date of the chapter of the laws of two thousand twenty-four which amended this paragraph, the terms of the members appointed on recommendation of the mayor of the city of New York shall expire, provided, that such members may continue to discharge the duties of their office until the positions are filled by appointment on recommendation of the mayor of the city of New York and the term of three of such new members shall terminate June thirtieth, two thousand twenty-six, and the term of two of such new members shall terminate June thirtieth, two thousand twenty-nine.** The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

§ 3. This act shall take effect immediately; provided, however, that if chapter 68 of the laws of 2024 shall not have taken effect on or before such date then section one-a of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2024 takes effect; provided further, however, the amendments to subparagraph (1) of paragraph (a) of subdivision 1 of section 1263 of the public authorities law made by sections one and one-a of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 3 of chapter 549 of the laws of 1994, as amended, when upon such date the provisions of section two of this act shall take effect.

PART C

Section 1. The public authorities law is amended by adding a new section 1265-c to read as follows:

§ 1265-c. Independent forensic audit. 1. Notwithstanding any other provision of law, the authority shall, within sixty days of the effective date of this section and at its own expense, contract with a certified public accounting firm for the provision of an independent, comprehensive, forensic audit of the authority. Such audit shall be performed in accordance with generally accepted government auditing standards. Such audit shall be independent of and in addition to the independent audit of the authority conducted pursuant to section twenty-eight hundred two of this chapter.

2. The certified independent public accounting firm providing the authority's independent, comprehensive, forensic audit shall be prohibited from providing audit services if the lead or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services

for the authority within any of the ten previous fiscal years of the authority.

3. The certified independent accounting firm performing the audit pursuant to this section shall be prohibited from performing any non-audit services for the authority contemporaneously with such audit.

4. It shall be prohibited for the certified independent public accounting firm to perform for the authority any audit service if the chief executive officer, comptroller, chief financial officer, chief accounting officer or any other person serving in an equivalent position in the authority was an employee, consultant or independent contractor of such certified independent public accounting firm and participated in any capacity in the audit of the authority at any time in the past.

5. The certified independent public accounting firm contracted to perform the independent, comprehensive, forensic audit of the authority pursuant to this section shall, on or before January first, two thousand twenty-six, report its findings, conclusions and recommendations to the governor, the state comptroller, the temporary president of the senate, the speaker of the assembly, the chair and ranking minority member of the senate finance committee, the chair and ranking minority member of the assembly ways and means committee, the chairs and ranking minority members of the senate and the assembly corporations, authorities and commissions committees, and the chairs and ranking minority members of the senate and the assembly transportation committees.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed upon the delivery of the report required pursuant to subdivision 5 of section 1265-c of the public authorities law as added by section one of this act; provided that the state comptroller shall notify the legislative bill drafting commission upon receipt of such report in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through C of this act shall be as specifically set forth in the last section of such Parts.