

7244

I N S E N A T E

April 11, 2016

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to establishing a state high speed rail planning board

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 RELEVANT
16 RECOMMENDATIONS AS GUIDELINES FOR FUTURE IMPROVEMENTS, ENHANCEMENTS AND
17 ADDITIONS TO RAIL SERVICE IN THE STATE, INCLUDING WITHOUT LIMITATION THE
18 NEW YORK STATE RAIL PLAN PUT FORTH BY THE DEPARTMENT IN TWO THOUSAND
19 NINE, THE FEDERAL RAILROAD ADMINISTRATION'S HIGH SPEED RAIL INTERCITY
20 PASSENGER RAIL PROGRAM OF TWO THOUSAND NINE, AND AMTRAK'S NORTHEAST
21 CORRIDOR VISION REPORTS.

22 2. SUCH BOARD SHALL CONSIST OF THE COMMISSIONER, THE PRESIDENT OF THE
23 METRO-NORTH RAILROAD AND NINE OTHER MEMBERS. THE GOVERNOR SHALL APPOINT
24 TWO MEMBERS OF THE BOARD UPON RECOMMENDATION OF THE TEMPORARY PRESIDENT
25 OF THE SENATE AND TWO UPON RECOMMENDATION OF THE SPEAKER OF THE ASSEM-
26 BLY. THE GOVERNOR SHALL APPOINT ONE MEMBER UPON RECOMMENDATION OF THE
27 MINORITY LEADER OF THE SENATE AND ONE UPON RECOMMENDATION OF THE MINORI-
28 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, PROVIDED, HOWEVER,
2 THAT AT LEAST ONE SELECTION SHALL BE A REGULAR MASS TRANSIT OR PASSENGER
3 RAIL USER AND ANOTHER SELECTION SHALL REPRESENT A PASSENGER RAIL ADVOCA-
4 CY ORGANIZATION. THE GOVERNOR MAY ALSO SELECT A NON-VOTING MEMBER FROM A
5 LABOR ORGANIZATION REPRESENTING RAILROAD EMPLOYEES. BOARD MEMBERS SHALL
6 BE SUBJECT TO CONFIRMATION BY THE SENATE. ANY MEMBER APPOINTED TO A
7 TERM ON THE BOARD SHALL HAVE EXPERIENCE IN ONE OR MORE OF THE FOLLOWING
8 AREAS OF EXPERTISE: TRANSPORTATION AND RAILROAD INFRASTRUCTURE PROJECTS,
9 PUBLIC ADMINISTRATION, FINANCING OF INFRASTRUCTURE, ENGINEERING, LAW,
10 LAND USE, URBAN AND REGIONAL PLANNING, MANAGEMENT OF LARGE CAPITAL
11 PROJECTS, LABOR RELATIONS, OR HAVE EXPERIENCE IN SOME OTHER AREA OF
12 ACTIVITY CENTRAL TO THE MISSION OF THE BOARD. A MAJORITY OF THE ENTIRE
13 BOARD SHALL SELECT A CHAIR FROM AMONG THE MEMBERS.

14 3. BOARD MEMBERS SHALL BE APPOINTED WITHIN THIRTY DAYS AFTER THE
15 EFFECTIVE DATE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT AFTER THE EXPI-
16 RATION OF THE THIRTY DAY PERIOD, A MAJORITY OF THE APPOINTED MEMBERS
17 SHALL CONSTITUTE A QUORUM.

18 4. EXCEPT FOR THE COMMISSIONER AND THE PRESIDENT OF THE METRO-NORTH
19 RAILROAD, THE TERM OF OFFICE OF EACH SUCH MEMBER SHALL BE THREE YEARS.
20 ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING OTHERWISE THAN BY EXPI-
21 RATION OF A TERM SHALL BE APPOINTED FOR THE REMAINDER OF THE UNEXPIRED
22 TERM.

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

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

29 7. THE GOVERNOR SHALL DESIGNATE AN EXECUTIVE DIRECTOR TO RENDER
30 ASSISTANCE AND SERVICE TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT
31 OF THE SENATE.

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

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

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

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

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

54 5. TO ADVISE AND WORK WITH THE DEPARTMENT ON MAKING APPLICATION FOR
55 ANY ADDITIONAL FUNDING THAT MAY BE AVAILABLE FOR THE DEVELOPMENT AND
56 OPERATION OF A HIGH SPEED RAIL SYSTEM IN THE STATE, PROVIDED, HOWEVER,

1 THAT NO SUCH FUNDING THAT REQUIRES A STATE MATCH OF FUNDS MAY BE SOUGHT
2 EXCEPT ON APPROVAL OF THE GOVERNOR AND THE DIRECTOR OF THE DIVISION OF
3 THE BUDGET;

4 6. TO MAKE A REPORT, WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS
5 ARTICLE, TO THE GOVERNOR AND THE LEGISLATURE THAT WILL INCLUDE BUT NOT
6 BE LIMITED TO A FULLY DEVELOPED AND CONSENSUS PLAN FOR FINANCING OF HIGH
7 SPEED RAIL AND THE ORGANIZATIONAL ENTITY WHICH SHOULD OVERSEE AND OPER-
8 ATE NEW YORK STATE'S HIGH SPEED RAIL PROGRAM. THE BOARD MAY PROVIDE
9 ADDITIONAL OR UPDATED REPORTS DOCUMENTING THE PROGRESS OF THE HIGH SPEED
10 RAIL PROGRAM FROM TIME TO TIME.

11 7. TO ACCEPT GIFTS, GRANTS, LOANS OR CONTRIBUTIONS OF FUNDS OR PROPER-
12 TY IN ANY FORM FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMEN-
13 TALITY THEREOF OR FROM THE STATE OR ANY OTHER SOURCE TO USE SUCH
14 RESOURCES FOR BOARD PURPOSES, NOTWITHSTANDING ANY OTHER PROVISION OF
15 LAW. SUCH RESOURCES SHALL INCLUDE WITHOUT LIMITATION UNDISBURSED REAP-
16 PROPRIATIONS FROM THE SENATE HIGH SPEED RAIL TASK FORCE.

17 S 492. ASSISTANCE OF OTHER AGENCIES. TO EFFECTUATE THE PURPOSES OF
18 THIS ARTICLE, THE BOARD MAY REQUEST AND SHALL RECEIVE FROM ANY DEPART-
19 MENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OR AUTHORITY
20 OF THE STATE SUCH ASSISTANCE, INFORMATION AND DATA AS WILL ENABLE THE
21 BOARD PROPERLY TO CARRY OUT ITS POWERS AND DUTIES HEREUNDER. SUCH
22 ASSISTANCE SHALL NOT WAIVE OR IMPAIR THE TERMS OF AN EXISTING AGREEMENT
23 NEGOTIATED BETWEEN THE RELEVANT EMPLOYER AND EMPLOYEE ORGANIZATION NOR
24 LIMIT ANY OBLIGATION TO BARGAIN TERMS AND CONDITIONS OF EMPLOYMENT
25 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

26 S 2. This act shall take effect on the sixtieth day after it shall
27 have become a law.