STATE OF NEW YORK

4797--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 8, 2021

Introduced by M. of A. RA, BRABENEC -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Legislative intent. The legislature finds and declares that legislative accountability is a core element in any democratic polity. The commuter tax legislation tried to sidestep that accountability by passing off the burden of establishing the commuter tax rates to unelected bureaucrats and announcing such rates the week after the 2020 election. This legislation would restore the crucial element of legislative accountability by requiring that the legislature approve any rate established for the commuter tax.

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

2. The board shall make a recommendation regarding the central business district toll amounts to be established pursuant to article forty-four-C of the vehicle and traffic law, which shall include a variable-pricing structure, no [~~sooner~~] later than [~~November~~] April fifteenth, two thousand [~~twenty and no later than December thirty-first, two thousand twenty, or no later than thirty days before a central business district tolling program is initiated, whichever is later~~] twenty-three. Such recommendation shall be submitted to the legislature for approval. The legislature shall vote on such recommendation by June thirty-first,

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

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two thousand twenty-three. The authority shall only be permitted to establish central business toll district amounts if approved by the legislature. If approved by the legislature, such recommendation shall be submitted to the board of the Triborough bridge and tunnel authority for consideration before the Triborough bridge and tunnel authority board may approve central business district toll amounts that may be established and adopted.

3. For purposes of recommending a central business district toll or tolls in addition to the goal of reducing traffic within the central business district, the board shall, at minimum, ensure that annual revenues and fees collected under such program, less costs of such program, provide for revenues into the central business district tolling capital lockbox fund, established pursuant to section five hundred fifty-three-j of this [~~**chapter**~~] **title**, necessary to fund fifteen billion dollars for capital projects for the 2020 to 2024 capital program, and any additional revenues above that amount to be available for any successor program. The board shall consider for purposes of its recommendations, factors including but not limited to, traffic patterns, traffic mitigation measures, operating costs, public impact, public safety, hardships, vehicle type, discounts for motorcycles, peak and off-peak rates and environmental impacts, including but not limited to air quality and emissions trends. The board shall recommend a plan for credits, discounts, and/or exemptions for tolls paid on bridges and crossings which shall be informed by a traffic study associated with the impact of any such credits, discounts and/or exemptions on the recommended toll. The board shall recommend a plan for credits, discounts, and/or exemptions for for-hire vehicles defined, and subject to a surcharge imposed by, article twenty-nine-C of the tax law for a for-hire transportation trip based on factors including, but not limited to, initial market entry costs associated with licensing and regulation, comparative contribution to congestion in the central business district, and general industry impact. **The board shall recommend a privacy risk plan in relation to the collection, processing, transfer and disclosure of personal data, including, but not limited to, historical or real-time geolocation data, under such a program and require that use, disclosure or access to an individual's personal data shall require affirmative, express consent of the individual.** The board shall produce a detailed report that provides information regarding the board's review and analysis for purposes of establishing its recommendations, including but not limited to, all of the considerations referred to in this subdivision. The board shall not recommend a toll that provides for charging passenger vehicles registered pursuant to subdivision six of section four hundred one of the vehicle and traffic law more than once per day.

§ 3. This act shall take effect immediately.