

# STATE OF NEW YORK

5607--A

2021-2022 Regular Sessions

## IN SENATE

March 12, 2021

Introduced by Sens. KENNEDY, ADDABBO, RAMOS, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The transportation law is amended by adding a new article 23 to read as follows:

### ARTICLE 23

#### HYPERLOOP AND HIGH SPEED RAIL COMMISSION

#### Section 490. Hyperloop and high speed rail commission.

##### 491. Powers and duties of the commission.

##### 492. Reporting.

##### 493. Assistance of other agencies.

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

2. (a) Such commission shall consist of the president of the Metro-North Railroad and eleven other members to be appointed as follows: three shall be appointed by the governor; two shall be appointed by the majority leader of the senate and two by the minority leader of the senate; and two shall be appointed by the speaker of the assembly and two by the minority leader of the assembly. A majority of the commission shall elect a member of the commission to serve as the chairperson of such commission.

(b) For purposes of this article, "high speed rail" shall mean inter-city passenger rail services capable of operating at no less than one hundred ten miles per hour.

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

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

4     § 491. Powers and duties of the commission. The commission shall have  
5 the following powers and duties:

6     1. assess and study the benefits and implications, including financial  
7 implications, of creating a hyperloop system within New York state;

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

13     3. evaluate all available hyperloop technologies, systems and opera-  
14 tors, and make recommendations on an appropriate hyperloop system;

15     4. research options, in coordination with the department, with respect  
16 to agreements with private entities necessary to permit hyperloop  
17 systems, including but not limited to agreements relating to track  
18 improvements and agreements to operate a hyperloop system, and to  
19 provide the department with recommendations on the form any such agree-  
20 ment should take;

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

26     6. assess and study the benefits and implications, including financial  
27 implications, of creating or implementing a high speed rail system with-  
28 in New York state;

29     7. plan and advise the department on future improvements to the  
30 state's rail systems that are necessary to implement high speed rail  
31 service in the state, including making recommendations for the best  
32 governmental structure to design, build, operate, maintain and finance a  
33 high speed rail system;

34     8. evaluate all available high speed rail technologies, systems and  
35 operators, and make recommendations on an appropriate high speed rail  
36 system, as well as assess and compare the positive and negative impacts  
37 of implementing a high speed rail system in contrast with implementing a  
38 hyperloop system;

39     9. research options, in coordination with the department, with respect  
40 to agreements with private entities necessary to permit high speed rail  
41 trains, including but not limited to agreements relating to track  
42 improvements and agreements to operate a high speed rail system, and to  
43 provide the department with recommendations on the form any such agree-  
44 ment should take;

45     10. advise and work with the department on making applications for any  
46 additional funding that may be available for the development and opera-  
47 tion of a high speed rail system in the state, provided, however, that  
48 no such funding that requires a state match of funds may be sought  
49 except on approval of the governor and the director of the division of  
50 the budget; and

51     11. to issue requests for information from all companies that operate  
52 hyperloop and high speed rails around the world including, but not  
53 limited to, companies in Japan, China, South Korea and Germany, and to  
54 collect and present a comprehensive outline of potential companies that  
55 could operate a hyperloop and high speed rail system in the state.

1     § 492. Reporting. The commission shall make a report with its findings  
2 to the governor and the legislature and shall publish such report within  
3 two years of the effective date of this article and annually thereafter.  
4 Upon the transmission of the initial report to the governor, the legis-  
5 lature and the public, the commissioner shall within thirty days deter-  
6 mine whether the commission shall continue in operation, whether there  
7 are amendments that could improve the commission, or whether it shall be  
8 dissolved. The commissioner shall report his or her findings and recom-  
9 mendations to the governor and the legislature. In the event the  
10 commission is dissolved, the commissioner shall notify the legislative  
11 bill drafting commission upon such dissolution in order that such  
12 commission may maintain an accurate and timely effective database of the  
13 official text of the laws of the state of New York in furtherance of  
14 effectuating the provisions of section forty-four of the legislative law  
15 and section seventy-b of the public officers law.

16     § 493. Assistance of other agencies. To effectuate the purposes of  
17 this article, the commission may request and shall receive from any  
18 department, division, board, bureau, commission or other agency or  
19 authority of the state such assistance, information and data as will  
20 enable the commission to properly carry out its powers and duties as  
21 described in section four hundred ninety one of this article. 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     § 2. This act shall take effect immediately.