

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR BASKIN**

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**Re: Calling for Voting Transit-Dependent Members on the NFTA Board of Commissioners**

**WHEREAS**, the majority of Niagara Frontier Transportation Authority (NFTA) riders/users are low-income residents known as 'Captive Riders' who live in areas where there is limited NFTA service; and

**WHEREAS**, for many years, patrons who use NFTA buses have expressed concern with limited or poor service, infrequent buses, schedule problems, and a lack of accessibility for users to get from their homes to locations where people work and employers are desperately seeking employees, resulting in a lack of job opportunities in certain communities and in some cases, employers to withdraw from the local market; and

**WHEREAS**, in order to best address the needs of the NFTA's riders, input from a 'Captive Rider' voting representative on the Board of Commissioners would provide valuable opportunities for transit-dependent users to have a seat at the table and to help educate NFTA management and commissioners on the needs of their patrons; and

**WHEREAS**, in addition to the lack of rider input on the Board of Commissioners, there is also a lack of participation and transparency at NFTA public hearings and board meetings that hinders input from the public as well and blocks riders and the public from having a voice to share their concerns and ask questions to NFTA management and the Board of Commissioners; and

**WHEREAS**, to help address the 'Captive Rider' issue and a lack of a transit voice on the voting membership of the NFTA Board of Commissioners, Senate Bill S.5106 has been introduced in the New York State Senate by Senator Timothy Kennedy to add two voting members to the NFTA Board of Commissioners who are transit-dependent and para-transit-dependent.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby support the concept of adding a 'Captive Rider' voting member to the NFTA Board of Commissioners who has shown an extreme commitment to community service and is a resident of an Erie County community lacking quality NFTA services; and be it further

**RESOLVED**, that this Honorable Body expresses support for S.5106 and the intention behind adding two voting members to the NFTA Board of Commissioners to represent the transit community and para-transit community who use NFTA bus services; and be it further

**RESOLVED**, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York delegation of the State Legislature, NFTA Executive Director Kimberley A. Minkel, NFTA Board of Commissioners Chair Denise A. Roche, and any other party deemed necessary and proper.

**S05106 Summary:**

BILL NO S05106  
SAME AS No Same As  
SPONSOR KENNEDY  
COSPNSR MARCHIONE, VALESKY  
MLTSPNSR

Amd §§1299-a, 1299-c, 1299-bb, 1299-dd, 1301, 1303, 1326 & 1328, Pub Auth L

Requires the appointment of a transit dependent and para-transit dependent representative on various transportation authorities.

**S05106 Actions:**

BILL NO S05106  
03/08/2017 REFERRED TO TRANSPORTATION  
01/03/2018 REFERRED TO TRANSPORTATION

## STATE OF NEW YORK

5106

2017-2018 Regular Sessions

## IN SENATE

March 8, 2017

Introduced by Sens. KENNEDY, MARCHIONE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to various transportation authorities

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

- 1 Section 1. Section 1299-a of the public authorities law is amended by
- 2 adding two new subdivisions 18 and 19 to read as follows:
- 3 18. "Transit dependent" shall mean an individual who is limited to
- 4 public transit as their primary mode of transportation because the indi-
- 5 vidual, (a) has no means of private transportation; (b) is elderly (over
- 6 age 65); (c) is a youth (under age 18); or (d) lives below the poverty,
- 7 or median income levels as defined by the U.S. Census Bureau.
- 8 19. "Para-transit dependent" shall mean an individual who is limited
- 9 to public transit as their primary mode of transportation and who has
- 10 either a permanent or temporary disability.
- 11 § 2. Subdivision 1 of section 1299-c of the public authorities law, as
- 12 amended by chapter 220 of the laws of 2012, paragraph (c) as amended by
- 13 chapter 176 of the laws of 2012, is amended to read as follows:
- 14 1. (a) There is hereby created the "Niagara Frontier transportation
- 15 authority." The authority shall be a body corporate and politic consti-
- 16 tuting a public benefit corporation. The authority shall consist of a
- 17 chairman, ~~ten~~ not more than twelve other members and shall have two
- 18 non-voting members as described in paragraphs (b) and (c) of this subdi-
- 19 vision appointed by the governor by and with the advice and consent of
- 20 the senate. The chairman and all members shall be residents of the
- 21 district. Of the ~~ten~~ members other than the chairman, one shall be
- 22 appointed upon the written recommendation of the Erie county executive
- 23 ~~and~~, one shall be appointed upon the written recommendation of the
- 24 Erie county legislature, at least one shall be appointed as a represen-

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

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1 tative of the transit dependent community and at least one shall be  
2 appointed as a representative of the para-transit dependent community,  
3 as described in paragraph (d) of this subdivision. The chairman and  
4 each of the members shall be appointed for a term of eight years,  
5 provided however, that the chairman first appointed shall serve for a  
6 term ending June thirtieth, nineteen hundred seventy-three, and of the  
7 eight other members first appointed, one shall serve for a term ending  
8 June thirtieth, nineteen hundred sixty-eight, two shall serve for a term  
9 ending June thirtieth, nineteen hundred sixty-nine, one shall serve for  
10 a term ending June thirtieth, nineteen hundred seventy, two shall serve  
11 for a term ending June thirtieth, nineteen hundred seventy-one, one  
12 shall serve for a term ending June thirtieth, nineteen hundred seventy-  
13 two and one shall serve for a term ending June thirtieth, nineteen  
14 hundred seventy-three. The term of one of the members appointed to  
15 memberships first created by law after April first, nineteen hundred  
16 sixty-nine shall end on June thirtieth, nineteen hundred seventy-four,  
17 and the term of the other such member shall end on June thirtieth, nine-  
18 teen hundred seventy-five. Following the expiration of any term ending  
19 on or after June thirtieth, nineteen hundred eighty-seven, each member  
20 shall be appointed for a term of five years beginning on the day after  
21 the expiration date of such prior term; provided, however, that the term  
22 of the member first appointed upon the written recommendation of the  
23 Erie county executive and the term of the member first appointed upon  
24 the written recommendation of the Erie county legislature shall be for a  
25 term ending on June thirtieth, nineteen hundred ninety-six.  
26 (b) The first non-voting member of the authority who shall not be  
27 considered in determining a quorum, shall be recommended to the governor  
28 by the labor organization representing the plurality of the employees  
29 within the authority and shall be a resident of the Niagara Frontier  
30 transportation district as described in section twelve hundred ninety-  
31 nine-b of this title. Such first non-voting member shall be appointed  
32 for a term of eight years, provided, however, that if at any time during  
33 the term of appointment such non-voting member ceases to be affiliated  
34 with the labor organization representing the plurality of employees  
35 within the authority, then such labor organization may at any time  
36 during such term recommend a new member to the governor who shall serve  
37 the remainder of the term. If the local bargaining unit decertifies its  
38 existing union affiliation and certifies a new union, the union which  
39 represents the plurality of the employees may recommend a new member to  
40 the governor who shall serve the remainder of the term. The chairman of  
41 the authority, at his or her discretion, may exclude such non-voting  
42 member from attending any portion of a meeting of the authority or of  
43 any committee held for the purpose of discussing negotiations with labor  
44 organizations, pending litigation involving the labor organization, or  
45 the investigation, evaluation, or discipline of an employee.  
46 (c) There shall also be a second non-voting member of the authority,  
47 who shall not be considered in determining a quorum. The second non-vot-  
48 ing member shall be appointed by the governor as a representative of the  
49 transit dependent community and/or people with disabilities. The second  
50 non-voting member shall be appointed for a term of five years.  
51 (d) There shall be at least two members of the authority appointed by  
52 the governor as representatives of the transit dependent and para-tran-  
53 sit dependent community. The governor shall make initial appointments to  
54 the authority in such number and from lists submitted as follows: at  
55 least two members shall be appointed to the authority from a list of not  
56 less than four names, submitted to the governor by local and statewide

1 transit advocacy organizations. The members shall be residents of a  
 2 county described in paragraph (a) of this subdivision. The members  
 3 shall be appointed for a term of five years. If a vacancy shall occur  
 4 for these member positions, a replacement shall be appointed within six  
 5 months.

6 § 3. Section 1299-bb of the public authorities law is amended by  
 7 adding two new subdivisions 25 and 26 to read as follows:

8 25. "Transit dependent" shall mean an individual who is limited to  
 9 public transit as their primary mode of transportation because the indi-  
 10 vidual, (a) has no means of private transportation; (b) is elderly (over  
 11 age 65); (c) is a youth (under age 18); or (d) lives below the poverty  
 12 or median income levels as defined by the U.S. Census Bureau.

13 26. "Para-transit dependent" shall mean an individual who is limited  
 14 to public transit as their primary mode of transportation and who has  
 15 either a permanent or temporary disability.

16 § 4. Subdivision 1 of section 1299-dd of the public authorities law,  
 17 as amended by chapter 388 of the laws of 2007, is amended to read as  
 18 follows:

19 1. (a) There is hereby created the Rochester-Genesee regional trans-  
 20 portation authority. The authority shall be a body corporate and politic  
 21 constituting a public benefit corporation. It shall consist of at least  
 22 one member from each county that elects to join the authority except  
 23 that the county of Monroe shall have seven members of whom three shall  
 24 be appointed from the city of Rochester and four at large from the coun-  
 25 ty of Monroe and shall have one non-voting member as described in para-  
 26 graph (b) of this subdivision, at least one shall be appointed as a  
 27 representative of the transit dependent community and at least one shall  
 28 be appointed as a representative of the para-transit dependent communi-  
 29 ty, as described in paragraph (c) of this subdivision. The members  
 30 shall be appointed by the governor by and with the advice and consent of  
 31 the senate. The governor shall make initial appointments to the authori-  
 32 ty in such number and from lists submitted as follows: three members  
 33 shall be appointed to the authority from a list of not less than six  
 34 names, all of whom must be residents of the city of Rochester, submitted  
 35 to the governor by the council of the city of Rochester; four persons  
 36 from a list of not less than eight persons, all of whom must be resi-  
 37 dents of the county of Monroe submitted by the legislature of the county  
 38 of Monroe. Other counties electing to participate shall each submit to  
 39 the governor a list of not less than two persons for each one hundred  
 40 thousand or major fraction of the total population, as determined by the  
 41 last federal decennial or federal county-wide special census. From the  
 42 counties outside the county of Monroe which shall elect to participate,  
 43 the governor shall appoint one member for each one hundred thousand or  
 44 major fraction of the total population, as determined by the last feder-  
 45 al decennial or federal county-wide special census, with a minimum of  
 46 one member to represent each county outside the county of Monroe so  
 47 electing to participate. All members of the authority shall be residents  
 48 of the area from which they are nominated.

49 (b) There shall also be one non-voting member of the authority, which  
 50 shall not be considered in determining a quorum. The non-voting member  
 51 shall be recommended to the governor by the labor organization repres-  
 52 enting the plurality of the employees within the authority and shall be  
 53 a resident of the Rochester-Genesee regional transportation district as  
 54 described in section twelve hundred ninety-nine-cc of this title. The  
 55 non-voting member shall be appointed for a term of five years, provided,  
 56 however, that if at any time during the term of appointment the non-vot-

ing member ceases to be affiliated with the labor organization representing the plurality of employees within the authority, then such labor organization may at any time during such term recommend a new member to the governor who shall serve the remainder of the term. If the local bargaining unit decertifies its existing union affiliation and certifies a new union, the union which represents the plurality of the employees may recommend a new member to the governor who shall serve the remainder of the term. The chairman of the authority, at his or her discretion, may exclude such non-voting member from attending any portion of a meeting of the authority or of any committee held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, or the investigation, evaluation, or discipline of an employee.

(c) There shall be at least two members of the authority appointed by the governor as representatives of the transit dependent and para-transit dependent community. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: at least two members shall be appointed to the authority from a list of not less than four names, submitted to the governor by local and statewide transit advocacy organizations. The members shall be residents of a county described in paragraph (a) of this subdivision. The members shall be appointed for a term of five years. If a vacancy shall occur for these member positions, a replacement shall be appointed within six months.

§ 5. Section 1301 of the public authorities law is amended by adding two new subdivisions 26 and 27 to read as follows:

26. "Transit dependent" shall mean an individual who is limited to public transit as their primary mode of transportation because the individual, (a) has no means of private transportation; (b) is elderly (over age 65); (c) is a youth (under age 18); or (d) lives below the poverty or median income levels as defined by the U.S. Census Bureau.

27. "Para-transit dependent" shall mean an individual who is limited to public transit as their primary mode of transportation and who has either a permanent or temporary disability.

§ 6. Subdivision 1 of section 1303 of the public authorities law, as amended by chapter 388 of the laws of 2007, is amended to read as follows:

1. (a) There is hereby created the Capital District transportation authority. The authority shall be a body corporate and politic constituting a public benefit corporation. It shall consist of not less than eight nor more than fifteen members, including a chairman and shall have one non-voting member as described in paragraph (b) of this subdivision, at least one shall be appointed as a representative of the transit dependent community and at least one shall be appointed as a representative of the para-transit dependent community, as described in paragraph (c) of this subdivision. The members shall be appointed by the governor by and with the advice and consent of the senate. The governor shall make initial appointments to the authority in such number and from lists submitted as follows: three members shall be appointed to the authority from a list of six names, all of whom shall be residents of the county of Albany, four of which names shall be submitted to the governor by the majority party of the legislature of the county of Albany and two of which names shall be submitted by the minority party of such legislature; two members shall be appointed to the authority from a list of four names, all of whom shall be residents of the county of Schenectady, three of which names shall be submitted to the governor by

1 the majority party of the legislature of the county of Schenectady and  
 2 one of which names shall be submitted by the minority party of such  
 3 legislature; two members shall be appointed to the authority from a list  
 4 of four names, all of whom shall be residents of the county of Rensse-  
 5 laer, three of which names shall be submitted to the governor by the  
 6 majority party of the legislature of the county of Rensselaer and one of  
 7 which names shall be submitted by the minority party of such legisla-  
 8 ture; two members shall be appointed to the authority from a list of  
 9 four names, all of whom shall be residents of the county of Saratoga,  
 10 three of which names shall be submitted to the governor by the majority  
 11 party of the legislature of the county of Saratoga and one of which  
 12 names shall be submitted by the minority party of such legislature.  
 13 Other counties electing to participate shall each submit to the governor  
 14 a list of two persons each of whom shall be a resident of such county,  
 15 one of which names shall be submitted to the governor by the majority  
 16 party of the legislature of such county and one of which names shall be  
 17 submitted by the minority party of such legislature, from which number  
 18 the governor shall appoint one member for each such county so electing  
 19 to participate.

20 (b) There shall also be one non-voting member of the authority, which  
 21 shall not be considered in determining a quorum. The non-voting member  
 22 shall be recommended to the governor by the labor organization repres-  
 23 enting the plurality of the employees within the authority and shall be  
 24 a resident of the Capital District transportation district as described  
 25 in section thirteen hundred two of this title. The non-voting member  
 26 shall be appointed for a term of five years, provided, however, that if  
 27 at any time during the term of appointment the non-voting member ceases  
 28 to be affiliated with the labor organization representing the plurality  
 29 of employees within the authority, then such labor organization may at  
 30 any time during such term recommend a new member to the governor who  
 31 shall serve the remainder of the term. If the local bargaining unit  
 32 decertifies its existing union affiliation and certifies a new union,  
 33 the union which represents the plurality of the employees may recommend  
 34 a new member to the governor who shall serve the remainder of the term.  
 35 The chairman of the authority, at his or her discretion, may exclude  
 36 such non-voting member from attending any portion of a meeting of the  
 37 authority or of any committee held for the purpose of discussing negoti-  
 38 ations with labor organizations, pending litigation involving the labor  
 39 organization, or the investigation, evaluation, or discipline of an  
 40 employee.

41 (c) There shall be at least two members of the authority appointed by  
 42 the governor as representatives of the transit dependent and para-tran-  
 43 sit dependent community. The governor shall make initial appointments to  
 44 the authority in such number and from lists submitted as follows: at  
 45 least two members shall be appointed to the authority from a list of not  
 46 less than four names, submitted to the governor by local and statewide  
 47 transit advocacy organizations. The members shall be residents of a  
 48 county described in paragraph (a) of this subdivision. The members  
 49 shall be appointed for a term of five years. If a vacancy shall occur  
 50 for these member positions, a replacement shall be appointed within six  
 51 months.

52 § 7. Section 1326 of the public authorities law is amended by adding  
 53 two new subdivisions 26 and 27 to read as follows:

54 26. "Transit dependent" shall mean an individual who is limited to  
 55 public transit as their primary mode of transportation because the indi-  
 56 vidual, (a) has no means of private transportation; (b) is elderly (over

1 age 65); (c) is a youth (under age 18); or (d) lives below the poverty  
2 or median income levels as defined by the U.S. Census Bureau.

3 27. "Para-transit dependent" shall mean an individual who is limited  
4 to public transit as their primary mode of transportation and who has  
5 either a permanent or temporary disability.

6 § 8. Subdivision 1 of section 1328 of the public authorities law, as  
7 separately amended by chapters 388 and 396 of the laws of 2007, is  
8 amended to read as follows:

9 1. (a) There is hereby created the central New York regional transpor-  
10 tation authority. The authority shall be a body corporate and politic  
11 constituting a public benefit corporation. It shall consist of not more  
12 than twelve members, including a chairman and shall have one non-voting  
13 member as described in paragraph (b) of this subdivision, at least one  
14 shall be appointed as a representative of the transit dependent communi-  
15 ty and at least one shall be appointed as a representative of the para-  
16 transit dependent community, as described in paragraph (c) of this  
17 subdivision. The members shall be appointed by the governor by and with  
18 the advice and consent of the senate. The governor shall make initial  
19 appointments to the authority in such number and from lists submitted as  
20 follows: three members shall be appointed to the authority from a list  
21 of not less than six names, submitted to the governor by the common  
22 council of the city of Syracuse, five persons from a list of not less  
23 than ten names, submitted by the legislature of the county of Onondaga  
24 and two members shall be appointed from a list of not less than four  
25 names submitted by the legislature of the county of Oneida. Other coun-  
26 ties electing to participate shall each submit to the governor a list of  
27 not less than two persons for each one hundred thousand or major frac-  
28 tion of the total population, as determined by the nineteen hundred  
29 seventy or any subsequent federal decennial or federal county-wide  
30 special census, of the counties outside the county of Onondaga which  
31 shall elect to participate, from which number the governor shall appoint  
32 one member for each one hundred thousand or major fraction of the total  
33 population, as determined by such federal decennial or federal county-  
34 wide special census, with a maximum of three members to represent such  
35 counties outside the county of Onondaga so electing to participate.

36 (b) There shall also be one non-voting member of the authority, which  
37 shall not be considered in determining a quorum. The non-voting member  
38 shall be recommended to the governor by the labor organization repres-  
39 enting the plurality of the employees within the authority. The non-vot-  
40 ing member shall be appointed for a term of seven years, provided,  
41 however, that if at any time during the term of appointment the non-vot-  
42 ing member ceases to be affiliated with the labor organization repres-  
43 enting the plurality of employees within the authority, then such labor  
44 organization may at any time during such term recommend a new member to  
45 the governor who shall serve the remainder of the term. If the local  
46 bargaining unit decertifies its existing union affiliation and certifies  
47 a new union, the union which represents the plurality of the employees  
48 may recommend a new member to the governor who shall serve the remainder  
49 of the term. The chairman of the authority, at his or her discretion,  
50 may exclude such non-voting member from attending any portion of a meet-  
51 ing of the authority or of any committee held for the purpose of  
52 discussing negotiations with labor organizations, pending litigation  
53 involving the labor organization, or the investigation, evaluation, or  
54 discipline of an employee.

55 (c) There shall be at least two members of the authority appointed by  
56 the governor as representatives of the transit dependent and para-tran-

1 sit dependent community. The governor shall make initial appointments to  
2 the authority in such number and from lists submitted as follows: at  
3 least two members shall be appointed to the authority from a list of not  
4 less than four names, submitted to the governor by local and statewide  
5 transit advocacy organizations. The members shall be residents of a  
6 county described in paragraph (a) of this subdivision. The members  
7 shall be appointed for a term of five years. If a vacancy shall occur  
8 for these member positions, a replacement shall be appointed within six  
9 months.  
10 § 9. This act shall take effect on the ninetieth day after it shall  
11 have become a law.