

# STATE OF NEW YORK

3063--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

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

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

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

12 2. The board shall make a recommendation regarding the central busi-  
13 ness district toll amounts to be established pursuant to article forty-  
14 four-C of the vehicle and traffic law, which shall include a variable-  
15 pricing structure, no [~~sooner~~] later than [~~November~~] April fifteenth,  
16 two thousand [~~twenty and no later than December thirty-first, two thou-~~  
17 ~~sand twenty, or no later than thirty days before a central business~~  
18 ~~district tolling program is initiated, whichever is later~~] twenty-five.  
19 Such recommendation shall be submitted to the legislature for approval.  
20 The legislature shall vote on such recommendation by June thirty-first,  
21 two thousand twenty-five. The authority shall only be permitted to  
22 establish central business toll district amounts if approved by the

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

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1 legislature. If approved by the legislature, such recommendation shall  
2 be submitted to the board of the Triborough bridge and tunnel authority  
3 for consideration before the Triborough bridge and tunnel authority  
4 board may approve central business district toll amounts that may be  
5 established and adopted.

6 3. For purposes of recommending a central business district toll or  
7 tolls in addition to the goal of reducing traffic within the central  
8 business district, the board shall, at minimum, ensure that annual  
9 revenues and fees collected under such program, less costs of such  
10 program, provide for revenues into the central business district tolling  
11 capital lockbox fund, established pursuant to section five hundred  
12 fifty-three-j of this [~~chapter~~] title, necessary to fund fifteen billion  
13 dollars for capital projects for the 2020 to [~~2024~~] 2025 capital  
14 program, and any additional revenues above that amount to be available  
15 for any successor program. The board shall consider for purposes of its  
16 recommendations, factors including but not limited to, traffic patterns,  
17 traffic mitigation measures, operating costs, public impact, public  
18 safety, hardships, vehicle type, discounts for motorcycles, peak and  
19 off-peak rates and environmental impacts, including but not limited to  
20 air quality and emissions trends. The board shall recommend a plan for  
21 credits, discounts, and/or exemptions for tolls paid on bridges and  
22 crossings which shall be informed by a traffic study associated with the  
23 impact of any such credits, discounts and/or exemptions on the recom-  
24 mended toll. The board shall recommend a plan for credits, discounts,  
25 and/or exemptions for for-hire vehicles defined, and subject to a  
26 surcharge imposed by, article twenty-nine-C of the tax law for a for-  
27 hire transportation trip based on factors including, but not limited to,  
28 initial market entry costs associated with licensing and regulation,  
29 comparative contribution to congestion in the central business district,  
30 and general industry impact. The board shall recommend a privacy risk  
31 plan in relation to the collection, processing, transfer and disclosure  
32 of personal data, including, but not limited to, historical or real-time  
33 geolocation data, under such a program and require that use, disclosure  
34 or access to an individual's personal data shall require affirmative,  
35 express consent of the individual. The board shall produce a detailed  
36 report to be sent to the governor, the temporary president of the  
37 senate, the speaker of the assembly, the minority leader of the senate  
38 and the minority leader of the assembly, that provides information  
39 regarding the board's review and analysis for purposes of establishing  
40 its recommendations, including but not limited to, all of the consider-  
41 ations referred to in this subdivision. The board shall not recommend a  
42 toll that provides for charging passenger vehicles registered pursuant  
43 to subdivision six of section four hundred one of the vehicle and traf-  
44 fic law more than once per day.

45 § 3. This act shall take effect immediately.