

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:

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

11 PART A

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 Article 44-C of the vehicle and traffic law is REPEALED.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

LBD15182-03-4

§ 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

1 shall each serve for a term ending June thirtieth, nineteen hundred
2 eighty-five; the members from the county of Suffolk and from the coun-
3 ties of Dutchess, Orange, Putnam and Rockland shall each serve for a
4 term ending June thirtieth, nineteen hundred ninety-two; two of the
5 members appointed on recommendation of the mayor of the city of New York
6 shall each serve for a term ending June thirtieth, nineteen hundred
7 eighty-four and, two shall each serve for a term ending June thirtieth,
8 nineteen hundred eighty-one; two of the members appointed by the gover-
9 nor without the recommendation of any other person shall each serve for
10 a term ending June thirtieth, nineteen hundred eighty-two, two shall
11 each serve for a term ending June thirtieth, nineteen hundred eighty and
12 one shall serve for a term ending June thirtieth, nineteen hundred
13 eighty-five. Thirty days after the effective date of the chapter of the
14 laws of two thousand twenty-four which amended this subparagraph, the
15 terms of the members appointed on recommendation of the mayor of the
16 city of New York shall expire, provided, that such members may continue
17 to discharge the duties of their office until the positions are filled
18 by appointment on recommendation of the mayor of the city of New York
19 and the term of three of such new members shall terminate June thirti-
20 eth, two thousand twenty-six, and the term of two of such new members
21 shall terminate June thirtieth, two thousand twenty-nine. The two non-
22 voting and four alternate non-voting members shall serve until January
23 first, two thousand one. The members from the counties of Dutchess,
24 Orange, Putnam and Rockland shall cast one collective vote.

25 § 1-a. Subparagraph 1 of paragraph (a) of subdivision 1 of section
26 1263 of the public authorities law, as amended by chapter 68 of the laws
27 of 2024, is amended to read as follows:

28 (1) There is hereby created the "metropolitan transportation authori-
29 ty." The authority shall be a body corporate and politic constituting a
30 public benefit corporation. The authority shall consist of a chair-
31 person, [~~sixteen~~] seventeen other voting members, and two non-voting and
32 four alternate non-voting members, as described in subparagraph two of
33 this paragraph appointed by the governor by and with the advice and
34 consent of the senate. Any member appointed to a term commencing on or
35 after June thirtieth, two thousand nine shall have experience in one or
36 more of the following areas: transportation, public administration,
37 business management, finance, accounting, law, engineering, land use,
38 urban and regional planning, management of large capital projects, labor
39 relations, or have experience in some other area of activity central to
40 the mission of the authority. Four of the [~~sixteen~~] seventeen voting
41 members, one member from each of New York city's five boroughs, as
42 defined in section 2-202 of the administrative code of the city of New
43 York, other than the chairperson shall be appointed on the written
44 recommendation of the mayor of the city of New York; and each of seven
45 other voting members other than the chairperson shall be appointed after
46 selection from a written list of three recommendations from the chief
47 executive officer of the county in which the particular member is
48 required to reside pursuant to the provisions of this subdivision. Of
49 the members appointed on recommendation of the chief executive officer
50 of a county, one such member shall be, at the time of appointment, a
51 resident of the county of Nassau, one a resident of the county of
52 Suffolk, one a resident of the county of Westchester, one a resident of
53 the county of Dutchess, one a resident of the county of Orange, one a
54 resident of the county of Putnam and one a resident of the county of
55 Rockland, provided that the term of any member who is a resident of a
56 county that has withdrawn from the metropolitan commuter transportation

1 district pursuant to section twelve hundred seventy-nine-b of this title
2 shall terminate upon the effective date of such county's withdrawal from
3 such district. Of the five voting members, other than the chairperson,
4 appointed by the governor without recommendation from any other person,
5 three shall be, at the time of appointment, residents of the city of New
6 York and two shall be, at the time of appointment, residents of such
7 city or of any of the aforementioned counties in the metropolitan commu-
8 ter transportation district. Provided however, notwithstanding the fore-
9 going residency requirement, one of the five voting members appointed by
10 the governor without recommendation from any other person, other than
11 the chairperson, may be the director of the New York state division of
12 the budget, and provided further that, in the event of such appointment,
13 the budget director's membership in the authority shall be deemed ex-of-
14 ficio. Provided further, one of the twelve voting members, other than
15 the chairperson, appointed by the governor without recommendation by any
16 other person, or on the recommendation of the mayor of the city of New
17 York, or of the chief executive officer of the counties of Westchester,
18 Nassau, or Suffolk shall be a transit dependent individual. A "transit
19 dependent individual" shall mean an individual who is limited to public
20 transit as their primary mode of transportation because the individual
21 has a permanent disability, provided that any local or statewide transit
22 advocacy organization may recommend one or more transit dependent indi-
23 viduals to be considered for appointment pursuant to this section. The
24 chairperson and each of the members shall be appointed for a term of six
25 years, provided however, that the chairperson first appointed shall
26 serve for a term ending June thirtieth, nineteen hundred eighty-one,
27 provided that thirty days after the effective date of the chapter of the
28 laws of two thousand nine which amended this subparagraph, the term of
29 the chairperson shall expire; provided, further, that such chairperson
30 may continue to discharge the duties of ~~[his or her]~~ their office until
31 the position of chairperson is filled by appointment by the governor
32 upon the advice and consent of the senate and the term of such new
33 chairperson shall terminate June thirtieth, two thousand fifteen. The
34 ~~[sixteen]~~ seventeen other members first appointed shall serve for the
35 following terms: The members from the counties of Nassau and Westchester
36 shall each serve for a term ending June thirtieth, nineteen hundred
37 eighty-five; the members from the county of Suffolk and from the coun-
38 ties of Dutchess, Orange, Putnam and Rockland shall each serve for a
39 term ending June thirtieth, nineteen hundred ninety-two; two of the
40 members appointed on recommendation of the mayor of the city of New York
41 shall each serve for a term ending June thirtieth, nineteen hundred
42 eighty-four and, two shall each serve for a term ending June thirtieth,
43 nineteen hundred eighty-one; two of the members appointed by the gover-
44 nor without the recommendation of any other person shall each serve for
45 a term ending June thirtieth, nineteen hundred eighty-two, two shall
46 each serve for a term ending June thirtieth, nineteen hundred eighty and
47 one shall serve for a term ending June thirtieth, nineteen hundred
48 eighty-five. Thirty days after the effective date of the chapter of the
49 laws of two thousand twenty-four which amended this subparagraph, the
50 terms of the members appointed on recommendation of the mayor of the
51 city of New York shall expire, provided, that such members may continue
52 to discharge the duties of their office until the positions are filled
53 by appointment on recommendation of the mayor of the city of New York
54 and the term of three of such new members shall terminate June thirti-
55 eth, two thousand twenty-six, and the term of two of such new members
56 shall terminate June thirtieth, two thousand twenty-nine. The two non-

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

4 § 2. Paragraph (a) of subdivision 1 of section 1263 of the public
5 authorities law, as amended by section 2 of part E of chapter 39 of the
6 laws of 2019, is amended to read as follows:

7 (a) There is hereby created the "metropolitan transportation authori-
8 ty." The authority shall be a body corporate and politic constituting a
9 public benefit corporation. The authority shall consist of a [~~chairman~~]
10 ~~chairperson~~ and [~~sixteen~~] ~~seventeen~~ other members appointed by the
11 governor by and with the advice and consent of the senate. Any member
12 appointed to a term commencing on or after June thirtieth, two thousand
13 nine shall have experience in one or more of the following areas of
14 expertise: transportation, public administration, business management,
15 finance, accounting, law, engineering, land use, urban and regional
16 planning, management of large capital projects, labor relations, or have
17 experience in some other area of activity central to the mission of the
18 authority. [~~Four~~] ~~Five~~ of the [~~sixteen~~] ~~seventeen~~ members, one member
19 from each of New York city's five boroughs, as defined in section 2-202
20 of the administrative code of the city of New York, other than the
21 [~~chairman~~] ~~chairperson~~ shall be appointed on the written recommendation
22 of the mayor of the city of New York; and each of seven other members
23 other than the [~~chairman~~] ~~chairperson~~ shall be appointed after selection
24 from a written list of three recommendations from the chief executive
25 officer of the county in which the particular member is required to
26 reside pursuant to the provisions of this subdivision. Of the members
27 appointed on recommendation of the chief executive officer of a county,
28 one such member shall be, at the time of appointment, a resident of the
29 county of Nassau; one a resident of the county of Suffolk; one a resi-
30 dent of the county of Westchester; and one a resident of the county of
31 Dutchess, one a resident of the county of Orange, one a resident of the
32 county of Putnam and one a resident of the county of Rockland, provided
33 that the term of any member who is a resident of a county that has with-
34 drawn from the metropolitan commuter transportation district pursuant to
35 section twelve hundred seventy-nine-b of this title shall terminate upon
36 the effective date of such county's withdrawal from such district. Of
37 the five members, other than the [~~chairman~~] ~~chairperson~~, appointed by
38 the governor without recommendation from any other person, three shall
39 be, at the time of appointment, residents of the city of New York and
40 two shall be, at the time of appointment, residents of such city or of
41 any of the aforementioned counties in the metropolitan commuter trans-
42 portation district. Provided however, notwithstanding the foregoing
43 residency requirement, one of the five voting members appointed by the
44 governor without recommendation from any other person, other than the
45 [~~chairman~~] ~~chairperson~~, may be the director of the New York state divi-
46 sion of the budget, and provided further that, in the event of such
47 appointment, the budget director's membership in the authority shall be
48 deemed ex-officio. The [~~chairman~~] ~~chairperson~~ and each of the members
49 shall be appointed for a term of six years, provided however, that the
50 [~~chairman~~] ~~chairperson~~ first appointed shall serve for a term ending
51 June thirtieth, nineteen hundred eighty-one, provided that thirty days
52 after the effective date of the chapter of the laws of two thousand nine
53 which amended this paragraph, the term of the [~~chairman~~] ~~chairperson~~
54 shall expire; provided, further, that such [~~chairman~~] ~~chairperson~~ may
55 continue to discharge the duties of [~~his~~] ~~their~~ office until the posi-
56 tion of [~~chairman~~] ~~chairperson~~ is filled by appointment by the governor

1 upon the advice and consent of the senate and the term of such new
2 ~~chairman~~ chairperson shall terminate June thirtieth, two thousand
3 fifteen. The sixteen other members first appointed shall serve for the
4 following terms: The members from the counties of Nassau and Westchester
5 shall each serve for a term ending June thirtieth, nineteen hundred
6 eighty-five; the members from the county of Suffolk and from the coun-
7 ties of Dutchess, Orange, Putnam and Rockland shall each serve for a
8 term ending June thirtieth, nineteen hundred ninety-two; two of the
9 members appointed on recommendation of the mayor of the city of New York
10 shall each serve for a term ending June thirtieth, nineteen hundred
11 eighty-four and, two shall each serve for a term ending June thirtieth,
12 nineteen hundred eighty-one; two of the members appointed by the gover-
13 nor without the recommendation of any other person shall each serve for
14 a term ending June thirtieth, nineteen hundred eighty-two, two shall
15 each serve for a term ending June thirtieth, nineteen hundred eighty and
16 one shall serve for a term ending June thirtieth, nineteen hundred
17 eighty-five. Thirty days after the effective date of the chapter of the
18 laws of two thousand twenty-four which amended this paragraph, the terms
19 of the members appointed on recommendation of the mayor of the city of
20 New York shall expire, provided, that such members may continue to
21 discharge the duties of their office until the positions are filled by
22 appointment on recommendation of the mayor of the city of New York and
23 the term of three of such new members shall terminate June thirtieth,
24 two thousand twenty-six, and the term of two of such new members shall
25 terminate June thirtieth, two thousand twenty-nine. The members from the
26 counties of Dutchess, Orange, Putnam and Rockland shall cast one collec-
27 tive vote.

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

38 PART C

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

41 § 1265-c. Independent forensic audit. 1. Notwithstanding any other
42 provision of law, the authority shall, within sixty days of the effec-
43 tive date of this section and at its own expense, contract with a certi-
44 fied public accounting firm for the provision of an independent, compre-
45 hensive, forensic audit of the authority. Such audit shall be performed
46 in accordance with generally accepted government auditing standards.
47 Such audit shall be independent of and in addition to the independent
48 audit of the authority conducted pursuant to section twenty-eight
49 hundred two of this chapter.

50 2. The certified independent public accounting firm providing the
51 authority's independent, comprehensive, forensic audit shall be prohib-
52 ited from providing audit services if the lead or coordinating audit
53 partner having primary responsibility for the audit, or the audit part-
54 ner responsible for reviewing the audit, has performed audit services

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

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

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

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

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

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

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