

STATE OF NEW YORK

4428

Sessions

2025-2026 Regular

IN SENATE

February 4, 2025

Introduced by Sen. COMRIE -- read twice
and ordered printed, and when

printed to be committed 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;

EXPLANATION--Matter in italics (underscored)
is new; matter in brackets

[~~-~~] is old law to be
omitted.

1 3. "comparable projects" shall refer to
existing privatization initi-

2 atives in the United States comparable in
scope, scale and value to the

3 critical transportation infrastructure
controlled by state or local

4 public authorities; and

5 4. "privatization report" shall refer to
the report created pursuant

6 to this act.

7 § 3. 1. All public authorities who are
currently in the process of

8 issuing concessions or selling or
otherwise transferring, or issuing

9 notices of inquiry ("NOIs") or requests for
proposal ("RFPs") for leas-

10 ing, or selling or otherwise transferring
control of any critical trans-

11 portation infrastructure, or who have
done so in the past ten years,

12 shall issue a study reporting on the effects
of privatization of crit-

13 ical transportation infrastructure.

14 2. (a) Each public authority shall issue
its individual privatization

15 report to the assembly committees on
corporations, authorities and

16 commissions, economic development,
transportation, and ways and means,

17 and to the senate committees on commerce,
economic development and small

18 business, corporations, authorities and
commissions, and transportation.

19 (b) Each public authority's privatization
report shall evaluate in

20 detail the following:

21 (i) the impact that sale or transfer
of control of its critical

22 infrastructure would have upon the
authority's ability to pay any and

23 all debt it has issued, or succeeded to,
that is guaranteed or secured

24 by any revenues arising from the authority's
critical infrastructure, or

25 by the ownership of such critical
infrastructure;

26 (ii) whether the critical infrastructure
involved any existing priva-

27 tization initiatives in the United States are
comparable in scope, scale

28 and value to the critical infrastructure
controlled by the public

29 authority;

30 (iii) the progress to date of any
comparable projects and whether any

31 such projects have experienced cost
overruns or delays, or otherwise

32 have failed, or succeeded, in meeting the
deadlines and costs put forth

33 by the private entity.

34 3. (a) The privatization report shall be
due on or within 14 days of

35 December 1, 2026. Within 90 days after the
date each public authority

36 submits the report provided for in
subdivision one of this section to

37 the committees, such committees may,
severally or collectively, submit

38 further issues for study and inclusion in
such report, which said public

39 authorities shall study and include within
such report within 60 days

40 after receipt of any such submission, at
which point said public author-

41 ities shall submit the privatization report
to the governor, the tempo-

42 rary president of the senate, the speaker of
the assembly, the minority

43 leaders of the senate and assembly, the
chairperson and ranking minority

44 member of the senate corporations,
authorities and commissions commit-

45 tee, and the chairperson and ranking
minority member of the assembly

46 corporations, authorities and commissions
committee.

47 (b) The governor, the temporary president
of the senate, the speaker

48 of the assembly, the minority leaders of
the senate and assembly, the

49 chairperson and ranking minority member of
the senate corporations,

50 authorities and commissions committee, and
the chairperson and ranking

51 minority member of the assembly corporations,
authorities and commis-

52 sions committee shall have a period of 90
days within which to submit

53 further issues for study and inclusion in
such report, which said public

54 authorities shall study and include within
such report within 60 days

55 after receipt of any such submission.

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1 § 4. This act shall take effect on the
ninetieth day after it shall

2 have become a law. Effective immediately,
the addition, amendment

3 and/or repeal of any rule or regulation
necessary for the implementation

4 of this act on its effective date are
authorized to be made and

5 completed on or before such effective date.