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

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

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

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

3. evaluate all available hyperloop technologies, systems and operators, and make recommendations on an appropriate hyperloop system;

4. research options, in coordination with the department, with respect to agreements with private entities necessary to permit hyperloop systems, including but not limited to agreements relating to track improvements and agreements to operate a hyperloop system, and to provide the department with recommendations on the form any such agreement should take;

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

6. assess and study the benefits and implications, including financial implications, of creating or implementing a high speed rail system within New York state;

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

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

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

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

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

§ 492. Reporting. The commission shall make a report with its findings to the governor and the legislature and shall publish such report within two years of the effective date of this article and annually thereafter. Upon the transmission of the initial report to the governor, the legislature and the public, the commissioner shall within thirty days determine whether the commission shall continue in operation, whether there are amendments that could improve the commission, or whether it shall be dissolved. The commissioner shall report his or her findings and recommendations to the governor and the legislature. In the event the commission is dissolved, the commissioner shall notify the legislative bill drafting commission upon such dissolution in order that such commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section forty-four of the legislative law and section seventy-b of the public officers law.

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

§ 2. This act shall take effect immediately.