

# STATE OF NEW YORK

7766

## IN SENATE

February 18, 2020

Introduced by Sen. FLANAGAN -- 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 the board submitting a recommendation regarding the central business district toll amounts to the legislature and recommending a privacy risk plan

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

1 Section 1. Legislative intent. The legislature finds and declares that  
2 legislative accountability is a core element in any democratic polity.  
3 The commuter tax legislation passed last year tried to sidestep that  
4 accountability by passing off the burden of establishing the commuter  
5 tax rates to unelected bureaucrats and announcing such rates the week  
6 after the 2020 election. This legislation would restore the crucial  
7 element of legislative accountability by requiring not only that the  
8 legislature approve any rate established for the commuter tax, but also  
9 conditioning that approval be made before the upcoming election.

10 § 2. Subdivisions 2 and 3 of section 553-k of the public authorities  
11 law, as added by section 8 of subpart A of part ZZZ of chapter 59 of the  
12 laws of 2019, are amended to read as follows:

13 2. The board shall make a recommendation regarding the central busi-  
14 ness district toll amounts to be established pursuant to article forty-  
15 four-C of the vehicle and traffic law, which shall include a variable-  
16 pricing structure, no ~~[sooner]~~ later than ~~[November]~~ October fifteenth,  
17 two thousand twenty ~~[and no later than December thirty-first, two thou-~~  
18 ~~sand twenty, or no later than thirty days before a central business~~  
19 ~~district tolling program is initiated, whichever is later]~~. Such recom-  
20 mendation shall be submitted to the legislature for approval. The  
21 legislature shall vote on such recommendation by January thirty-first,  
22 two thousand twenty-one. The authority shall only be permitted to estab-  
23 lish central business toll district amounts if approved by the legisla-  
24 ture. If approved by the legislature, such recommendation shall be  
25 submitted to the board of the Triborough bridge and tunnel authority for  
26 consideration before the Triborough bridge and tunnel authority board

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

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1 may approve central business district toll amounts that may be estab-  
2 lished and adopted.

3 3. For purposes of recommending a central business district toll or  
4 tolls in addition to the goal of reducing traffic within the central  
5 business district, the board shall, at minimum, ensure that annual  
6 revenues and fees collected under such program, less costs of such  
7 program, provide for revenues into the central business district tolling  
8 capital lockbox fund, established pursuant to section five hundred  
9 fifty-three-j of this ~~chapter~~ title, necessary to fund fifteen billion  
10 dollars for capital projects for the 2020 to 2024 capital program, and  
11 any additional revenues above that amount to be available for any  
12 successor program. The board shall consider for purposes of its recom-  
13 mendations, factors including but not limited to, traffic patterns,  
14 traffic mitigation measures, operating costs, public impact, public  
15 safety, hardships, vehicle type, discounts for motorcycles, peak and  
16 off-peak rates and environmental impacts, including but not limited to  
17 air quality and emissions trends. The board shall recommend a plan for  
18 credits, discounts, and/or exemptions for tolls paid on bridges and  
19 crossings which shall be informed by a traffic study associated with the  
20 impact of any such credits, discounts and/or exemptions on the recom-  
21 mended toll. The board shall recommend a plan for credits, discounts,  
22 and/or exemptions for for-hire vehicles defined, and subject to a  
23 surcharge imposed by, article twenty-nine-C of the tax law for a for-  
24 hire transportation trip based on factors including, but not limited to,  
25 initial market entry costs associated with licensing and regulation,  
26 comparative contribution to congestion in the central business district,  
27 and general industry impact. The board shall recommend a privacy risk  
28 plan in relation to the collection, processing, transfer and disclosure  
29 of personal data, including, but not limited to, historical or real-time  
30 geolocation data, under such a program and require that use, disclosure  
31 or access to an individual's personal data shall require affirmative,  
32 express consent of the individual. The board shall produce a detailed  
33 report that provides information regarding the board's review and analy-  
34 sis for purposes of establishing its recommendations, including but not  
35 limited to, all of the considerations referred to in this subdivision.  
36 The board shall not recommend a toll that provides for charging passen-  
37 ger vehicles registered pursuant to subdivision six of section four  
38 hundred one of the vehicle and traffic law more than once per day.

39 § 3. This act shall take effect immediately.