

# STATE OF NEW YORK

5575

2021-2022 Regular Sessions

## IN SENATE

March 11, 2021

Introduced by Sen. KAVANAGH -- 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 Brooklyn-Queens expressway authority

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

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

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

### ARTICLE 23

#### BROOKLYN-QUEENS EXPRESSWAY AUTHORITY

5  
6  
7 Section 490. Legislative findings and intent.

8 491. Establishment of authority.

9 492. Powers and duties of the authority.

10 493. Authority membership.

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

17 § 491. Establishment of authority. 1. There is hereby created the  
18 Brooklyn-Queens expressway authority (hereinafter referred to as "the  
19 authority"), which shall be a body corporate and politic, constituting a  
20 public benefit corporation. The purposes of the authority shall be the  
21 continuance, further development and improvement of transportation along  
22 the Brooklyn-Queens expressway from the Verrazano-Narrows bridge  
23 connection in Brooklyn to the Kosciuszko bridge (hereinafter referred to  
24 as "the BOE") 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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1 2. The authority in its corporate existence shall continue until  
2 terminated by law, provided, however, that no such law shall take effect  
3 so long as the authority shall have bonds, notes and other obligations  
4 outstanding, unless adequate provision has been made for the payment  
5 thereof in the documents securing the same. Upon termination of the  
6 existence of the authority, all its rights and properties shall vest in  
7 the state.

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

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

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

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

17 (d) Enforcement of truck weight limits;

18 (e) Environmental, environmental justice and environmental sustaina-  
19 bility concerns, including but not limited to, the inclusion of trends  
20 and scientific developments in such areas as vehicle emissions, alterna-  
21 tive fuels, including electric vehicles, developments in transportation  
22 materials and construction, or other similar developments, and alterna-  
23 tive modes of transportation in order to ensure a just transition from  
24 fossil fuels; and

25 (f) Safety and sustainability.

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

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

31 (a) one representative from the federal highway administration;

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

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

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

36 (e) no more than three independent engineers, including represen-  
37 tatives from the urban transportation research center of CUNY; and

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

40 (i) two representatives appointed by the senate;

41 (ii) two representatives appointed by the assembly;

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

44 (iv) one representative appointed by the governor.

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

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

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

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

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

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