

# STATE OF NEW YORK

3185

2019-2020 Regular Sessions

## IN SENATE

February 4, 2019

Introduced by Sen. KENNEDY -- 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 the hyperloop and high speed rail commission

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:

### ARTICLE 23

#### HYPERLOOP AND HIGH SPEED RAIL COMMISSION

3 Section 490. Hyperloop and high speed rail commission.

4 491. Powers and duties of the commission.

5 492. Reporting.

6 493. Assistance of other agencies.

7 § 490. Hyperloop and high speed rail commission. 1. There is hereby  
8 established in the department a commission, to be known as the hyperloop  
9 and high speed rail commission.

10 2. Such commission shall consist of the president of the Metro-North  
11 Railroad and eleven other members to be appointed as follows: three  
12 shall be appointed by the governor; two shall be appointed by the major-  
13 ity leader of the senate and two by the minority leader of the senate;  
14 and two shall be appointed by the speaker of the assembly and two by the  
15 minority leader of the assembly.

16 3. The commission members shall be appointed within thirty days after  
17 the effective date of this article and shall meet publicly at least  
18 quarterly.

19 § 491. Powers and duties of the commission. The commission shall have  
20 the following powers and duties:

21 1. assess and study the benefits and implications, including financial  
22 implications, of creating a hyperloop and high speed rail system within  
23 New York state;

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

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1     2. plan and advise the department on future improvements to the  
2     state's rail systems that are necessary to implement a hyperloop and  
3     high speed rail service in the state, including making recommendations  
4     for the best governmental structure to design, build, operate, maintain  
5     and finance a hyperloop and high speed rail system;

6     3. evaluate all available hyperloop and high speed rail technologies,  
7     systems and operators, and make recommendations on an appropriate hyper-  
8     loop and high speed rail system;

9     4. research options, in coordination with the department, with respect  
10    to agreements with private entities necessary to permit hyperloop and  
11    high speed trains, including but not limited to agreements relating to  
12    track improvements and agreements to operate a hyperloop and high speed  
13    rail system, and to provide the department with recommendations on the  
14    form any such agreement should take;

15    5. advise and work with the department on making application for any  
16    additional funding that may be available for the development and opera-  
17    tion of a hyperloop and high speed rail system in the state, provided,  
18    however, that no such funding that requires a state match of funds may  
19    be sought except on approval of the governor and the director of the  
20    division of the budget; and

21    6. to issue requests for information from all companies that operate  
22    hyperloop and high speed rails around the world including, but not  
23    limited to, companies in Japan, China, South Korea and Germany, and to  
24    collect and present a comprehensive outline of potential companies that  
25    could operate a hyperloop and high speed rail system in the state.

26    § 492. Reporting. The commission shall make a report with its findings  
27    to the governor and the legislature within two years of the effective  
28    date of this article and annually thereafter. Upon the transmission of  
29    the report to the governor and the legislature, the commissioner shall  
30    within thirty days determine whether the commission shall continue in  
31    operation, or whether it shall be changed in some manner, or whether it  
32    shall be dissolved and shall report his or her findings and recommenda-  
33    tions to the governor and the legislature.

34    § 493. Assistance of other agencies. To effectuate the purposes of  
35    this article, the commission may request and shall receive from any  
36    department, division, board, bureau, commission or other agency or  
37    authority of the state such assistance, information and data as will  
38    enable the commission to properly carry out its powers and duties as  
39    described in section four hundred ninety one of this article. Such  
40    assistance shall not waive or impair the terms of an existing agreement  
41    negotiated between the relevant employer and employee organization nor  
42    limit any obligation to bargain terms and conditions of employment  
43    pursuant to article fourteen of the civil service law.

44    § 2. This act shall take effect immediately.