S T A T E O F N E W Y O R K

2800

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. O'DONNELL -- Multi-Sponsored by -- M. of A. ALFANO -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the transportation law, in relation to the establishment of the sustainable transportation policy task force

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

Section 1. Paragraph c of subdivision 3 of section 1-0101 of the environmental conservation law is amended to read as follows:

c. Promoting patterns of development [and], technology AND TRANSPORTATION which minimize adverse impact on the environment;

S 2. Paragraph d of subdivision 1 of section 5-0107 of the environmental conservation law is amended to read as follows:

d. Serve as a working forum for the exchange of views, concerns, ideas, information and recommendations relating to the quality of the environment AND SUSTAINABILITY PLANNING AS IT RELATES TO TRANSPORTATION POLICY, INCLUDING BUT NOT LIMITED TO DEVELOPMENT OF A VARIABLE TOLL STRUCTURE THAT WILL TAKE INTO ACCOUNT A VEHICLE'S FUEL EFFICIENCY, EMISSIONS RATING, WEAR AND TEAR ON ROADS, AND ANY OTHER RELEVANT FACTOR.

S 3. The environmental conservation law is amended by adding a new article 50 to read as follows:

ARTICLE 50

SUSTAINABLE TRANSPORTATION POLICY TASK FORCE

SECTION 50-0101. SUSTAINABLE TRANSPORTATION POLICY TASK FORCE.
50-0103. TASK FORCE COMPOSITION.
50-0105. POWERS AND DUTIES OF THE TASK FORCE.

S 50-0101. SUSTAINABLE TRANSPORTATION POLICY TASK FORCE.

1. THE SUSTAINABLE TRANSPORTATION POLICY TASK FORCE IS HEREBY ESTABLISHED. THE ROLE OF THE TASK FORCE SHALL INCLUDE, BUT NOT BE LIMITED TO,

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

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CONDUCTING AN IN-DEPTH EXAMINATION OF ISSUES RELATED TO THE ENVIRONMENTAL IMPACT OF TRANSPORTATION POLICIES AND PRACTICES INCLUDING:

A. ASSESSING THE POTENTIAL IMPACTS OF TRANSPORTATION POLICIES AND PRACTICES ON THE CITIZENS, NATURAL RESOURCES, AND ECONOMY OF THE STATE. SUCH RESEARCH SHALL INCLUDE IMPACTS VARIOUS TYPES OF VEHICLES HAVE IN REGARDS TO COSTS AND FUEL EFFICIENCY IN RELATION TO THE WEAR PLACED ON THE ROADWAYS;

B. EVALUATE A METHOD WHERE HIGHER TOLLS MAY BE CHARGED FOR THE HEAVIER AND MORE INEFFICIENT VEHICLES TRAVELING ON THE STATE'S ROADWAYS. SUCH METHOD MAY INCLUDE A SYSTEM REQUIRING VEHICLE REGISTRATION TO DESIGNATE A TIERED CLASS, TAKING INTO ACCOUNT WEIGHT, EMISSION RATING AND GAS-MILEAGE EFFICIENCY; AND

C. IDENTIFYING AND EVALUATING STRATEGIES FOR APPLYING ENVIRONMENTAL SUSTAINABILITY CONCEPTS AND ANALYSIS TO THE STATE'S TRANSPORTATION POLICY.

2. THE TASK FORCE SHALL DEVELOP A SUSTAINABLE TRANSPORTATION POLICY ACTION PLAN THAT WILL PROVIDE RECOMMENDATIONS FOR CHANGES TO THE EXISTING VEHICLE REGISTRATION FEE STRUCTURE AND TOLL STRUCTURE FOR HIGHWAYS, BRIDGES AND TUNNELS. SUCH RECOMMENDATIONS WILL TAKE INTO ACCOUNT VEHICLE WEIGHTS, EMISSION RATINGS, FUEL EFFICIENCY AND ANY OTHER RELEVANT FACTORS. RECOMMENDED CHANGES ARE DESIGNED TO ACHIEVE THE FOLLOWING GOALS:

A. EQUITABLE CONTRIBUTION TO USE, WEAR AND TEAR, AND MAINTENANCE OF ROADS; AND

B. CREATE ADDITIONAL INCENTIVES FOR THE PURCHASE AND USE OF VEHICLES WITH LOWER EMISSIONS AND GREATER FUEL EFFICIENCY.

S 50-0103. TASK FORCE COMPOSITION.

1. THE TASK FORCE SHALL INCLUDE THE COMMISSIONER, THE COMMISSIONER OF TRANSPORTATION, THE COMMISSIONER OF MOTOR VEHICLES, THE CHAIRPERSON OF THE METROPOLITAN TRANSPORTATION AUTHORITY, A REPRESENTATIVE FROM THE BOARD OF COMMISSIONERS FOR THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, AND A REPRESENTATIVE FROM THE BOARD OF THE NEW YORK STATE THRUWAY AUTHORITY.

2. THE COMMISSIONER OR HIS OR HER DESIGNATED REPRESENTATIVE SHALL SERVE AS CHAIRPERSON OF THE TASK FORCE.

3. FOR THE PURPOSES OF THIS SECTION, THE NON-GOVERNMENTAL APPOINTEES SHALL BE CONSIDERED OFFICERS OR EMPLOYEES OF PUBLIC ENTITIES AND SHALL BE AFFORDED SUCH DEFENSE AND INDEMNIFICATION PROVIDED UNDER THE PUBLIC OFFICERS LAW.

4. THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

5. NO APPOINTED MEMBER OF THE TASK FORCE SHALL BE AN ELECTED OR APPOINTED PUBLIC OFFICER.

S 50-0105. POWERS AND DUTIES OF THE TASK FORCE.

1. THE TASK FORCE SHALL MEET QUARTERLY, AND AT THE CALL OF THE CHAIRPERSON.

2. THE TASK FORCE MAY CONSULT WITH ANY ORGANIZATION, EDUCATIONAL INSTITUTION, OTHER GOVERNMENT ENTITY OR AGENCY OR PERSON IN THE DEVELOPMENT OF ITS RECOMMENDATIONS.

3. THE DEPARTMENT SHALL PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE AND DATA AS WILL ENABLE THE TASK FORCE TO CARRY OUT ITS POWERS AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVISIONS THEREOF SHALL, AT THE REQUEST OF THE CHAIRPERSON, PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE, AND DATA TO ENABLE THE TASK FORCE TO CARRY OUT ITS POWERS AND DUTIES.

4. WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS ARTICLE, THE TASK FORCE SHALL ISSUE A SUSTAINABLE TRANSPORTATION POLICY ACTION PLAN AS PROVIDED FOR IN SUBDIVISION 2 OF SECTION 50-0101 OF THIS ARTICLE TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.

S 4. Section 14 of the transportation law is amended by adding a new subdivision 36 to read as follows:

36. TO IMPLEMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE PROVISIONS OF ARTICLE FIFTY OF THE ENVIRONMENTAL CONSERVATION LAW IN RELATION TO THE SUSTAINABLE TRANSPORTATION POLICY TASK FORCE AND ACTION PLAN.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.