

STATE OF NEW YORK

9663

IN ASSEMBLY

March 27, 2024

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

AN ACT requiring all public authorities owning, leasing, and controlling
critical infrastructure to study the potential consequences of priva-
tization

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

1 Section 1. Legislative findings. 1. New York state must have suffi-
2 cient numbers of properly designed and maintained pieces of critical
3 transportation infrastructure such as bridges, tunnels, roads, airports,
4 ports, container ports, railroads and rapid transit services in order to
5 retain its economic competitiveness and grow its economy.

6 2. Much of the state's existing critical infrastructure is aging, is
7 experiencing capacity problems, has had maintenance problems, or in some
8 other manner has become a candidate for re-engineering, rebuilding,
9 replacement or supplementation.

10 3. The most critical and expensive transportation infrastructure in
11 New York state to re-engineer, rebuild or replace is under the control
12 or ownership of public authorities, and such critical transportation
13 infrastructure, from time to time, is under consideration for sale,
14 long-term lease or other transfer of ownership or control to the private
15 business sector.

16 § 2. For the purposes of this act, the following terms shall have the
17 following meanings:

18 1. "critical transportation infrastructure" shall refer to bridges,
19 tunnels, roads, airports, ports, container ports, railroads and rapid
20 transit services owned by a state or local public authority;

21 2. "privatization" shall refer to the sale, long-term lease or other
22 transfer of ownership or control of pieces of critical transportation
23 infrastructure to the private business sector;

24 3. "comparable projects" shall refer to existing privatization initi-
25 atives in the United States comparable in scope, scale and value to the
26 critical transportation infrastructure controlled by state or local
27 public authorities; and

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

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1 4. "privatization report" shall refer to the report created pursuant
2 to this act.

3 § 3. 1. All public authorities who are currently in the process of
4 issuing concessions or selling or otherwise transferring, or issuing
5 notices of inquiry ("NOIs") or requests for proposal ("RFPs") for leas-
6 ing, or selling or otherwise transferring control of any critical trans-
7 portation infrastructure, or who have done so in the past ten years,
8 shall issue a study reporting on the effects of privatization of crit-
9 ical transportation infrastructure.

10 2. (a) Each public authority shall issue its individual privatization
11 report to the assembly committees on corporations, authorities and
12 commissions, economic development, transportation, and ways and means,
13 and to the senate committees on commerce, economic development and small
14 business, corporations, authorities and commissions, and transportation.

15 (b) Each public authority's privatization report shall evaluate in
16 detail the following:

17 (i) the impact that sale or transfer of control of its critical
18 infrastructure would have upon the authority's ability to pay any and
19 all debt it has issued, or succeeded to, that is guaranteed or secured
20 by any revenues arising from the authority's critical infrastructure, or
21 by the ownership of such critical infrastructure;

22 (ii) whether the critical infrastructure involved any existing priva-
23 tization initiatives in the United States are comparable in scope, scale
24 and value to the critical infrastructure controlled by the public
25 authority;

26 (iii) the progress to date of any comparable projects and whether any
27 such projects have experienced cost overruns or delays, or otherwise
28 have failed, or succeeded, in meeting the deadlines and costs put forth
29 by the private entity.

30 3. (a) The privatization report shall be due on or within 14 days of
31 December 1, 2024. Within 90 days after the date each public authority
32 submits the report provided for in subdivision one of this section to
33 the committees, such committees may, severally or collectively, submit
34 further issues for study and inclusion in such report, which said public
35 authorities shall study and include within such report within 60 days
36 after receipt of any such submission, at which point said public author-
37 ities shall submit the privatization report to the governor, the tempo-
38 rary president of the senate, the speaker of the assembly, the minority
39 leaders of the senate and assembly, the chairperson and ranking minority
40 member of the senate corporations, authorities and commissions commit-
41 tee, and the chairperson and ranking minority member of the assembly
42 corporations, authorities and commissions committee.

43 (b) The governor, the temporary president of the senate, the speaker
44 of the assembly, the minority leaders of the senate and assembly, the
45 chairperson and ranking minority member of the senate corporations,
46 authorities and commissions committee, and the chairperson and ranking
47 minority member of the assembly corporations, authorities and commis-
48 sions committee shall have a period of 90 days within which to submit
49 further issues for study and inclusion in such report, which said public
50 authorities shall study and include within such report within 60 days
51 after receipt of any such submission.

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