

July 19, 2007

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

Section 1. Legislative declaration. The legislature hereby finds and declares:

(a) that traffic congestion in New York City's business district has a severe adverse impact on public health, the environment of New York City and adjoining areas, and overall employment and job development; (b) that such adverse health impacts are exacerbated by other sources of environmental pollution in and around New York City, including pollution from commercial and residential buildings; (c) that a variety of possible ways to address these problems exist, including through pricing mechanisms, short-term and long-term mass transit operating and capital improvements, green building programs, incentives and other initiatives; (d) that action must be taken to address these problems as soon as possible; and (e) that the Federal government has made funding available to finance such solutions. The legislature therefore finds and declares that there should be a traffic congestion mitigation plan within the City of New York.

§ 2. Notwithstanding any provision of law to the contrary, the Mayor of the City of New York is hereby authorized to present a detailed congestion pricing plan to address traffic congestion within a zone of severe traffic congestion in Manhattan (the "traffic congestion mitigation plan"), which plan may include such other components, proposals or steps as shall be deemed necessary, and hereby is authorized to implement the congestion pricing provisions of such plan if the conditions set forth in sections three through seven of this act are met. Such plan shall include: (a) the geographic area within Manhattan to be covered by such plan; (b) the proposed dollar amount of any congestion

pricing fee; (c) the technology to be used to implement such pricing plan; and (d) the number and scope of any exemptions granted from such fee requirements.

§ 3. There is hereby established a New York City Traffic Congestion Mitigation Commission (the “Commission”) which shall undertake a review and study of plans to reduce traffic congestion and other related health and safety issues within the City of New York, including but not limited to issues relating to the implementation of the traffic congestion mitigation plan to be developed and submitted by the Mayor of the City of New York. The Commission shall consist of seventeen members appointed by the Governor, three of whom shall be appointed on the nomination of the Speaker of the Assembly, three of whom shall be appointed on the nomination of the Temporary President of the Senate, one of whom shall be appointed on the nomination of the Minority Leader of the Senate, one of whom shall be appointed on the nomination of the Minority Leader of the Assembly, three of whom shall be appointed on the nomination of the Mayor of the City of New York, and three of whom shall be appointed on the nomination of the Speaker of the New York City Council. The Chair of the Commission shall be nominated by the Governor and approved by a majority of the total members of the Commission.

§ 4. As part of its mandate, the Commission shall conduct hearings, take testimony and review information and proposals regarding traffic congestion in the City of New York. In addition, the Commission shall issue to the Governor, the State Legislature, the Mayor of the City of New York and the New York City Council recommendations with respect to the details of implementing the traffic congestion mitigation plan submitted by the Mayor and other traffic congestion mitigation proposals

(the “implementation plan”). The implementation plan must provide for at least the same level of traffic mitigation, as measured by the 6.3 percent reduction in average vehicle miles traveled, as proposed in the traffic mitigation plan submitted to the United States Department of Transportation for the Urban Partnership Agreement on June 22, 2007.

§ 5. On or before August 1, 2007, the Mayor of the City of New York shall submit the traffic congestion mitigation plan to the Commission, the Governor, the State Legislature, the New York City Council and the Metropolitan Transportation Authority. On or before October 1, 2007, the Metropolitan Transportation Authority and the New York State Department of Transportation shall submit comments on the traffic congestion mitigation plan, as well as: (a) a description of the additional capital needs required for implementation of such plan; (b) the proposed utilization of any potential revenues derived from such plan for such capital needs; and (c) the impact of such revenue upon the authority’s capital and operating budgets and the agency’s capital and operating budgets, respectively. On or before January 31, 2008, the Commission shall by a majority vote approve its implementation plan and submit such plan to the Governor, the State Legislature, the Mayor of the City of New York and the New York City Council.

§ 6. The State Legislature shall consider such implementation plan on or before March 31, 2008. The City of New York shall not impose or collect any fee for traveling into or within the designated congestion mitigation zone unless the implementation plan has been approved by the State Legislature on or before March 31, 2008 and signed into law by the Governor, pursuant to a request from the Mayor that the State Legislature consider such plan where such request has been approved by the New

York City Council in a resolution approved by a majority of its member; provided, however, that nothing in this act shall otherwise prevent or limit the City of New York or the State of New York from taking any other steps to mitigate traffic congestion.

§ 7. Paragraph c of subdivision one of section one thousand two hundred sixty nine-b of the public authorities law, is hereby amended to read as follows:

(c) on or before October first, ~~nineteen hundred ninety-nine~~ **two thousand thirteen** and every fifth year thereafter, the authority shall submit to the metropolitan transportation authority capital program review board two capital program plans for the five-year period commencing January first of the following year.

For each of the periods described above, one such plan shall contain the capital program for the transit facilities operated by the New York city transit authority and its subsidiaries and for the Staten Island rapid transit operating authority; the other such plan shall contain the capital program for the railroad facilities, not including the Staten Island rapid transit operating authority, under the jurisdiction of the authority.

Each plan shall set system-wide goals and objectives for capital spending, establish standards for service and operations, and describe each capital element proposed to be initiated in each of the years covered by the plan and explain how each proposed element supports the achievement of the service and operational standards established in the plan. Each plan shall also set forth an estimate of the amount of capital funding required each year and the expected sources of such funding. Each plan subsequent to the first such plan and each proposed amendment or modification thereof shall also describe the current status of each capital element included in the previously approved plan, if any. Each plan shall be accompanied or supplemented by such supporting materials as the metropolitan transportation authority capital program review board shall require.

A capital element shall mean either a category of expenditure itemized in a plan, as hereinafter provided, for which a specified maximum dollar amount is proposed to be expended, or a particularly described capital project within one or more categories for which no maximum expenditure is proposed, but for which an estimate of expected cost is provided. A capital element shall be deemed to have been initiated for purposes of

this section if in connection with such element the authority shall certify that (i) purchase or construction contracts have been entered into, obligating in the aggregate an amount exceeding ten percent of the maximum or estimated cost of the element as set forth in a plan, (ii) financing specific to the project has been undertaken, or (iii) in a case where such element is limited to design or engineering, a contract therefor has been entered into.

§ 8. Subdivision one of section one thousand two hundred sixty nine-b of the public authorities law, is hereby amended to add a new paragraph d to read as follows:

(d) On or before March 31, 2008, the authority shall submit to the metropolitan transportation authority capital program review board, capital program plans for the period July 1, 2008 to December 31, 2013. In addition to the requirements of this section the plan that contains the capital program plan for the transit facilities operated by the New York city transit authority and its subsidiaries and for the Staten Island rapid transit authority shall incorporate the components of a congestion pricing plan and/or other congestion mitigation measures acted on by the legislature, including: a) a description of the additional capital needs required for implementation of such plan and/or measures; b) the proposed utilization of any potential revenue derived from such plan and/or measures for such capital needs, including any potential federal funds for such a plan and/or measures; and c) the impact of such potential revenue upon the authority's capital budget.

§ 9. Notwithstanding any other section of law, on or before March 31, 2008 the Commissioner of Transportation shall submit to the Governor and the State Legislature a five year capital program for state and local highway and bridge, rail and ports, aviation and non-MTA transit through March 31, 2014. Such plan shall include

system-wide goals and objectives for capital spending, the amount of capital funding required for each year and an estimate of the sources of such capital funding. The plan shall also included selection criteria for capital projects

§ 10. This act shall take effect immediately, and shall expire and be deemed repealed on June 30, 2012; provided, however that this act also shall expire and be deemed repealed if the United States Department of Transportation does not commit at least two hundred fifty million dollars in funding prior to October 1, 2007; provided that such expiration and repeal shall not occur if the United States Department of Transportation commits at least two hundred million dollars prior to October 1, 2007, and the city of New York commits prior to December 31 2007 an amount equal to the difference between two hundred fifty million dollars and the amount committed by the United States Department of Transportation..