

11553

I N A S S E M B L Y

June 24, 2010

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

AN ACT to amend the transportation law, in relation to the state high speed rail planning board, and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The transportation law is amended by adding a new article
2 23 to read as follows:

3 ARTICLE 23

4 STATE HIGH SPEED RAIL PLANNING BOARD

5 SECTION 490. STATE HIGH SPEED RAIL PLANNING BOARD.

6 491. POWERS AND DUTIES OF THE BOARD.

7 492. ASSISTANCE OF OTHER AGENCIES.

8 S 490. STATE HIGH SPEED RAIL PLANNING BOARD. 1. THERE IS HEREBY
9 CREATED IN THE DEPARTMENT A BOARD, TO BE KNOWN AS THE STATE HIGH SPEED
10 RAIL PLANNING BOARD. SUCH BOARD SHALL BE RESPONSIBLE FOR PLANNING AND
11 ADVISING THE DEPARTMENT ON FUTURE IMPROVEMENTS TO THE STATE'S RAIL
12 SYSTEMS THAT ARE NECESSARY TO IMPLEMENT HIGH SPEED RAIL SERVICE IN THE
13 STATE, INCLUDING MAKING RECOMMENDATIONS FOR THE BEST GOVERNMENTAL STRUC-
14 TURE TO DESIGN, BUILD, OPERATE, MAINTAIN AND FINANCE A HIGH SPEED RAIL
15 SYSTEM. THE BOARD SHALL ALSO BE RESPONSIBLE FOR REVIEWING THE NEW YORK
16 STATE RAIL PLAN PUT FORTH BY THE DEPARTMENT IN TWO THOUSAND NINE AND THE
17 FEDERAL RAILROAD ADMINISTRATION'S HIGH SPEED RAIL INTERCITY PASSENGER
18 RAIL PROGRAM OF TWO THOUSAND NINE, AND SHALL USE SUCH RECOMMENDATIONS AS
19 GUIDELINES FOR FUTURE IMPROVEMENTS, ENHANCEMENTS AND ADDITIONS TO RAIL
20 SERVICE IN THE STATE.

21 2. SUCH BOARD SHALL CONSIST OF THE COMMISSIONER, THE PRESIDENT OF THE
22 METRO-NORTH RAILROAD AND NINE OTHER MEMBERS. THE GOVERNOR SHALL APPOINT
23 TWO MEMBERS OF THE BOARD UPON RECOMMENDATION OF THE TEMPORARY PRESIDENT
24 OF THE SENATE AND TWO UPON RECOMMENDATION OF THE SPEAKER OF THE ASSEM-
25 BLY. THE GOVERNOR SHALL APPOINT ONE MEMBER UPON RECOMMENDATION OF THE
26 MINORITY LEADER OF THE SENATE AND ONE UPON RECOMMENDATION OF THE MINORI-
27 TY LEADER OF THE ASSEMBLY. THE REMAINING THREE MEMBERS SHALL BE

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

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1 APPOINTED BY THE GOVERNOR WITHOUT RECOMMENDATION. ANY MEMBER APPOINTED
2 TO A TERM ON THE BOARD SHALL HAVE EXPERIENCE IN ONE OR MORE OF THE
3 FOLLOWING AREAS OF EXPERTISE: TRANSPORTATION AND RAILROAD INFRASTRUCTURE
4 PROJECTS, PUBLIC ADMINISTRATION, FINANCING OF INFRASTRUCTURE, ENGINEER-
5 ING, LAW, LAND USE, URBAN AND REGIONAL PLANNING, MANAGEMENT OF LARGE
6 CAPITAL PROJECTS, LABOR RELATIONS, OR HAVE EXPERIENCE IN SOME OTHER AREA
7 OF ACTIVITY CENTRAL TO THE MISSION OF THE BOARD. THE GOVERNOR SHALL
8 SELECT A CHAIR FROM AMONG THE MEMBERS.

9 3. BOARD MEMBERS SHALL BE APPOINTED WITHIN THIRTY DAYS AFTER THE
10 EFFECTIVE DATE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT AFTER THE EXPI-
11 RATION OF THE THIRTY DAY PERIOD, A MAJORITY OF THE APPOINTED MEMBERS
12 SHALL CONSTITUTE A QUORUM.

13 4. EXCEPT FOR THE COMMISSIONER AND THE PRESIDENT OF THE METRO-NORTH
14 RAILROAD, THE TERM OF OFFICE OF EACH SUCH MEMBER SHALL BE THREE YEARS.
15 ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING OTHERWISE THAN BY EXPI-
16 RATION OF A TERM SHALL BE APPOINTED FOR THE REMAINDER OF THE UNEXPIRED
17 TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

18 5. THE BOARD SHALL MEET PUBLICLY AT LEAST QUARTERLY AT THE TIMES AND
19 PLACES IN THE STATE THAT THE CHAIR DESIGNATES UNTIL THE FINAL REPORT IS
20 SUBMITTED.

21 6. MEMBERS OF THE BOARD, EXCEPT THE COMMISSIONER, SHALL BE ALLOWED THE
22 NECESSARY AND ACTUAL EXPENSES WHICH HE OR SHE SHALL INCUR IN THE
23 PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE.

24 7. THE GOVERNOR SHALL DESIGNATE AN EXECUTIVE DIRECTOR TO RENDER
25 ASSISTANCE AND SERVICE TO THE BOARD.

26 S 491. POWERS AND DUTIES OF THE BOARD. THE BOARD SHALL HAVE THE
27 FOLLOWING POWERS AND DUTIES:

28 1. TO PROVIDE THE DEPARTMENT WITH INPUT ON ENVIRONMENTAL IMPACT
29 STUDIES NECESSARY FOR PLANNING FOR A HIGH SPEED RAIL SYSTEM AND THE
30 DEVELOPMENT OF A RAIL TRANSPORTATION INVESTMENT PROGRAM;

31 2. TO SOLICIT AND RECEIVE PUBLIC AND STAKEHOLDER INPUT ON OPINIONS AND
32 PROPOSALS FOR BUILDING, DESIGNING, MAINTAINING, OPERATING AND FINANCING
33 A HIGH SPEED RAIL SYSTEM FOR THE STATE, WHICH SHALL INCLUDE A PROCESS
34 FOR SOLICITING AND RECEIVING TESTIMONY FROM INTERESTED PARTIES, A PROC-
35 ESS FOR RECEIVING PUBLIC COMMENTS, WHICH SHALL INCLUDE AT LEAST SIX
36 PUBLIC HEARINGS HELD IN REGIONALLY DIVERSE AREAS OF THE STATE AS DESIG-
37 NATED BY THE CHAIR, AND A PROCESS FOR PROVIDING PERIODIC PUBLIC REPORTS
38 AND UPDATES;

39 3. TO EVALUATE ALL AVAILABLE HIGH SPEED RAIL TECHNOLOGIES, SYSTEMS AND
40 OPERATORS, AND MAKE RECOMMENDATIONS ON AN APPROPRIATE HIGH SPEED RAIL
41 SYSTEM;

42 4. TO RESEARCH OPTIONS, IN COORDINATION WITH THE DEPARTMENT, WITH
43 RESPECT TO AGREEMENTS WITH PRIVATE ENTITIES NECESSARY TO PERMIT HIGH
44 SPEED TRAINS, INCLUDING BUT NOT LIMITED TO AGREEMENTS RELATING TO TRACK
45 IMPROVEMENTS AND AGREEMENTS TO OPERATE A HIGH SPEED RAIL SYSTEM, AND TO
46 PROVIDE THE DEPARTMENT WITH RECOMMENDATIONS ON THE FORM ANY SUCH AGREE-
47 MENTS SHOULD TAKE;

48 5. TO ADVISE AND WORK WITH THE DEPARTMENT ON MAKING APPLICATION FOR
49 ANY ADDITIONAL FUNDING THAT MAY BE AVAILABLE FOR THE DEVELOPMENT AND
50 OPERATION OF A HIGH SPEED RAIL SYSTEM IN THE STATE, PROVIDED, HOWEVER,
51 THAT NO SUCH FUNDING THAT REQUIRES A STATE MATCH OF FUNDS MAY BE SOUGHT
52 EXCEPT ON APPROVAL OF THE GOVERNOR AND THE DIRECTOR OF THE DIVISION OF
53 THE BUDGET;

54 6. TO MAKE A REPORT, WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS
55 ARTICLE, TO THE GOVERNOR AND THE LEGISLATURE THAT WILL INCLUDE BUT NOT
56 BE LIMITED TO A FULLY DEVELOPED AND CONSENSUS PLAN FOR THE FINANCING OF

1 HIGH SPEED RAIL AND THE ORGANIZATIONAL ENTITY WHICH SHOULD OVERSEE AND
2 OPERATE NEW YORK STATE'S HIGH SPEED RAIL PROGRAM.
3 S 492. ASSISTANCE OF OTHER AGENCIES. TO EFFECTUATE THE PURPOSES OF
4 THIS ARTICLE, THE BOARD MAY REQUEST AND SHALL RECEIVE FROM ANY DEPART-
5 MENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE
6 OR ANY STATE PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA AS
7 WILL ENABLE THE BOARD PROPERLY TO CARRY OUT ITS POWERS AND DUTIES HERE-
8 UNDER.
9 S 2. This act shall take effect immediately and shall expire and be
10 deemed repealed three years after such effective date.