

STATE OF NEW YORK

9918

IN SENATE

September 20, 2024

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT relating to designating the Nassau-Suffolk transportation coordinating committee as the metropolitan planning organization for Long Island

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

1 Section 1. Nassau-Suffolk transportation coordinating committee. The
2 Nassau-Suffolk transportation coordinating committee ("the committee")
3 seeks to withdraw from the New York metropolitan transportation council
4 (NYMTC) formed in 1982 pursuant to an MOU adopted by its member organ-
5 izations and approved by the governor and the legislature through resol-
6 ution. The Nassau-Suffolk transportation coordinating committee shall,
7 upon passage of this act and approval of the governor, be designated to
8 act as the metropolitan planning organization for purposes of receipt of
9 federal transportation assistance for the counties of Nassau and Suffolk
10 and, in cooperation with the state and publicly owned operators of mass
11 transportation services, for carrying out the urban transportation plan-
12 ning process specified in 23 CFR 450 and 49 CFR 613 and other applicable
13 federal regulations.

14 § 2. Purpose. 1. It is the purpose of this legislation to delineate
15 the roles and responsibilities and administrative, decision making, and
16 staffing arrangements for the committee to carry out transportation
17 planning and programming to continue Nassau and Suffolk counties' quali-
18 fication for federal transportation assistance.

19 2. The Nassau-Suffolk transportation coordinating committee is contin-
20 ued, with voting membership to include:

21 (a) the Nassau county executive;
22 (b) the Suffolk county executive;
23 (c) the chairman of the metropolitan transportation authority; and
24 (d) the commissioner of the New York state department of transporta-
25 tion.

26 3. The foregoing representation of the participating units of govern-
27 ment is not intended to indicate a proportional or any other kind of

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

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1 weighting for voting purposes and such representation shall remain in
2 effect only as long as committee decisions are reached by consensus as
3 defined in this act.

4 4. Advisory, non-voting membership on the committee shall include the
5 federal highway administration, urban mass transportation adminis-
6 tration, United States environmental protection agency, and the New York
7 state department of environmental conservation.

8 5. Members of the committee may be represented by designated substi-
9 tutes. Such designation shall be in writing to the secretary of the
10 committee.

11 § 3. Officers. 1. Executives of each county shall serve as the perma-
12 nent co-chairpersons of the committee with functional responsibility for
13 committee operations.

14 2. The transportation coordinating committee shall elect officers
15 according to its bylaws or operating procedures, except that the New
16 York state department of transportation shall perform secretarial
17 services for the transportation coordinating committee.

18 § 4. Voting by consensus. All actions taken by the Nassau-Suffolk
19 transportation coordinating committee shall be by unanimous vote.

20 § 5. Central staff. To meet areawide transportation planning needs and
21 to provide centralized services to the transportation coordinating
22 committee a central staff, and a staff director appointed by the commit-
23 tee from a list provided by the permanent co-chairperson. The staff
24 director shall be accountable to the committee for results of that
25 portion of the transportation planning program assigned to the central
26 staff, and for the economy and efficiency of the central staff opera-
27 tion. Central staff activities shall be limited to transportation and
28 transportation related matters and may include:

- 29 1. data collection, monitoring and analysis;
- 30 2. demographic analysis and forecasting;
- 31 3. strategic transportation planning;
- 32 4. regional transportation systems planning;
- 33 5. travel simulation and modelling and other technical planning and
34 planning services;
- 35 6. mapping services;
- 36 7. administrative services including contract administration; and
- 37 8. special studies of regional significance.

38 § 6. Unified planning work program. 1. The committee shall establish
39 goals, objectives, criteria, and standards for the development of work
40 programs for the use of federal and other planning funds.

41 2. The unified planning work program shall comprise the following
42 major work elements:

- 43 (a) central staff;
- 44 (b) transportation coordinating committee staff;
- 45 (c) subregional pass through;
- 46 (d) transit operators planning program; and
- 47 (e) special studies.

48 3. (a) The work program of the central staff shall be determined annu-
49 ally by the committee.

50 (b) A method for distributing funds for special studies shall be
51 determined annually by the committee.

52 § 7. Application for urban mass transportation funds. 1. The depart-
53 ment of transportation shall, on behalf of the committee, make applica-
54 tion annually to the urban mass transportation administration and to
55 other federal agencies as may be appropriate, for funds to support the
56 committee's planning program. The department shall make such funds, as

1 well as funds received from the federal highway administration, avail-
2 able to the committee for its decision on their use and distribution.
3 The department shall be the urban mass transportation administration
4 grant applicant for the central staff, transportation coordinating
5 committee staff, and subregional pass through work elements of the
6 unified planning work program. Applicants for urban mass transportation
7 administration grants to support the transit operators planning and
8 special studies work elements shall be determined annually in the
9 unified planning work program.

10 2. The committee shall authorize the department of transportation and
11 others as appropriate, to accept on behalf of the committee, the trans-
12 fer of current grants that have been awarded to the committee.

13 § 8. Funding. 1. For the program year starting July first, two thou-
14 sand twenty-five, the allocation of funds to be made for the above major
15 program elements except for special studies, shall be determined by the
16 committee.

17 2. For the program year starting July first, two thousand twenty-five,
18 pass through funds shall be made available to each county in proportion
19 to its two thousand twenty population.

20 § 9. Transportation plans. 1. The committee shall develop and review
21 annually areawide transportation goals and objectives, considering
22 federal and state policies and requirements.

23 2. The committee shall develop and review and update as necessary, a
24 transportation plan, consisting of long-range and short-range elements,
25 including transportation systems management components.

26 3. The committee shall examine and endorse the plan as meeting the
27 requirements of 23 CFR 450 and 49 CFR 613.

28 § 10. Transportation improvement program. 1. The committee shall
29 develop and update annually a transportation improvement program in
30 cooperation with state and local officials, regional and local transit
31 operators, recipients authorized under section five of the Urban Mass
32 Transportation Act (49 USC 1604), and with input from other affected
33 transportation and regional and local planning and implementing agen-
34 cies. The transportation improvement program shall consist of improve-
35 ments recommended from the short-range and long-range elements of the
36 transportation plan developed under this act, and continuing or special
37 planning studies.

38 2. The committee shall incorporate the transportation improvement
39 program annually into an areawide transportation improvement program,
40 including projects of a regional nature recommended by the program,
41 finance, and administration committee as initiated pursuant to title IX
42 of chapter one of the United States code, and shall endorse the program
43 as meeting the requirements of 23 CFR 450 and 49 CFR 613.

44 § 11. Program, finance and administration committee. 1. The committee
45 shall establish a program, finance and administration committee, to be
46 composed of staff representatives of the New York state department of
47 transportation, the metropolitan transportation authority, and one to be
48 appointed by each Suffolk and Nassau counties. The central staff direc-
49 tor shall serve as secretary to the committee.

50 2. The program, finance and administration committee shall be respon-
51 sible for overseeing day-to-day operations of the metropolitan planning
52 organization, including the following activities:

53 (a) monitoring and coordinating progress of the committee's unified
54 planning work program to assure adherence to budgets and consistency
55 with federal regulations and local, state and federal objectives, and

1 (b) minor revisions to budgets and other aspects of the work program,
2 as necessary during the program year.

3 3. The program, finance and administration committee shall, in cooper-
4 ation with the committee, develop annually a draft unified planning work
5 program consistent with the requirements of 23 CFR 450 and 49 CFR 613,
6 for recommendation for endorsement by the committee at its annual meet-
7 ing. The work program shall include central and subregional staff activ-
8 ities, committee member activities, and special studies.

9 4. Upon the initiation by any committee member of a project of region-
10 wide significance, or changes to such projects, which must receive
11 metropolitan planning organization endorsement during the interval
12 between committee meetings, the program, finance and administration
13 committee shall be authorized to act for the committee to include such
14 project or make such changes with respect thereto in the committee's
15 transportation improvement program. To the extent possible such trans-
16 portation improvement program changes shall be recommended by the
17 program, finance and administration committee to the committee at its
18 next meeting.

19 5. Upon the endorsement by the committee of a change in its transpor-
20 tation improvement program, which change must for some reason be incor-
21 porated in the transportation program during the interval between the
22 committee's annual meetings, the program, finance and administration
23 committee shall be authorized to act for the committee to make such
24 incorporation and shall make such incorporation, provided that the
25 change is consistent with plans adopted by the committee.

26 6. Upon the request of any committee member of a change in the commit-
27 tee's unified planning work program, including the program budget or
28 budgets, which for some reason must receive metropolitan planning organ-
29 ization endorsement during the interval between committee meetings, the
30 program, finance and administration committee shall be authorized to act
31 for the committee to make such a change. All actions taken by the
32 program, finance and administration committee concerning the unified
33 planning work program shall be reported to all committee members within
34 five working days. Such actions shall be effective unless a negative
35 response is received from a committee member within ten working days.

36 § 12. Coordination with adjacent metropolitan planning organizations.
37 Within six months from the effective date of this act, the committee
38 shall develop procedures for coordinating its plans and programs, and
39 its planning and programming processes, with adjacent metropolitan plan-
40 ning organizations in the states of New York, New Jersey, and Connecti-
41 cut. The committee shall appoint a representative to work with these
42 metropolitan planning organizations and to report back to the committee
43 with recommendations on this matter as soon as possible.

44 § 13. Meetings and agendas. 1. The committee shall have an annual
45 meeting, held each year between January fifteenth and February
46 fifteenth. Its business agenda shall include:

- 47 (a) Election of chairperson;
48 (b) Endorsement of a transportation improvement program with an annual
49 element;
50 (c) Endorsement of a committee transportation plan;
51 (d) Other business items requested by any member.

52 2. Special committee meetings may be called at the request of any
53 member of the committee at any time, upon written request to the secre-
54 tary of the committee.

55 3. The secretary shall be responsible for scheduling all meetings.

1 4. A quorum for any committee meeting shall be two-thirds of its
2 voting members.

3 § 14. Central staff operation. 1. The department of transportation
4 shall provide for the financial operations of the central staff and
5 ensure that the central staff activities are in compliance with applica-
6 ble laws and regulations. The relative responsibilities of the committee
7 and the department for the central staff are detailed below. In all
8 cases the responsibilities of the committee for the central staff shall
9 be carried out on a day-to-day basis by the program, finance and admin-
10 istration committee.

11 2. The committee shall be responsible for:

12 (a) Program results:

13 (i) Assuring that the desired results or benefits of the central
14 staff's work are being achieved, including that the unified planning
15 work program activities are on schedule, of proper quality, and are
16 documented and reported on in an appropriate manner.

17 (ii) Assuring that the urban transportation planning objectives estab-
18 lished by the federal regulations and the committee itself are being
19 met, including that the unified planning work program elements are
20 responsive to federal planning requirements and area transportation
21 issues and problems.

22 (b) Economy and efficiency of central staff operation:

23 (i) Assuring that desired results are achieved at lowest cost, includ-
24 ing that central staff size, salary levels and other costs are appropri-
25 ate and planning methods well chosen.

26 (ii) Assuring that the central staff is managing or utilizing its
27 resources (personnel, property, space, etc.) in an economical and effi-
28 cient manner, including that management information systems, administra-
29 tive procedures, organizational structures and other management tools
30 are adequate.

31 (c) Selecting consultants to perform activities in the central staff
32 work program as provided for in the approved unified planning work
33 program and negotiating professional services agreements, except that
34 the department shall be entitled to have a representative in all
35 consultant selection decisions and fee negotiations that affect
36 contracts held by the department on behalf of the committee;

37 (d) Approving all required task work programs (task amplifications)
38 and preparing those required for central staff activities;

39 (e) Providing funds for a central staff director and directing him or
40 her to:

41 (i) Manage central staff planning activity to ensure continued compli-
42 ance with federal and state regulations;

43 (ii) Prepare and maintain work budgets for all central staff planning
44 activities and cash flow budgets for central staff operations;

45 (iii) Assist the department in establishing acceptable ledgers and
46 accounting procedures to maintain complete and accurate records pertain-
47 ing to revenues, expenses, work performed, and cash on hand;

48 (iv) Assist the department in preparing appropriate documentation of
49 payrolls, time records, grant charges, invoices, vouchers, purchases,
50 and other expenses in accordance with state and federal requirements;

51 (v) Assist the department with the establishment and maintenance of
52 central staff-related accounting records and bookkeeping procedures;

53 3. The department of transportation shall be responsible for:

54 (a) Prefinancing the central staff operation for the committee prior
55 to reimbursement;

1 (b) Employing central staff and paying central staff salaries and
2 fringe benefits;

3 (c) Paying central staff operating expenses and program costs in
4 accordance with the approved unified planning work program;

5 (d) Controlling central staff revenues, expenditures, assets, and
6 liabilities to the extent necessary to meet the department's obligations
7 with respect to the state funds involved;

8 (e) Purchasing, receiving, accounts payable, payroll and billings;

9 (f) Assuring that the central staff operation is in full compliance
10 with all applicable federal, state, and local laws and regulations,
11 including that all central staff activities are eligible for reimburse-
12 ment and that all matching requirements are met.

13 4. The state shall provide the non-federal share of central staff
14 financing as detailed in the unified planning work programs.

15 § 15. This act shall take effect immediately.