

**FY 2020 NEW YORK STATE EXECUTIVE BUDGET**

**TRANSPORTATION  
ECONOMIC DEVELOPMENT AND  
ENVIRONMENTAL CONSERVATION  
ARTICLE VII LEGISLATION**

**MEMORANDUM IN SUPPORT**

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## MEMORANDUM IN SUPPORT

A BUDGET BILL submitted by the Governor in  
Accordance with Article VII of the Constitution

AN ACT to amend the public authorities law, in relation to clarifying the dormitory authority's authorization to finance certain health care facilities (Part A); to amend the public authorities law, in relation to authorizing the dormitory authority to provide services to the office of parks, recreation and historic preservation and the department of environmental conservation (Part B); to amend the public authorities law, in relation to the transfer and conveyance of certain real property (Part C); to amend chapter 60 of the laws of 2015, constituting the infrastructure investment act, in relation to project delivery and making such provisions permanent (Part D); to amend the environmental conservation law, in relation to waste tire management and recycling fees (Part E); to amend the environmental conservation law, in relation to the definition of beverage containers; and to amend section 12 of part F of chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to extending the effectiveness thereof (Part F); to amend the environmental conservation law, in relation to establishing authority to solicit funds or gifts and enter into public-private partnerships (Part G); to amend the environmental conservation law, in relation to prohibiting plastic carryout bags (Part H); to amend the environmental conservation law, the transportation corporations law and the navigation law, in relation to infrastructure and vessels associated with the production of oil or natural gas in federal waters (Part I); to amend the environmental conservation law, in relation to freshwater wetlands maps and tidal wetlands boundary maps (Part J); to amend the environmental conservation law and the public health law, in relation to the disclosure

of cleansing products, labeling of consumer products, and requiring manufacturer disclosure of the ingredients in personal care products (Part K); to amend the banking law, in relation to student loan servicers (Part L); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the submission of reports and in relation to extending the effectiveness thereof; to authorize the commissioner of motor vehicles to approve demonstrations and tests consisting of the operation of motor vehicles equipped with autonomous vehicle technology; and to repeal section 1226 of the vehicle and traffic law relating thereto (Part M); to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the provisions thereof (Part N); to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter and to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee (Part O); to amend vehicle and traffic law, in relation to locally authorized scooters and locally authorized motorcycles (Part P); to amend the business corporation law, the cooperative corporations law, the executive law, the general associations law, the general business law, the limited liability company law, the not-for-profit corporation law, the partnership law, the private housing finance law, the arts and cultural affairs law, the real property law and the tax law, in relation to streamlining the process by which service of process is served against a corporate or other entity with the secretary of state; and to repeal certain provisions of the real property law relating thereto (Part Q); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of

such expedited service, in relation to extending the effectiveness thereof (Part R); to amend the highway law and the transportation corporations law, in relation to fiber optic utilities (Part S); to amend the transportation law, the vehicle and traffic law and the penal law, in relation to motor carrier safety (Part T); authorizing utility and cable television assessments to provide funds to the department of health from cable television assessment revenues and to the departments of agriculture and markets, environmental conservation, office of parks, recreation and historic preservation, and state from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part U); to amend the state finance law and the public authorities law, in relation to requiring state agencies and authorities to enter contracts only with service providers that adhere to net neutrality principles (Part V); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, as well as the department of environmental conservation's climate change program and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); to amend the energy law, the public service law, the public authorities law and the environmental conservation law, in relation to establishing the "climate leadership act" (Part X); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part Y); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part Z); to amend the executive law, the public buildings law, the state finance law, the public authorities law, and the penal law, in relation to the reauthorization of the minority and women-owned business enterprise program

and to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part AA); to amend the vehicle and traffic law and the public authorities law, in relation to establishing a congestion tolling program in the city of New York; and to amend the public officers law, in relation to confidentiality of certain public records (Part BB); to amend the vehicle and traffic law, in relation to photo speed violation monitoring systems in school speed zones in the city of New York; to amend chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to the effectiveness thereof; and to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to the effectiveness thereof (Part CC); establishing the "Gateway Development Commission Act"; and to amend the transportation law, in relation to creating the gateway development commission (Part DD); to amend the public authorities law, in relation to allowing the assignment, transfer, sharing or consolidating of powers, functions or activities of the metropolitan transportation authority (Part EE); to amend the vehicle and traffic law, the public authorities law, the tax law and the state finance law, in relation to providing certain metropolitan transportation commuter district supplemental taxes, surcharges and fees to the metropolitan transportation authority without appropriation (Part FF); to amend the vehicle and traffic law, in relation to removing caps on automated enforcement cameras for bus lanes, authorizing automated enforcement cameras for stopping, standing, parking and

turning limitations within the congestion toll zone and along designated bus corridors, and increasing penalties and creating a graduated schedule of fines for repeat offenders; and to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof (Part GG); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part HH); to amend the penal law and the vehicle and traffic law, in relation to classifying the assault of airport workers, metropolitan transportation authority bus operators and division of transportation inspectors as second degree assault (Part II); to amend the public authorities law, in relation to the operation of cashless tolling programs (Part JJ); to amend the public authorities law, in relation to authorizing the New York power authority to provide energy-related projects, programs and services to any of its power customers, and to take actions necessary to develop electric vehicle charging stations (Part KK); to amend the public authorities law, in relation to the provision of renewable power and energy by the Power Authority of the State of New York (Part LL); to amend the state finance law, in relation to establishing the parks retail stores fund, and the golf fund, as enterprise funds (Part MM); to amend the public authorities law, in relation to allowing the New York state olympic regional development authority to enter into contracts or agreements containing indemnity provisions in order to host olympic or other national or international games or events (Part NN); and to amend the highway law, in relation to making a technical correction to authorization of an airport mass transit project at LaGuardia airport (Part OO)

**PURPOSE:**

This bill contains provisions needed to implement the Transportation, Economic Development and Environmental Conservation portions of the FY 2020 Executive Budget.

This memorandum describes Parts A through OO of the bill which are described wholly within the parts listed below.

**Part A – Clarifies DASNY's authority to finance certain health care projects**

**Purpose:**

This bill would clarify DASNY's authority to finance health care projects as it relates to the Health Care Financing Consolidation Act and DASNY's authorizing statute.

**Summary of Provisions and Statement in Support:**

Section 1 of this bill would amend Public Authorities Law Section 1699-f (6) (b) to make it clear that paragraph (b) applies only to health care projects that fall entirely within the scope of the Health Care Financing Consolidation Act wherein DASNY succeeded to the powers and duties of the New York State Medical Care Facilities Finance Agency (MCFFA).

**Budget Implications:**

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as its provisions clarify and therefore protect DASNY's authority from the ambiguity of the existing statutes.

**Effective Date:**

This bill would take effect April 1, 2019.

**Part B – Make permanent the authorization of the Dormitory Authority of the State of New York to enter into certain design and construction management agreements**

**Purpose:**

This bill would permanently authorize the Dormitory Authority of the State of New York (DASNY) to enter into design and construction management agreements with the

Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP).

Summary of Provisions and Statement in Support:

DASNY's current authorization to enter into management agreements with DEC and OPRHP to provide design and construction services expires April 1, 2019. This bill would make such authorization permanent.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as its provisions ensure that DASNY can continue to provide design and construction services to DEC and OPRHP without interruption.

Effective Date:

This bill would take effect immediately.

**Part C – Provides authority for a DASNY subsidiary to sell, exchange, transfer, lease and convey real property located in Brooklyn, New York**

Purpose:

This bill would authorize Atlantic Avenue Healthcare Property Holding Corporation (a subsidiary of the Dormitory Authority of the State of New York) to sell, exchange, transfer, lease and convey real property located in Brooklyn, New York.

Summary of Provisions and Statement in Support:

Section 1 of the bill would amend paragraph 25 of §1678 of the Public Authorities Law to add two new paragraphs:

Paragraph 25(e) would authorize and empower Atlantic Avenue Healthcare Property Holding Corporation to sell, exchange, transfer, lease and convey the subject real property upon such terms and conditions as the Commissioner of New York State Division of Homes and Community Renewal may fix and determine and pursuant to a plan approved by the Commissioner, the Commissioner of Health and the Director of the Division of the Budget.

Paragraph 25(f) would require, as a condition of any such transfer and conveyance, that the Atlantic Avenue Healthcare Property Holding Corporation receive an accurate survey and description of the lands to be conveyed.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as it makes possible the necessary real property transaction to execute the Vital Brooklyn Initiative.

Effective Date:

This bill would take effect April 1, 2019.

**Part D – Extend the Infrastructure Investment Act and expand the definition of an authorized entity that may utilize design-build contracts and other alternative project delivery methods**

Purpose:

This bill would make the Infrastructure Investment Act (the Act) permanent, expand design-build authorization to other alternative project delivery methods, and expand the current list of authorized entities that may utilize design-build contracts to include the Dormitory Authority of the State of New York (DASNY), the New York State Urban Development Corporation (UDC), New York State Office of General Services (OGS), the New York State Department of Health (DOH) and the New York State Olympic Regional Development Authority (ORDA).

Summary of Provisions and Statement in Support:

This bill would expand the provisions of the Act to enable DASNY, UDC, OGS, DOH and ORDA to be added to the list of entities that are currently authorized to award a contract to a single entity for both the design and construction (design-build) aspects of a project in order to optimize quality, cost and efficiency. The bill would expand the types of contract that may be utilized under the Infrastructure Investment Act to also include construction manager-build and construction manager at risk.

Since it was initially signed in 2011, the Act has been used by the Department of Transportation to procure contracts for bridge and deck replacements along with highway, bridge and rail station rehabilitation totaling \$1.37 billion. The Thruway Authority used the design-build procurement process for the \$3.9 billion contract for the Mario M. Cuomo Bridge. OGS utilized design-build to deliver the NYS Fair Expo Center on time and on budget. Design-build is being applied to such critical projects as the \$750 million Life Sciences Laboratory, the \$1.5 billion expansion of the Jacob K. Javits Convention Center, improvements to the New York City Housing Authority facilities, as well as the Brooklyn-Queens Expressway.

The bill would also add buildings and appurtenant structures to the infrastructure projects that may be subject to the provisions of the Act and would reduce the monetary threshold for contracts subject to project specific design build authority to \$1,200,000.

In addition, the bill also requires authorized entities to consider to the availability of Service-Disabled Veteran-Owned Businesses to promote and assist in the participation of such businesses.

The Act is currently set to expire in 2019; this bill would make it permanent.

Budget Implications:

Enactment of this bill is necessary to implement the 2020 Executive Budget because the alternative project delivery contracting processes authorized by this bill will foster enhanced quality and allow for additional process and procedural efficiencies relative to the construction of State infrastructure projects. These benefits will result in lower initial construction costs as well as reduced long term maintenance and rehabilitation costs for projects constructed using alternative project delivery methods.

Effective Date:

This bill would take effect immediately.

**Part E – Eliminate the sunset applicable to the waste tire management and recycling fee**

Purpose:

This bill would make permanent the waste tire management and recycling fee by eliminating the current sunset of December 31, 2019.

Summary of Provisions and Statement in Support:

Eliminating the December 31, 2019 sunset would ensure that adequate funds continue to be available to the Department of Environmental Conservation (DEC) for the regulation of waste tire storage facilities and abatement of non-compliant waste tire stockpiles, and to administer and enforce other provisions of the Environmental Conservation Law in relation to the collection, treatment, disposal, and management of solid and hazardous wastes.

Section 1 of the bill would remove the December 31, 2019 sunset.

Section 2 authorizes DEC to assist with new technologies for waste tire reuse and recycling and enables DEC to provide industrial and consumer education on the benefits of recycled waste tire products. Currently, the Department of Economic Development (DED) is the only agency with this authorization.

Section 3 would make permanent: (i) the \$2.50 fee which is to be collected on each new tire sold; (ii) the requirement that the tire service collect the fee and remit it to the

Department of Taxation and Finance (DTF); (iii) the requirement that each tire service make a return to DTF on a quarterly basis; and (iv) the provisions authorizing additional waste tire management and recycling costs of the tire service.

Section 4 expands the uses of waste tire management and recycling fee funds to include conducting an updated market analysis of outlets for waste tire utilization including recycling and energy recovery opportunities.

Environmental Conservation Law Article 27, Title 19, enacted in 2003, provides for the management of waste tires, establishes the \$2.50 fee charged on each new tire sold, and enumerates the purposes of the fund to be used to abate non-compliant waste tire stockpiles. The requirement to collect the fee and remit it to DTF expires on December 31, 2019.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because the associated revenues are used to support DEC's Solid Waste Program staff and waste tire cleanup efforts.

Effective Date:

This bill would take effect immediately.

**Part F – Expansion of the State’s Bottle Bill**

Purpose:

This bill would amend provisions of the Returnable Container Act (“RCA” or “Bottle Bill”) in the Environmental Conservation Law (ECL) to expand the types of beverage containers covered under the RCA, reduce fraud and strengthen the enforcement provisions.

Summary of Provisions and Statement in Support:

This bill amends the provisions of the Returnable Container Act (RCA) to expand the types of beverage containers subject to deposit requirements by adding: sports drinks, energy drinks, juices, and ready to drink teas and coffees. This legislation clarifies definitions and deposit initiation responsibilities; improves implementation of the RCA by addressing redemption issues; works to help prevent the fraudulent redemption of empty beverage containers; and strengthens and clarifies enforcement provisions.

In addition, this bill clarifies that small stores may limit the number of containers accepted for redemption to 72 per person, per day, without conditions. This bill also provides an incentive for deposit initiators to use a New York State-specific UPC code and label, by allowing deposit initiators to pay only 60%, instead of 80%, of the amounts

in their refund value accounts at the end of each quarter, thus allowing them to keep 40%, instead of only 20%, of those amounts.

The intent of this legislation is to promote recycling in New York State and to significantly reduce waste and pollution.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget. This proposal will increase state revenue by approximately \$20 million, with a portion going to the General Fund and a portion going to the Environmental Protection Fund.

Effective Date:

The bill would take effect 60 days after enactment provided, however, that section one of the bill would take effect on April 1, 2020.

**Part G – Provide DEC with the authorization to accept gifts and enter into public-private partnerships**

Purpose:

This bill would give the Department of Environmental Conservation (DEC) authority to solicit funds or gifts and enter into public-private partnerships.

Summary of Provisions and Statement in Support:

This bill would amend the Environmental Conservation Law authorizing DEC to solicit funds or gifts, as well as enter into partnerships with private entities. This bill also establishes an appropriation within DEC's State Operating budget to accept and spend these funds, the uses of which are restricted. Currently, the Environmental Conservation Law does not provide DEC with this explicit authorization.

This bill would significantly enhance DEC's ability to leverage private funding. This legislation requires that gifts are used for specific programs or projects undertaken by DEC. Furthermore, any such funds provided to DEC would be subject to all relevant ethics codes and conflict of interest policies.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget and would expand DEC's ability to leverage private funds.

Effective Date:

This bill would take effect immediately.

## **Part H – Ban Single-Use Plastic Bags**

### Purpose:

This bill would ban single-use plastic carryout bags provided to consumers.

### Summary of Provisions and Statement in Support:

This bill would amend Environmental Conservation Law by prohibiting the provision of plastic carryout bags at the point of sale to consumers.

The intent of this legislation is to ban single-use plastic bags in the state and significantly reduce waste and pollution. This bill would also encourage consumers to shift toward the use of environmentally-friendly reusable bags.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as it aligns with the Governor's environmental priorities.

### Effective Date:

This bill would take effect March 1, 2020.

## **Part I – Prohibit offshore drilling and protect New York State's waterways**

### Purpose:

This bill would prohibit the leasing of state lands, disallow condemnation of lands by corporations and prohibit the transport of oil or natural gas from the North Atlantic Planning Area.

### Summary of Provisions and Statement in Support:

This bill would amend Environmental Conservation Law by preventing state land leasing for production of oil and gas in the marine and coastal district. This bill would also prohibit any new lease that authorizes infrastructure associated with the production of oil and gas in federal waters within the North Atlantic Planning Area. Additionally, this bill prohibits pipeline corporations from acquiring title of state lands by condemnation for infrastructure associated with production from the North Atlantic Planning Area. Petroleum bearing vessels would also be banned from carrying crude from the North Atlantic Planning Area through navigable waters of New York State. This bill would also prohibit the issuance of any license for any major facility storing or transferring petroleum produced in New York State navigable waters.

This bill would protect New York State's environment and economy from potentially devastating impacts to coastal communities from development of the North Atlantic Planning Area. This proposal will prevent New York State from supporting oil and natural gas development in the North Atlantic Planning Area.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it prohibits offshore drilling and safeguards New York State's waterways.

Effective Date:

This bill would take effect immediately.

**Part J – Update the notification process for wetland mapping**

Purpose:

This bill would amend the environmental conservation law relating to the wetland mapping notification mailing requirement.

Summary of Provisions and Statement in Support:

Upon completion of tentative freshwater wetlands mapping or tidal wetlands mapping, the Department of Environmental Conservation is required to hold a public hearing. The notification of the public hearing is required to be mailed to each owner of land designated as wetlands and the chief administrative officer of each municipality impacted by the boundary change. This bill would amend environmental conservation law authorizing wetland mapping notifications through standard mail and removing the requirement of certified mailings.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because the notification process by certified mail is unnecessary and costly.

Effective Date:

This bill would take effect immediately.

**Part K – Consumer and Personal Products Disclosure**

Purpose:

To require manufacturers of certain consumer and personal care products to disclose information related to the human health and environmental effects of chemicals in such products and to authorize the Department of Environmental Conservation (DEC or Department) to establish standards for the labeling of consumer products.

Summary of Provisions and Statement in Support:

This bill would enact the “Consumer Chemical Awareness Act,” (CCAA) to provide consumers with real time access to product ingredient information so consumers can make informed decisions about which products to buy and use. Specifically, the bill would allow DEC, in consultation with the Department of Health and Department of State, to establish standards governing the labeling of consumer products in order to inform and warn consumers of the ingredients in these products including any carcinogen, mutagen, endocrine disruptor or other chemicals of concern identified by the Department.

The CCAA would also authorize the DEC Commissioner to require manufacturers of consumer products distributed, sold or offered for sale in New York to furnish information concerning the effects of their products on human health and the environment. This information would be made publicly available with the exception of confidential business information. The Commissioner would also be authorized to establish a public education program on the information collected from manufacturers.

Finally, the bill would amend the Public Health Law (PHL) to add a new article 48-a titled Regulation of Personal Care Products. This new article would require manufacturers of personal care products that are distributed, sold or offered for sale in New York State to furnish to the Commissioner of Health, and post on the manufacturer’s website, information regarding personal care products.

There are tens of thousands of chemicals used commercially in the United States, and each year approximately 1,000 chemicals are added for commercial use. Most chemicals in commercial use in the United States, including those used as ingredients in consumer and personal care products, have never been fully tested for potential impacts on human health or the environment.

Some chemicals used in consumer and personal care products have been identified through scientific studies as being potential carcinogens, reproductive or developmental toxicants, or endocrine disruptors. Some have also been found through biomonitoring studies to be present in human blood, breast milk, or urine. These findings have led national and international agencies to develop lists of chemicals of concern based on the chemicals’ potential to impact human health.

To empower consumers with the information needed to make well-informed decisions regarding products that their families are exposed to daily, this bill would require the consumer and personal care product industry to more fully disclose the ingredients they

use and, where applicable, identify ingredients that have been included on lists of chemicals of concern identified by the Commissioner of the Department of Health. This bill would benefit consumers, encourage manufacturers to remove potentially harmful chemicals from their products, and encourage development of innovative methods including green chemistry to replace these ingredients with more environmentally-preferable alternatives.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as it aligns with the Governor's public health and environmental priorities.

Effective Date:

This bill would take effect sixty days after enactment, and any regulation promulgated pursuant to the act would not be effective prior to April 1, 2021. Section five of the bill would take effect January 1, 2020, provided that, effective immediately, the Commissioner of Health would be authorized to promulgate any and all rules and regulations necessary to implement the provisions of section five on its effective date.

**Part L – Empower the Superintendent of the Department of Financial Services (DFS) to license and regulate student loan servicers**

Purpose:

Student loan servicers provide billing and other services related to federal student loans. This proposal would empower the Department of Financial Services to license and regulate the student loan servicer industry.

Summary of Provisions and Statement in Support:

This bill would require student loan servicers to be licensed by the Department of Financial Services and would establish a regulatory framework for the industry in the state. Through the regulation of the student loan servicing industry, this bill would create homogeneity and accountability to ensure protections for all consumers with student loan debt in New York State.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget. Volatile and opaque student loan marketplaces put the financial well-being of all student borrowers at risk, which can be a costly and administratively onerous burden to the State.

Effective Date:

This bill would take effect on the one hundred eightieth day after it shall have become a law.

**Part M – Extend the authorization for testing of autonomous vehicles for an additional two years and makes other changes to support autonomous vehicle development**

Purpose:

This bill would extend the authorization for testing of autonomous vehicles for an additional two years and make other changes to support autonomous vehicle development.

Summary of Provisions and Statement in Support:

Section 1 would extend the reporting requirement and make it a permanent annual submission by the Commissioner of the Department of Motor Vehicles.

Section 2 would extend the testing of autonomous vehicles for an additional two years, sunseting on April 1, 2021.

Section 3 would authorize the Commissioner of Motor Vehicles to approve demonstrations and testing of autonomous vehicles.

Section 4 provides the information required in the annual report to the governor, the temporary president of the senate, the speaker of the assembly, and the chairs of the senate and assembly transportation committees on the demonstrations and tests.

Section 5 would repeal Section 1226 of vehicle and traffic law. Section 1226 of vehicle and traffic law prohibits an individual from not using hands or a prosthetic on the steering mechanism.

Section 6 would allow for the Commissioner of Motor Vehicles and Superintendent of financial services to establish regulations.

Section 7 would provide an effective date.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because reporting requirements and authorized testing would cease on April 1, 2019.

Effective Date:

This bill would take effect immediately.

### **Part N – Extend the Ignition Interlock Program**

#### Purpose:

This bill would extend for two years the provisions of the ignition interlock program.

#### Summary of Provisions and Statement in Support:

This bill would extend the sunset date of the ignition interlock program for two years until September 1, 2021.

The interlock program places an ignition lock on an individual's vehicle as a consequence of the adjudication of an alcohol-related traffic violation.

#### Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget, which relies on the continuation of the program in certain Financial Plan projections.

#### Effective Date:

This bill would take effect immediately.

### **Part O – Extend the State surcharge on motor vehicle infractions**

#### Purpose:

This bill would extend the State surcharge on motor vehicle infractions for an additional two years.

#### Summary of Provisions and Statement in Support:

The bill would extend sections 12 and 13 of part A of chapter 55 of the laws of 2017 which authorizes a State surcharge on vehicle infractions. Absent this action, the initial sunset would occur on September 1, 2019. This bill provides for new sunset date of September 1, 2021.

#### Budget Implications:

Enactment of this bill is necessary to implement the 2020 Executive Budget, which assumes the continuation of surcharge revenue in Financial Plan projections.

Effective Date:

This bill would take effect immediately.

**Part P – Authorizing local governments to allow certain scooters and motorized bicycles**

Purpose:

This bill would provide local governments with the ability to authorize the use of certain lower speed scooters and motorized bicycles within their jurisdiction.

Summary of Provisions and Statement in Support:

Section 1 of the bill defines both a locally authorized scooter and motorized bicycles by providing dimensions and descriptions, including maximum speed.

Section 2 amends the definition of motor vehicles to include locally authorized scooters and motorized bicycles.

Section 3 adds a new Article 34-D within the vehicle and traffic law (VTL) which delineates the operational requirements of a locally authorized scooter. This includes provisions related to applicable traffic laws, operating requirements, safety requirements, infractions, violations and applicable penalties.

Section 4 adds a new Article 34-E within the VTL which delineates the operational requirements of a locally authorized motorized bicycle categorized as a type of motorcycle. This includes provisions related to applicable traffic laws, operating requirements, safety requirements, infractions, violations and applicable penalties.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part Q – Shift responsibility for mailing a copy of service of process to plaintiffs rather than the Department of State**

Purpose:

Under existing law, persons or entities suing corporations may serve the attendant legal papers upon the Secretary of State (Secretary) as an agent for the defendant corporate entity. The Secretary must then mail a copy of the process documents via certified mail to the defendant entity. This bill would require that plaintiffs serve these papers on the Secretary and the defendant entity at the same time.

Summary of Provisions and Statement in Support:

Requiring the plaintiff to serve copies of process documents on the defendant entity directly, rather than through the Department of State (DOS), removes an unnecessary and costly administrative burden from DOS.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as the State Financial Plan assumes \$600,000 in recurring savings by releasing the Secretary from the statutory requirement to mail paper copies of service of process documents to defendant corporate entities.

Effective Date:

This bill would take effect 120 days following enactment.

**Part R – Extend for one year the authority of the Secretary of State to charge increased fees for expedited handling of documents**

Purpose:

This bill would extend for one year provisions of law permitting the Secretary of State to charge increased fees for the expedited handling of documents issued by or requested from, the Department's Division of Corporations. The increased fees for expedited handling are necessary to reimburse the Department of State for increased administrative costs associated with this service.

Summary of Provisions and Statement in Support:

The Executive Law currently authorizing the Secretary of State to charge increased fees for expedited handling expires on March 31, 2019. Historically, this statute has been extended annually to coincide with the enactment of the Budget.

Budget Implications:

The FY 2020 Executive Budget assumes that expedited handling fees will be enacted since the costs associated with this service are more expensive than traditional requests. Failure to enact this legislation will result in annual revenue losses of

approximately \$4.5 million, forcing the Department to bear the additional costs related to expedited services without supporting revenues.

Effective Date:

This bill would take effect immediately.

**Part S – Assess Fees for Fiber Optic Cables in Highway ROW**

Purpose:

This bill would authorize DOT to charge a fiber optic utility for use and occupancy of DOT right of way.

Summary of Provisions and Statement in Support:

This proposal would authorize DOT to rationalize rents charged for fiber-optic cables installed along State highway right of way. This authorization would ensure upstate investment continues under the New NY Broadband Program while also ensuring that pass through of any charges to the end user is prohibited.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part T – Increase Limousine, Bus, and Livery Safety**

Purpose:

This bill would increase passenger vehicle safety by increasing penalties for operating without authorization from DOT and operating after receiving an out-of-service violation during an inspection, and by placing a new per-inspection cost on for-profit vehicles.

Summary of Provisions and Statement in Support:

The FY 2020 budget includes legislation to substantially improve the safety of limousines, buses, taxies, and liveries throughout New York State. The legislation would ban certain types of stretched or modified vehicles, strengthen civil and criminal penalties for violations, and significantly enhance the Department of Transportation's authority to take dangerous vehicles and operators off the road in a timely manner. The

legislation will also establish a \$120 fee on inspections of for-profit buses, limousines, and other liveries under the jurisdiction of the Department of Transportation.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately except for the provision regarding the \$120 inspection fee, which would take effect October 1, 2019.

**Part U – Authorize expenses of the Department of Health to be reimbursed by a cable television assessment, and expenses of the Office of Parks, Recreation and Historic Preservation, and of the departments of Agriculture and Markets, Environmental Conservation, and State, to be reimbursed by a utility assessment**

Purpose:

This bill would authorize certain State agencies to finance public health campaigns and utility oversight related costs from assessments on cable television companies and public utilities, respectively.

Summary of Provisions and Statement in Support:

Sections one through four would authorize utility oversight related expenditures of the departments of Agriculture and Markets, Environmental Conservation, State, and the Office of Parks, Recreation and Historic Preservation as eligible expenses of utility assessment revenues.

Section five would authorize certain expenditures of the Department of Health as eligible expenses for cable television assessment revenues.

Section 18-a of the Public Service Law (PSL) authorizes the Department of Public Service (DPS) to assess public utilities for costs associated with the regulation of utilities. PSL § 217 authorizes the DPS to assess cable television companies for costs associated with the regulation of cable television companies.

This bill would ensure that the affected agencies will be able to expend utility assessment funds on agency activities related to utility oversight and public health initiatives. Chapter 58 of the Laws of 2018 provided similar authorizations.

Budget Implications:

Enactment of this bill is necessary to implement the 2020 Executive Budget because the bill ensures the recovery of public health and utility oversight expenses incurred by the departments of Health, Agriculture and Markets, Environmental Conservation, and State, and the Office of Parks, Recreation and Historic Preservation.

Effective Date:

This bill would take effect immediately.

**Part V – Incorporate internet neutrality principles into the State's procurement process**

Purpose:

This bill would create a new state finance law § 169 and a new public authorities law § 2878-c that would incorporate internet neutrality principles into the State's procurement process for internet services.

Summary of Provisions and Statement in Support:

This bill would amend state finance law and public authorities law to define the term "net neutrality" and to require state agencies and public authorities to contract only with internet service providers (ISPs) that adhere to net neutrality principles.

A free and open internet is an essential service that should be available to all New Yorkers. This bill would enact into law the provisions of Executive Order No. 175 and would ensure that ISPs may not block lawful content, applications, services, non-harmful devices, or applications that compete with other services provided by the ISP.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as it creates two new sections of law.

Effective Date:

This bill would take effect immediately.

**Part W – Authorize the New York State Energy Research and Development Authority to finance a portion of its energy research, development and demonstration program, and its energy policy and planning program, as well as the Department of Environmental Conservation's climate change program and the Department of Agriculture and Markets' Fuel NY program, from an assessment on gas and electric corporations**

Purpose:

This bill would authorize the New York State Energy Research and Development Authority (NYSERDA) to obtain revenue for certain programs from a special assessment on gas and electric corporations.

Summary of Provisions and Statement in Support:

The bill would authorize NYSERDA to finance its energy research, development and demonstration program, its energy policy and planning program, the Department of Environmental Conservation's (DEC) climate change program and the Department of Agriculture and Markets' (AGM) Fuel NY program, from a special assessment on gas and electric corporations. This special assessment is in addition to the special assessment under Section 18-a of the Public Service Law which authorizes the Department of Public Service to assess gas and electric corporations for expenses related to administering Public Service Law programs.

A similar proposal has been enacted annually as an Article VII provision and was last enacted as Part MM of Chapter 58 of the Laws of 2018. Without this authorization, NYSERDA, DEC and AGM would not be able to continue to implement necessary programs in the 2020 State Fiscal Year

Budget Implications:

Enactment of this bill is necessary to implement the 2020 Executive Budget because it authorizes the collection of assessments in an amount not to exceed \$19.7 million that would fund NYSERDA's energy research, development and demonstration program and its energy policy and planning program, as well as DEC's climate change program and AGM's Fuel NY program.

Effective Date:

This bill would take effect immediately.

**Part X – Advancing the “Climate Leadership Act”**

Purpose:

This bill would amend the energy law, public service law and the environmental conservation law to adopt measures to put the state on a path to carbon neutrality, a clean electricity sector, and establish greenhouse gas emission goals.

Summary of Provisions and Statement in Support:

This bill would amend the energy law to create the Climate Action Council (Council), which would be charged with developing a roadmap outlining recommendations to put the state on a path to carbon neutrality economy-wide. Among other things, the Council, which would be co-chaired by the commissioner of the Department of Environmental Conservation (DEC) and the president of the New York State Energy Research and Development Authority would be charged with recommending implementable measures to attain a statewide reduction of greenhouse gas emissions of forty percent by 2030 and eighty percent by 2050, from 1990 levels, and shall specifically explore market based mechanisms, regional cooperatives and technologies that could be used to transition to carbon neutrality and a clean electricity sector. The Council would be required to submit an annual report to the Governor, Speaker of the Assembly, and the Temporary President of the Senate detailing the progress of the Council while identifying any interim recommendations on regulatory measures, clean energy programs, and other state actions and policies that would ensure statewide emission reductions and carbon neutrality goals.

Energy law would be further amended to require the state energy planning board, beginning on December 31, 2020 and every four years thereafter, to incorporate analysis and recommendations into each state energy plan that would support policies and actions to ensure the state's electricity demand is supplied from one hundred percent clean energy by 2040 and to advance the state toward the existing greenhouse gas emission reduction limits established in section 75-0103 of environmental conservation law.

This bill would also add a new article to environmental conservation law requiring DEC to establish a social cost of carbon and the maximum allowable 2030 greenhouse gas emissions level that would be needed to achieve a forty percent reduction in emissions from 1990 levels. This new article would also authorize DEC to establish regulations to achieve statewide greenhouse gas emissions reductions.

#### Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it would codify the state's clean energy and emission reduction goals.

#### Effective Date:

This bill would take effect immediately.

### **Part Y – Extend the general loan powers of the New York State Urban Development Corporation**

#### Purpose:

This bill would extend the general loan powers of the New York State Urban Development Corporation (UDC) for an additional year.

Summary of Provisions and Statement in Support:

Chapter 393 of the Laws of 1994 provides UDC with the general power to make loans. This authorization has been renewed annually since 1997 and is currently set to expire on July 1, 2019.

Absent enactment of this bill, UDC would be authorized to make loans only in connection with certain State-funded economic development programs that grant statutory loan authorization.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget, which assumes that UDC would provide certain economic development assistance through loans. Absent this legislation, the UDC could not fund approved loans made through economic programs lacking specific statutory authorization.

Effective Date:

This bill would take effect April 1, 2019.

**Part Z – Extend the authorization of the New York State Urban Development Corporation to administer the Empire State Economic Development Fund**

Purpose:

This bill would extend the authorization of the New York State Urban Development Corporation (UDC) to administer the Empire State Economic Development Fund (EDF) for an additional year.

Summary of Provisions and Statement in Support:

Section 16-m of the UDC Act authorizes the UDC to provide financial assistance through the EDF. This authorization has been renewed annually since 2012 and is currently set to expire on July 1, 2019.

The bill would provide for the continued administration of the EDF, the UDC's primary economic development program. Extending the sunset date until July 1, 2020 will permit the UDC to fulfill prior commitments made through the EDF, and to make new assistance available to businesses and other stakeholders throughout the State without interruption.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget, which includes new appropriations and reappropriations to support the EDF.

Effective Date:

This bill would take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2019.

**Part AA – Reauthorize and extend the provisions of law relating to participation by minority and women-owned business enterprises in state contracts and expands upon those provisions based upon the findings of the 2016 Disparity Study**

Purpose:

This bill would extend the effectiveness of provisions of law relating to participation by minority and women-owned business enterprises (MWBE) in state contracts. This bill would extend the sunset provision to December 31, 2024.

Summary of Provisions and Statement in Support:

Article 15-A of the Executive Law authorizes the Department of Economic Development's Division of Minority and Women-owned Business Enterprises ("MWBE") to promote employment and business opportunities on state contracts for minorities and women owned businesses. Under this statute, state agencies and authorities are charged with establishing business participation goals for minorities and women. This authorization and the requirements of the program will expire on December 31, 2019. This bill would extend the sunset provision to December 31, 2024.

In addition, this bill would expand upon the requirements of the MWBE program based upon the findings of the 2016 Disparity Study (the "Study"). As required by statute, the Study was conducted to ensure that the MWBE program continues to meet the constitutional requirements established by the United States Supreme Court, and its progeny, in *City of Richmond v. J.A. Croson, Co.*, 488 U.S. 469 (1989). Under *Croson*, the Supreme Court held that diversity program must be narrowly tailored to achieve a compelling governmental interest. *Id.* At 493. The Study provides the strong factual predicated needed to support program. *Id.* at 510. In keeping with the requirements set forth in *Croson*, the Study found continued evidence of statistically significant underutilization of available MWBEs and provides support for the continuation of the MWBE program. The Study also provided several recommendations to enhance and improve upon the program. Based upon those recommendations and to address other more technical issues, the bill seeks to make several amendments, which include, but are not limited to, the following:

- Updates diversity practices definition to include diverse leadership of businesses and MWBE mentorship;
- Increases agency and authority discretionary purchasing threshold to \$400,000;
- Expands program requirements to include all municipalities on contracts let with appropriated state dollars and requires units of local government subject to Article 15-A to set goals on contracts and submit reports to the Director;
- Provides the Director the authority to set the personal net worth (“PNW”) requirement for MWBE certification via regulation, excludes holding companies from PNW, replaces exclusion of equity in personal residence exclusion with cash value of home;
- Creates a workforce program with goals for minority group members and women;
- Enhances opportunities for MWBE prime contractors by establishing bidding credits for low-bid construction projects of up to \$1.4 million and increases the size of procurements that can include bidding credits each year with inflation;
- Expands the authority of the Statewide Advocate to audit agencies and investigate complaints from MWBEs of violations of Article 15-A by agencies and contractors;
- Requires agencies to take into account findings of most recent Study in setting goals and removes references to the 2010 Study;
- Provides the Director with enhanced authority to define commercially useful function;
- Requires Tax & Finance and DOL to share records with the Division;
- Establishes MWBE fraud as a criminal offense and;
- Makes other additional technical changes

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget, which includes reappropriations to support the MWBE program.

Effective Date:

This bill would take effect immediately.

**Part BB – Congestion Tolling Program**

Purpose:

This bill authorizes the Triborough Bridge and Tunnel Authority (TBTA) to create a congestion tolling program for vehicles entering Manhattan below and inclusive of 60th Street.

Summary of Provisions and Statement in Support:

There is an urgent need to address the severe traffic congestion in the New York City Central Business District and to generate a new, recurring revenue to fund improvements to Metropolitan Transportation Authority infrastructure. This bill authorizes the Triborough Bridge and Tunnel Authority (TBTA) to install, construct, maintain, and operate a congestion tolling system in Manhattan as far north as 60th Street but not including FDR Drive.

After reimbursement of the TBTA for expenses related to the Congestion Tolling Program, revenue will be deposited into the Congestion Tolling Fund of the MTA and will be used to fund projects in the MTA's 2020-2024 capital program and its successor programs.

The bill also increases penalties for obscuring plates.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget, by providing funding for the MTA's 2020-2024 Capital Program.

Effective Date:

This bill would take effect immediately.

**Part CC – New York City Speed Enforcement Cameras**

Purpose:

This bill extends New York City's authorization to implement a photo speed violation program in school speed zones until July 1, 2022 and increases the number of monitoring systems the City may operate from 140 to 290.

Summary of Provisions and Statement in Support:

Speed enforcement camera programs have proven to be an effective mechanism for reducing pedestrian injuries and fatalities in New York City. This bill extends New York City's authorization to operate a school zone photo speed violation program until July 1, 2022, and allows the City to install an additional 150 monitoring systems. It also requires the City to install warning signs, at least three hundred feet in advance, to notify approaching vehicles of the upcoming monitoring systems.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget to ensure the safety and health of the people of the State.

Effective Date:

This bill would take effect immediately.

**Part DD – Gateway Development Commission**

Purpose:

This bill would create the Gateway Development Commission, which will facilitate the Gateway project and coordinate the related activities of New York, New Jersey, Amtrak, and private entities.

Summary of Provisions and Statement in Support:

The Gateway Development Commission is created by Section 4, which also outlines the purposes of the commission. Section 5 creates a board of commissioners, comprised of three members: one appointed by the commissioner of the New York State Department of Transportation; one appointed by the board of directors of the New Jersey Transit Corporation; and one appointed by Amtrak. This bill would help to ensure the completion of the passenger rail project between Newark, NY and New York City.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it helps to ensure cooperation between New York, New Jersey and Amtrak in the Gateway Project. This cooperation could potentially result in cost savings for both states.

Effective Date:

This bill would take effect upon enactment of the same provisions into law by the state of New Jersey.

**Part EE – MTA Organizational Reforms**

Purpose:

This bill would allow for the assignment, transfer, sharing or consolidating of powers, functions, or activities of the Metropolitan Transportation Authority.

Summary of Provisions and Statement in Support:

The bill adds a new Section 1279-e to the public authorities law that allows the MTA to reform its organizational structure. A majority vote of the MTA Board is required to approve the reforms.

The MTA is in need of organizational reform, and this bill will enable the MTA to make the kinds of structural changes that will assist in increasing the efficiency and effectiveness of the organization.

This bill would not adversely affect the interest of bondholders or labor organizations.

Budget Implications:

Enactment of this bill is necessary to implement the FY2020 Executive Budget because it enables reforms that will make the MTA more efficient, leading to eventual cost savings for the Authority and its State and local funding partners.

Effective Date:

This bill would take effect immediately.

**Part FF – MTA Aid Trust Fund Reforms**

Purpose:

This bill would reform the State budget by directing that future revenues raised by certain Metropolitan Commuter Transportation District supplemental taxes, surcharges and fees be sent to the MTA pursuant to statute, but without need of appropriation.

Summary of Provisions and Statement in Support:

Current law directs the revenues raised by the Metropolitan Commuter Transportation District (taxi surcharges, supplemental license fees, supplemental registration fees and supplemental taxes on passenger car rentals) to the Metropolitan Transportation Authority Aid Trust Account. From there, these funds are appropriated to the MTA on an annual basis and are remitted to the MTA Corporate Transportation Account (at the MTA) on a quarterly basis. Because the MTA is the sole, ultimate recipient of these funds, there is no reason to continue the outdated process of including the State as an intermediary recipient.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it will give the MTA more immediate access to these resources and allow greater revenue certainty for potential MTA bondholders.

Effective Date:

This bill would take effect immediately.

**Part GG – New York City Bus Lane Enforcement Cameras and New Camera Enforcement Program**

Purpose:

This bill amends Vehicle and Traffic Law by removing the 10-route cap on the number of bus lane automated enforcement cameras and authorizing the use of such cameras for stopping, standing, parking, and turning violations pursuant to Chapter 4 of Title 34 of the Rule of the City of New York while in the congestion toll zone or designated bus lanes in New York City.

Summary of Provisions and Statement in Support:

Traffic congestion and the blocking of bus lanes has been increasingly problematic in New York City and has contributed to the continual decline in bus ridership. Removing the cap on the number of bus lane cameras and authorizing the use of automated enforcement cameras for block-the-box violations within the congestion toll zone will assist the City in combatting congestion and increase the mobility of buses throughout the City. This bill also establishes a graduated schedule of fines for multiple violations within a twelve-month period and dedicates the revenue to the General Transportation Account of the MTA.

Additionally, this legislation would establish a new camera program within Manhattan to address parking, double parking, block the box and other similar violations that impact congestion.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it would increase MTA bus ridership, which would decrease pressure for the State to further fund the MTA.

Effective Date:

This bill would take effect immediately.

**Part HH – Extend Binding Arbitration by the Public Employment Relations Board for disputes between the Metropolitan Transportation Authority and its labor representatives**

Purpose:

This bill would extend the expiration date, from July 1, 2019 to July 1, 2021, of the provisions of law authorizing the oversight of binding arbitration by the Public Employment Relations Board (PERB) for disputes between the Metropolitan Transportation Authority (MTA) and its labor representatives. This bill would promote settlement and avoid disruptions in transit service.

Summary of Provisions and Statement in Support:

Section 1 of this bill amends section 45 of Chapter 929 of the Laws of 1986, extending the July 1, 2019 sunset provision to July 1, 2021. Compulsory arbitration has promoted the resolution of labor management disputes in furtherance of uninterrupted service on the MTA transit system and its bridges and tunnels. Evaluations of the effects of this law have historically been positive. This will extend this provision for an additional two years.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it helps maintain transit service levels, while potentially avoiding undue labor costs which could result in increased pressure for state aid.

Effective Date:

This bill would take effect immediately.

**Part II – Increase Transportation Worker Assault Protections**

Purpose:

This bill amends Penal Law and Vehicle and Traffic Law to increase penalties for assaulting of airport workers, highway workers, certain Metropolitan Transportation Authority employees, and Department of Transportation inspectors.

Summary of Provisions and Statement in Support:

This bill amends Penal Law and Vehicle and Traffic Law to increase penalties for assaulting of airport workers, highway workers, certain Metropolitan Transportation Authority employees, and Department of Transportation inspectors. The bill also requires the Governors Traffic Safety Committee to implement a public education and outreach program on the importance of highway work zone safety.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget to ensure the health and safety of transportation and transit workers.

Effective Date:

This bill would take effect immediately.

**Part JJ – Increase Toll Payer Protections**

Purpose:

This bill gives customers of toll facilities that operate Electronic Tolling systems certain rights regarding the notification of tolls and payment of tolls by mail.

Summary of Provisions and Statement in Support:

This bill adds section 2985-a to Public Authorities Law. This section sets out requirements for toll facilities regarding the provision of relevant information, notification, electronic communication, and public awareness to toll customers.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it ensures that toll-paying customers are made aware of their obligations in a timely and transparent manner.

Effective Date:

This bill would take effect immediately.

**Part KK –Authorize the New York Power Authority to provide energy- related projects, programs and services to any of its power customers, and to take actions necessary to develop electric vehicle charging stations**

Purpose:

This bill would amend the Public Authorities Law (PAL) to authorize the New York Power Authority (NYPA) to provide energy-related projects, programs, and services to any of its power customers; undertake specific actions with respect to electric vehicle charging stations; and make technical corrections to existing law.

Summary of Provisions and Statement in Support:

This bill would make various technical changes to paragraph (a) of subdivision 17 of PAL § 1005, to, among other things: eliminate the reference to the defunct "Power for Jobs" program; authorize NYPA to engage in energy-related projects, programs and services with any of its power customers, not just those customers who purchase power under currently authorized programs; and provide energy supply services to public entities. Similarly, this bill would amend the existing definition of "energy-related projects, programs and services" and would define "energy supply services."

This bill would also provide NYPA with the authority to design, finance, develop, construct, install, lease, operate and maintain electric vehicle charging stations throughout the state for use by the public.

In an effort to further improve energy efficiency, conserve energy, and reduce greenhouse gas emissions throughout the State, this bill would authorize NYPA to offer energy management services to any of its customers, including state agencies and municipalities. The provisions of this bill also enhance NYPA's authority to support projects that are critical to the security, resiliency and reliability of the state's electric systems and supply.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it provides NYPA with the authority to offer its customers, including state agencies and authorities, energy management, procurement and supply services that could provide energy cost savings.

Effective Date:

This bill would take effect immediately.

**Part LL – Amend the public authorities law, relating to the provision of renewable power and energy by the New York Power Authority**

Purpose:

This bill would amend Public Authorities Law (PAL) to authorize the New York Power Authority (NYPA) to develop renewable energy projects and procure and sell renewable products to public entities, Community Choice Aggregation communities, and NYPA customers.

Summary of Provisions and Statement in Support:

This bill would add new subdivisions to PAL authorizing NYPA to: (i) finance and operate transmission projects that would support the development of renewable energy

generation projects in the State; and (ii) supply electricity and other energy products to NYPA customers, public entities and Community Choice Aggregation communities.

This bill would significantly enhance NYPA's ability to advance the goals of the State's Clean Energy Standard, which, in part, requires 50 percent of New York electricity to come from renewable sources by 2030, all while providing positive budget impacts, through energy cost savings, to NYPA's customers, which include State entities and local governments. Further, this bill would stimulate economic development and job creation as a result of the construction of renewable energy projects throughout the State.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because of the potential energy cost savings for State agencies and authorities, other public entities and NYPA customers who purchase renewable products from NYPA.

Effective Date:

This bill would take effect immediately.

**Part MM – Establish a Parks, Recreation and Historic Preservation retail stores enterprise fund and a golf enterprise fund**

Purpose:

This bill would establish enterprise funds to properly classify the financial activities of retail stores and golf courses operated by the Office of Parks, Recreation, and Historic Preservation (OPRHP).

Summary of Provisions and Statement in Support:

This bill would amend Article 6 of the State Finance Law to establish a Parks retail stores enterprise fund, and a golf enterprise fund, to assign the proper State fund which aligns with the financial activities and purposes of these OPRHP enterprises.

Section 1 of this bill would create a “park retail stores fund” (including gift shops and camp stores), classified by the state comptroller as an enterprise fund. This fund will consist of all revenues received from private entities and individuals from retail operations in state parks, recreational facilities and historic sites operated by OPRHP. These funds will be made available to the OPRHP commissioner for services and expenses relating to the operation of retail stores and in support of the sale of retail goods at state parks, recreational facilities and historic sites.

Section 2 of this bill would create a “golf course fund”, also classified by the state comptroller as an enterprise fund. This fund will consist of all revenues collected from private entities and individuals for the use of state-owned golf courses, and any other miscellaneous fees associated with the use of such golf courses. These funds will be made available to the OPRHP commissioner for services and expenses relating to the direct maintenance and operation of state-owned golf courses.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget, which assumes the creation of the parks retail stores and golf enterprise funds.

Effective Date:

This bill would take effect April 1, 2019.

**Part NN – Extend authority of the New York State Olympic Regional Development Authority to enter into contracts or agreements containing indemnity provisions in order to host Olympic or other national or international games or events**

Purpose:

This bill would amend the Public Authorities law to allow the New York State Olympic Regional Development Authority (ORDA) to enter into contracts or agreements containing indemnity provisions in order to host Olympic or other national or international games or events.

Summary of Provisions and Statement in Support:

This bill would amend provisions of ORDA’s enabling statute to expand its authority to enter into contracts or agreement to indemnify and insure against losses resulting from the conduct of the Olympic or other national or international games or events which obligate ORDA to indemnify and insure against potential losses or liabilities in order to host such games or events.

The selection of New York State to host Olympic games or another national and international games of such magnitude has and will confer significant benefits to the State as a whole through increased tourism, economic growth, job creation and capital improvements. In 2023, the State will host the 2023 World University Games, an 11-day winter competition held every two years in a different city throughout the world, which typically draws about 2,500 student-athletes who compete in over 70 sports events including skiing, speed skating, figure skating and hockey. To host this event and other games and events, ORDA has and will be called upon by the national or international organizations, such as the United States Olympic Committee and the International University Sports Federation (FISU), to enter into games support contracts

or other agreements that include indemnification provisions to cover losses resulting from liabilities arising from cancellation of the games or any other obligation required under such contracts.

This bill would provide such authority and limit the authority to an amount of any lawful appropriation for that purpose. As it relates to the 2023 World University Games, the amount of such appropriation shall be no less than sixteen million dollars.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part OO – Air Train Technical Amendment**

Purpose:

This bill would amend Section 349-g of the Highway Law to correct a minor technical error in describing a specified lot and block number.

Summary of Provisions and Statement in Support:

Amends clauses 6 and 7 of subparagraph B of paragraph i of subdivision b of the Highway Law to include the westerly line of Tax Map Lot 65 Block 1789 rather than Block 789.

This correction clarifies a technical flaw in the identification of the aforementioned block number.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it allows the Air Train project to proceed without delay.

Effective Date:

This bill would take effect immediately.

The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.

