STATE OF NEW YORK

6304

2021-2022 Regular Sessions

IN ASSEMBLY

March 12, 2021

Introduced by M. of A. SIMON -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the transportation law, in relation to establishing the Brooklyn-Queens expressway authority

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

Section 1. Short title. This act shall be known and may be cited as the "21st Century Approach for the Brooklyn-Queens Expressway".

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

ARTICLE 23

BROOKLYN-QUEENS EXPRESSWAY AUTHORITY

Section 490. Legislative findings and intent.
491. Establishment of authority.
492. Powers and duties of the authority.
493. Authority membership.

§ 490. Legislative findings and intent. Critical stretches of the Brooklyn-Queens expressway are suffering from significant deterioration and work must begin this year to fix it and ensure the viability and sustainability of the I-278 corridor through Brooklyn and provide a new twenty-first century route to meet the needs of today's travel around Brooklyn on I-278 and its connections.

§ 491. Establishment of authority. 1. There is hereby created the Brooklyn-Queens expressway authority (hereinafter referred to as "the authority"), which shall be a body corporate and politic, constituting a public benefit corporation. The purposes of the authority shall be the continuance, further development and improvement of transportation along the Brooklyn-Queens expressway from the Verrazano-Narrows bridge connection in Brooklyn to the Kosciuszko bridge (hereinafter referred to as "the BQE") and other improvements related thereto.

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

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2. The authority in its corporate existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the authority shall have bonds, notes and other obligations outstanding, unless adequate provision has been made for the payment thereof in the documents securing the same. Upon termination of the existence of the authority, all its rights and properties shall vest in the state.

§ 492. Powers and duties of the authority. 1. The authority shall study current conditions and data, develop a plan to improve such conditions, and implement such plan. Such plan shall address the following:

(a) Deterioration of the roadway, particularly the southern extension of the BQE known as the Gowanus expressway;

(b) Short-term repair, and the reconstruction or replacement of the triple cantilevered section of the BQE;

(c) Potential construction of tunnel alternative to replace the Gowanus expressway and other areas of the expressway where feasible;

(d) Enforcement of truck weight limits;

(e) Environmental, environmental justice and environmental sustainability concerns, including but not limited to, the inclusion of trends and scientific developments in such areas as vehicle emissions, alternative fuels, including electric vehicles, developments in transportation materials and construction, or other similar developments, and alternative modes of transportation in order to ensure a just transition from fossil fuels; and

(f) Safety and sustainability.

2. Such plan shall be submitted to the commissioner for approval before funds are appropriated to the authority for the implementation of such plan.

§ 493. Authority membership. 1. Membership in the authority shall include:

(a) one representative from the federal highway administration;

(b) one representative from the state department of transportation;

(c) one representative from the department of transportation for the city of New York;

(d) the borough president of the borough of Brooklyn;

(e) no more than three independent engineers, including representatives from the urban transportation research center of CUNY; and

(f) six community stakeholder representatives from communities throughout the I-278 corridor which shall include:

(i) two representatives appointed by the senate;

(ii) two representatives appointed by the assembly;

(iii) one representative appointed by the city council of the city of New York; and

(iv) one representative appointed by the governor.

2. Membership in the authority may include other community representatives appointed by the city council of the city of New York, the governor, the senate and the assembly; provided, such members shall be non-voting members who shall not be considered in determining a quorum.

3. The voting members shall elect the chairperson of the authority from among their number. A majority of the voting members of the authority shall constitute a quorum for the transaction of any business or the exercise of any power or function of the authority. The authority may delegate to one or more of its members, or to its officers, agents or employees, such powers and duties as it may deem proper.

4. The members shall serve without salary or other compensation, but each member shall be entitled to reimbursement for actual and necessary

expenses incurred in the performance of his or her or her official duties. Anything to the contrary contained herein notwithstanding, any member who serves as an employee of the authority shall be entitled to receive such salary as the members may determine for services as such employee. Such members other than those serving as employees of the authority may engage in private employment, or in a profession or business. The authority, its members, officers and employees shall be subject to the provisions of sections seventy-three and seventy-four of the public officers law. Notwithstanding any inconsistent provision of law, general, special or local, no officer of the state, or of any civil division thereof, shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his or her acceptance of membership on the authority created by this section.

5. The chairperson may remove any member for inefficiency, neglect of duty or misconduct in office after giving him or her a copy of the charges against him or her and an opportunity to be heard, in person or by counsel, in his or her defense, upon not less than ten days' notice. If any such member shall be removed, the governor shall file in the office of the department of state a complete statement of the charges made against such member and his or her findings thereon, together with a complete record of the proceedings.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.