

5426

2009-2010 Regular Sessions

I N S E N A T E

May 4, 2009

Introduced by Sens. AUBERTINE, STACHOWSKI, VALESKY, WINNER, YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the highway law, in relation to authorizing county highway superintendents to rent road machinery from any city, town or village, and the authority of the town highway superintendent to contract with another municipality, district corporation, school district, community college or any unit of the state university to provide certain services and the use of town machinery, tools and equipment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 117 of the highway law, as amended by chapter 542
2 of the laws of 1981, is amended to read as follows:
3 S 117. Construction and reconstruction of county roads. Construction
4 or reconstruction of such roads, including necessary grade and culvert
5 work, and any plans and specifications therefor, shall conform to an
6 outline or general plan of the work, and such construction or recon-
7 struction must be done under the immediate direct supervision of the
8 county superintendent or a competent foreman designated by him OR HER.
9 All or any part of such construction or reconstruction may be done by
10 contract or by direct employment of labor and purchase of material, or
11 both. The machinery needed for work done under this article, unless
12 furnished by the contractor, shall be provided as follows:
13 The county superintendent may rent road machinery from any person,
14 company, corporation, or from any CITY, town or towns [in the county],
15 VILLAGE, or from any other county, and such rental shall be payable from
16 the county road fund; or he OR SHE may use road building machinery,
17 equipment, tools and implements purchased with county moneys, and when-
18 ever used for the purpose of this article, a charge therefor, in the

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

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1 nature of rental, shall be payable from the county road fund on itemized
2 vouchers certified by the county superintendent showing where the
3 machinery was used, together with the amount chargeable to each appro-
4 priation or construction project. The provisions of subdivision three of
5 section one hundred ninety-five, and of subdivisions four, five and six
6 of section one hundred ninety-four OF THIS CHAPTER shall apply to work
7 carried on pursuant to the provisions of this article.

8 S 2. Section 142-c of the highway law, as amended by chapter 561 of
9 the laws of 1962, subdivision 4 as amended by chapter 534 of the laws of
10 1973 and subdivision 5 as amended by chapter 604 of the laws of 1965, is
11 amended to read as follows:

12 S 142-c. Removal of snow and ice from streets and repair of sidewalks
13 in villages. The town board may authorize the town superintendent OF
14 HIGHWAYS to (1) remove snow and ice from streets and sidewalks in any
15 village or portion thereof [within the town].

16 (2) Repair streets and sidewalks within any village or ANY portion
17 thereof [within the town].

18 (3) Permit the use of town highway machinery, snow and ice removal
19 equipment, tools and equipment in or by any village [located wholly or
20 partly within the town].

21 (4) The work authorized by this section shall be performed upon such
22 terms and conditions as may be agreed upon by the town board of the town
23 and board of trustees of the village.

24 (5) Moneys received by a town pursuant to the provisions of this
25 section shall be first applied to the credit of the fund authorized by
26 subdivision four of section one hundred forty-one of this [chapter]
27 ARTICLE to the extent that any expense incurred was originally charged
28 thereto, and the balance of such moneys, if any, shall be credited to
29 the fund authorized by subdivision three of section one hundred forty-
30 one of this [chapter] ARTICLE.

31 S 3. Section 142-d of the highway law, as amended by chapter 347 of
32 the laws of 1997, is amended to read as follows:

33 S 142-d. Rental or hiring of town highway machinery, tools or equip-
34 ment. [Except as otherwise provided in section one hundred forty-two-c
35 of this chapter with respect to the use of town highway machinery, snow
36 and ice removal equipment, tools and equipment by a village located
37 wholly or partly within the town, the] THE town superintendent of high-
38 ways, with the approval of the town board, may permit the use of any
39 town-owned highway machinery, tools or equipment by a county or any
40 municipality, district, district corporation, school district, community
41 college, and any unit of the state university of New York, upon such
42 terms and conditions as may be agreed upon by the parties involved.
43 Moneys received by a town pursuant to the provisions of this section
44 shall be applicable for the purposes for which amounts may be raised as
45 provided in subdivision three of section two hundred seventy-one of this
46 chapter.

47 S 4. Section 142-b of the highway law, as amended by chapter 561 of
48 the laws of 1962, subdivisions 3 and 4 as amended by chapter 534 of the
49 laws of 1973 and subdivision 5 as amended by chapter 604 of the laws of
50 1965, is amended to read as follows:

51 S 142-b. Removal of snow and ice, making of repairs, and rental of
52 town highway machinery; school and other districts. The town board of
53 any town may authorize the town superintendent OF HIGHWAYS to (1) remove
54 snow and ice from any property within the town belonging to a school
55 district, upon such terms as may be agreed upon by the town board and
56 governing board of any such school district.

1 (2) Repair roads and sidewalks [within the town] belonging to a school
2 district, upon such terms as may be agreed upon by the town board and
3 the governing board of any such school district.

4 (3) Permit the use of town highway machinery, tools and equipment
5 [within the town] by any fire district, special improvement district or
6 school district, [located in whole or in part in any such town,] upon
7 such terms and conditions as may be agreed upon by the town board and
8 the governing board or governing body of any such district.

9 (4) [Except as otherwise provided in section one hundred forty-two-c
10 of this chapter with respect to the use of town highway machinery, snow
11 and ice removal equipment, tools and equipment by a village located
12 wholly or partly within the town, permit] PERMIT the use of town highway
13 machinery, snow and ice removal equipment, tools and equipment during an
14 emergency by any city, village, town, county, fire district, special
15 improvement district or school district, upon such terms and conditions
16 as may be agreed upon by the town board and the governing board or
17 governing body of any such district.

18 (5) Moneys received by a town pursuant to the provisions of this
19 section shall be first applied to the credit of the fund authorized by
20 subdivision four of section one hundred forty-one of this [chapter]
21 ARTICLE to the extent that any expense incurred was originally charged
22 thereto, and the balance of such moneys, if any, shall be credited to
23 the fund authorized by subdivision three of section one hundred forty-
24 one of this [chapter] ARTICLE.

25 S 5. This act shall take effect immediately.