STATE OF NEW YORK

9343

IN SENATE

March 3, 2026

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to requiring public notice and hearing prior to the imposition of new fees or surcharges by the New York state thruway authority

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

Section 1. The public authorities law is amended by adding a new section 354-a to read as follows:

§ 354-a. Public notice and hearing required for fees and surcharges. 1. As used in this section, the following terms shall have the following meanings:

(a) "Fee" or "surcharge" means any administrative fee, service fee, percentage-based fee, assessment, or other charge imposed in connection with the collection of tolls, participation in a toll program, or the administration of toll accounts, including but not limited to fees imposed on third-party toll service providers or categories of toll customers;

(b) For the avoidance of doubt, the term "toll," as used in this title and any other provision of law, shall be deemed to include any fee, surcharge, assessment, or other charge imposed in connection with the use of the thruway, participation in a toll program, or the administration of toll accounts; and

(c) "Material change" means the establishment of a new fee or surcharge, an increase to an existing fee or surcharge, or the creation of a new class or category of account holders subject to a fee or surcharge.

2. The authority shall not adopt or implement any fee, surcharge, or material change constituting, deemed, or treated as a toll or toll adjustment under law unless such fee or surcharge is established in accordance with the same public notice, publication, hearing, and approval procedures required for a toll rate adjustment pursuant to this title or any other applicable provision of law.

3. Such procedures shall include, but not be limited to:

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

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(a) public posting of the proposed fee or surcharge, including the amount, methodology, and effective date;

(b) written notice to affected account holders and stakeholders;

(c) a public comment period of not less than thirty days; and

(d) at least one public hearing, which may be conducted in person or virtually, with a public record maintained by the authority.

4. Prior to adoption of any fee or surcharge, the authority shall prepare and make publicly available a written justification describing the costs the fee or surcharge is intended to recover and the rationale for the amount imposed.

5. Any fee or surcharge in effect on or after the effective date of this section and adopted in violation of this section shall be void and unenforceable until the requirements of this section have been satisfied.

§ 2. This act shall take effect immediately. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act are authorized to be made and completed on or before such effective date.