

# STATE OF NEW YORK

3226

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. KIM, QUART, VANEL, LUPARDO, TAYLOR, M. MILLER, MONTESANO, MAGNARELLI, WOERNER, JEAN-PIERRE, SEAWRIGHT, J. RIVERA, FAHY, CYMBROWITZ, HYNDMAN, NIOU, HEVESI, LAVINE, CAHILL, JONES, HUNTER, REYES, McMAHON, DeSTEFANO, GALEF -- Multi-Sponsored by -- M. of A. ABBATE, COOK, DAVILA, RAMOS, THIELE -- read once and referred 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

5 Section 490. Hyperloop and high speed rail commission.

6 491. Powers and duties of the commission.

7 492. Reporting.

8 493. Assistance of other agencies.

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

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

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

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

LBD05971-01-1

1 § 491. Powers and duties of the commission. The commission shall have  
2 the following powers and duties:

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

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

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

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

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

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

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

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

49 § 2. This act shall take effect immediately.