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

8357

I N S E N A T E

June 25, 2010

Introduced by Sens. SMITH, VALESKY, DILAN, ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

ARTICLE 23

STATE HIGH SPEED RAIL PLANNING BOARD

SECTION 490. STATE HIGH SPEED RAIL PLANNING BOARD.
491. POWERS AND DUTIES OF THE BOARD.
492. ASSISTANCE OF OTHER AGENCIES.

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

2. SUCH BOARD SHALL CONSIST OF THE COMMISSIONER, THE PRESIDENT OF THE METRO-NORTH RAILROAD AND NINE OTHER MEMBERS. THE GOVERNOR SHALL APPOINT TWO MEMBERS OF THE BOARD UPON RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND TWO UPON RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. THE GOVERNOR SHALL APPOINT ONE MEMBER UPON RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE AND ONE UPON RECOMMENDATION OF THE MINORI-

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

LBD17854-01-0

TY LEADER OF THE ASSEMBLY. THE REMAINING THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITHOUT RECOMMENDATION. ANY MEMBER APPOINTED TO A TERM ON THE BOARD SHALL HAVE EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS OF EXPERTISE: TRANSPORTATION AND RAILROAD INFRASTRUCTURE PROJECTS, PUBLIC ADMINISTRATION, FINANCING OF INFRASTRUCTURE, ENGINEERING, LAW, 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 BOARD. THE GOVERNOR SHALL SELECT A CHAIR FROM AMONG THE MEMBERS.

3. BOARD MEMBERS SHALL BE APPOINTED WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT AFTER THE EXPIRATION OF THE THIRTY DAY PERIOD, A MAJORITY OF THE APPOINTED MEMBERS SHALL CONSTITUTE A QUORUM.

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

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

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

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

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

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

2. TO SOLICIT AND RECEIVE PUBLIC AND STAKEHOLDER INPUT ON OPINIONS AND PROPOSALS FOR BUILDING, DESIGNING, MAINTAINING, OPERATING AND FINANCING A HIGH SPEED RAIL SYSTEM FOR THE STATE, WHICH SHALL INCLUDE A PROCESS FOR SOLICITING AND RECEIVING TESTIMONY FROM INTERESTED PARTIES, A PROCESS FOR RECEIVING PUBLIC COMMENTS, WHICH SHALL INCLUDE AT LEAST SIX PUBLIC HEARINGS HELD IN REGIONALLY DIVERSE AREAS OF THE STATE AS DESIGNATED BY THE CHAIR, AND A PROCESS FOR PROVIDING PERIODIC PUBLIC REPORTS AND UPDATES;

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

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

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

6. TO MAKE A REPORT, WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS ARTICLE, TO THE GOVERNOR AND THE LEGISLATURE THAT WILL INCLUDE BUT NOT

BE LIMITED TO A FULLY DEVELOPED AND CONSENSUS PLAN FOR THE FINANCING OF HIGH SPEED RAIL AND THE ORGANIZATIONAL ENTITY WHICH SHOULD OVERSEE AND OPERATE NEW YORK STATE'S HIGH SPEED RAIL PROGRAM.

S 492. ASSISTANCE OF OTHER AGENCIES. TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, THE BOARD MAY REQUEST AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE OR ANY STATE PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA AS WILL ENABLE THE BOARD PROPERLY TO CARRY OUT ITS POWERS AND DUTIES HEREUNDER.

S 2. This act shall take effect immediately and shall expire and be deemed repealed three years after such effective date.