# STATE OF NEW YORK

10705

# IN ASSEMBLY

August 28, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Stern) -- read once and referred to the Committee on Transportation

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:**

Section 1. Nassau-Suffolk transportation coordinating committee. The Nassau-Suffolk transportation coordinating committee ("the committee") seeks to withdraw from the New York metropolitan transportation council (NYMTC) formed in 1982 pursuant to an MOU adopted by its member organizations and approved by the governor and the legislature through resolution. The Nassau-Suffolk transportation coordinating committee shall, upon passage of this act and approval of the governor, be designated to act as the metropolitan planning organization for purposes of receipt of federal transportation assistance for the counties of Nassau and Suffolk and, in cooperation with the state and publicly owned operators of mass transportation services, for carrying out the urban transportation planning process specified in 23 CFR 450 and 49 CFR 613 and other applicable federal regulations.

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

2. The Nassau-Suffolk transportation coordinating committee is continued, with voting membership to include:

(a) the Nassau county executive;

(b) the Suffolk county executive;

(c) the chairman of the metropolitan transportation authority; and

(d) the commissioner of the New York state department of transportation.

3. The foregoing representation of the participating units of government 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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weighting for voting purposes and such representation shall remain in effect only as long as committee decisions are reached by consensus as defined in this act.

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

5. Members of the committee may be represented by designated substitutes. Such designation shall be in writing to the secretary of the committee.

§ 3. Officers. 1. Executives of each county shall serve as the permanent co-chairpersons of the committee with functional responsibility for committee operations.

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

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

§ 5. Central staff. To meet areawide transportation planning needs and to provide centralized services to the transportation coordinating committee a central staff, and a staff director appointed by the committee from a list provided by the permanent co-chairperson. The staff director shall be accountable to the committee for results of that portion of the transportation planning program assigned to the central staff, and for the economy and efficiency of the central staff operation. Central staff activities shall be limited to transportation and transportation related matters and may include:

1. data collection, monitoring and analysis;
2. demographic analysis and forecasting;
3. strategic transportation planning;
4. regional transportation systems planning;
5. travel simulation and modelling and other technical planning and planning services;
6. mapping services;
7. administrative services including contract administration; and
8. special studies of regional significance.

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

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

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

3. (a) The work program of the central staff shall be determined annually by the committee.

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

§ 7. Application for urban mass transportation funds. 1. The department of transportation shall, on behalf of the committee, make application annually to the urban mass transportation administration and to other federal agencies as may be appropriate, for funds to support the committee's planning program. The department shall make such funds, as

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

2. The committee shall authorize the department of transportation and others as appropriate, to accept on behalf of the committee, the transfer of current grants that have been awarded to the committee.

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

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

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

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

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

§ 10. Transportation improvement program. 1. The committee shall develop and update annually a transportation improvement program in cooperation with state and local officials, regional and local transit operators, recipients authorized under section five of the Urban Mass Transportation Act (49 USC 1604), and with input from other affected transportation and regional and local planning and implementing agencies. The transportation improvement program shall consist of improvements recommended from the short-range and long-range elements of the transportation plan developed under this act, and continuing or special planning studies.

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

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

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

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

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

3. The program, finance and administration committee shall, in cooperation with the committee, develop annually a draft unified planning work program consistent with the requirements of 23 CFR 450 and 49 CFR 613, for recommendation for endorsement by the committee at its annual meeting. The work program shall include central and subregional staff activities, committee member activities, and special studies.

4. Upon the initiation by any committee member of a project of regionwide significance, or changes to such projects, which must receive metropolitan planning organization endorsement during the interval between commmittee meetings, the program, finance and administration committee shall be authorized to act for the committee to include such project or make such changes with respect thereto in the committee's transportation improvement program. To the extent possible such transportation improvement program changes shall be recommended by the program, finance and administration committee to the committee at its next meeting.

5. Upon the endorsement by the committee of a change in its transportation improvement program, which change must for some reason be incorporated in the transportation program during the interval between the committee's annual meetings, the program, finance and administration committee shall be authorized to act for the committee to make such incorporation and shall make such incorporation, provided that the change is consistent with plans adopted by the committee.

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

§ 12. Coordination with adjacent metropolitan planning organizations. Within six months from the effective date of this act, the committee shall develop procedures for coordinating its plans and programs, and its planning and programming processes, with adjacent metropolitan planning organizations in the states of New York, New Jersey, and Connecticut. The committee shall appoint a representative to work with these metropolitan planning organizations and to report back to the committee with recommendations on this matter as soon as possible.

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

(a) Election of chairperson;

(b) Endorsement of a transportation improvement program with an annual element;

(c) Endorsement of a committee transportation plan;

(d) Other business items requested by any member.

2. Special committee meetings may be called at the request of any member of the committee at any time, upon written request to the secretary of the committee.

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

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

§ 14. Central staff operation. 1. The department of transportation shall provide for the financial operations of the central staff and ensure that the central staff activities are in compliance with applicable laws and regulations. The relative responsibilities of the committee and the department for the central staff are detailed below. In all cases the responsibilities of the committee for the central staff shall be carried out on a day-to-day basis by the program, finance and administration committee.

2. The committee shall be responsible for:

(a) Program results:

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

(ii) Assuring that the urban transportation planning objectives established by the federal regulations and the committee itself are being met, including that the unified planning work program elements are responsive to federal planning requirements and area transportation issues and problems.

(b) Economy and efficiency of central staff operation:

(i) Assuring that desired results are achieved at lowest cost, including that central staff size, salary levels and other costs are appropriate and planning methods well chosen.

(ii) Assuring that the central staff is managing or utilizing its resources (personnel, property, space, etc.) in an economical and efficient manner, including that management information systems, administrative procedures, organizational structures and other management tools are adequate.

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

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

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

(i) Manage central staff planning activity to ensure continued compliance with federal and state regulations;

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

(iii) Assist the department in establishing acceptable ledgers and accounting procedures to maintain complete and accurate records pertaining to revenues, expenses, work performed, and cash on hand;

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

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

3. The department of transportation shall be responsible for:

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

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

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

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

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

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

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

§ 15. This act shall take effect immediately.