

1071

2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

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

AN ACT to amend the state finance law, in relation to establishing the bridge and road investment and dedicated fund guaranteed enforcement "BRIDGE" reform act

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "bridge and road investment and dedicated fund guaranteed enforce-
3 ment (BRIDGE) reform act".
4 S 2. Paragraph a of subdivision 5 of section 89-b of the state finance
5 law, as amended by section 1 of part B of chapter 84 of the laws of
6 2002, is amended to read as follows:
7 a. Moneys in the dedicated highway and bridge trust fund shall,
8 following appropriation by the legislature, be utilized for: recon-
9 struction, replacement, reconditioning, restoration, rehabilitation and
10 preservation of state, county, town, city and village roads, highways,
11 parkways, and bridges thereon, to restore such facilities to their
12 intended functions; construction, reconstruction, enhancement and
13 improvement of state, county, town, city, and village roads, highways,
14 parkways, and bridges thereon, to address current and projected capacity
15 problems including costs for traffic mitigation activities; aviation
16 projects authorized pursuant to section fourteen-j of the transportation
17 law and for payments to the general debt service fund of amounts equal
18 to amounts required for service contract payments related to aviation
19 projects as provided and authorized by section three hundred eighty-six
20 of the public authorities law; programs to assist small and minority and
21 women-owned firms engaged in transportation construction and recon-
22 struction projects, including a revolving fund for working capital
23 loans, and a bonding guarantee assistance program in accordance with
24 provisions of this chapter; matching federal grants or apportionments to

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

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1 the state for highway, parkway and bridge capital projects; the acquisi-
2 tion of real property and interests therein required or expected to be
3 required in connection with such projects; preventive maintenance activ-
4 ities necessary to ensure that highways, parkways and bridges meet or
5 exceed their optimum useful life; [expenses of control of snow and ice
6 on state highways by the department of transportation including but not
7 limited to personal services, nonpersonal services and fringe benefits,
8 payment of emergency aid for control of snow and ice in municipalities
9 pursuant to section fifty-five of the highway law, expenses of control
10 of snow and ice on state highways by municipalities pursuant to section
11 twelve of the highway law, and for expenses of arterial maintenance
12 agreements with cities pursuant to section three hundred forty-nine of
13 the highway law;] personal services and fringe benefit costs of the
14 department of transportation for bus safety inspection activities;
15 [costs of the department of motor vehicles, including but not limited to
16 personal and nonpersonal services;] costs of engineering and administra-
17 tive services of the department of transportation, including but not
18 limited to fringe benefits; the contract services provided by private
19 firms in accordance with section fourteen of the transportation law;
20 personal services and nonpersonal services, for activities including but
21 not limited to the preparation of designs, plans, specifications and
22 estimates; construction management and supervision activities; costs of
23 appraisals, surveys, testing and environmental impact statements for
24 transportation projects; expenses in connection with buildings, equip-
25 ment, materials and facilities used or useful in connection with the
26 maintenance, operation, and repair of highways, parkways and bridges
27 thereon; and project costs for: construction, reconstruction, improve-
28 ment, reconditioning and preservation of rail freight facilities and
29 intercity rail passenger facilities and equipment; construction, recon-
30 struction, improvement, reconditioning and preservation of state, munic-
31 ipal and privately owned ports; construction, reconstruction, improve-
32 ment, reconditioning and preservation of municipal airports; privately
33 owned airports and aviation capital facilities, excluding airports oper-
34 ated by the state or operated by a bi-state municipal corporate instru-
35 mentality for which federal funding is not available provided the
36 project is consistent with an approved airport layout plan; and
37 construction, reconstruction, enhancement, improvement, replacement,
38 reconditioning, restoration, rehabilitation and preservation of state,
39 county, town, city and village roads, highways, parkways and bridges;
40 and construction, reconstruction, improvement, reconditioning and pres-
41 ervation of fixed ferry facilities of municipal and privately owned
42 ferry lines for transportation purposes, and the payment of debt service
43 required on any bonds, notes or other obligations and related expenses
44 for highway, parkway, bridge and project costs for: construction, recon-
45 struction, improvement, reconditioning and preservation of rail freight
46 facilities and intercity rail passenger facilities and equipment;
47 construction, reconstruction, improvement, reconditioning and preserva-
48 tion of state, municipal and privately owned ports; construction, recon-
49 struction, improvement, reconditioning and preservation of municipal
50 airports; privately owned airports and aviation capital facilities,
51 excluding airports operated by the state or operated by a bi-state
52 municipal corporate instrumentality for which federal funding is not
53 available provided the project is consistent with an approved airport
54 layout plan; construction, reconstruction, enhancement, improvement,
55 replacement, reconditioning, restoration, rehabilitation and preserva-
56 tion of state, county, town, city and village roads, highways, parkways

1 and bridges; and construction, reconstruction, improvement, recondition-
2 ing and preservation of fixed ferry facilities of municipal and private-
3 ly owned ferry lines for transportation purposes, purposes authorized on
4 or after the effective date of this section. Beginning with disburse-
5 ments made on and after the first day of April, nineteen hundred nine-
6 ty-three, moneys in such fund shall be available to pay such costs or
7 expenses made pursuant to appropriations or reappropriations made during
8 the state fiscal year which began on the first of April, nineteen
9 hundred ninety-two. Beginning the first day of April, nineteen hundred
10 ninety-three, moneys in such fund shall also be used for payments to the
11 general debt service fund of amounts equal to amounts required for
12 service contract payments as provided and authorized by section three
13 hundred eighty of the public authorities law and by section eleven of
14 chapter three hundred twenty-nine of the laws of nineteen hundred nine-
15 ty-one, as amended.

16 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance
17 law, as amended by section 1 of part D of chapter 151 of the laws of
18 2001, is amended to read as follows:

19 a. Moneys in the dedicated highway and bridge trust fund shall,
20 following appropriation by the legislature, be utilized for: recon-
21 struction, replacement, reconditioning, restoration, rehabilitation and
22 preservation of state, county, town, city and village roads, highways,
23 parkways, and bridges thereon, to restore such facilities to their
24 intended functions; construction, reconstruction, enhancement and
25 improvement of state, county, town, city, and village roads, highways,
26 parkways, and bridges thereon, to address current and projected capacity
27 problems including costs for traffic mitigation activities; aviation
28 projects authorized pursuant to section fourteen-j of the transportation
29 law and for payments to the general debt service fund of amounts equal
30 to amounts required for service contract payments related to aviation
31 projects as provided and authorized by section three hundred eighty-six
32 of the public authorities law; programs to assist small and minority and
33 women-owned firms engaged in transportation construction and recon-
34 struction projects, including a revolving fund for working capital
35 loans, and a bonding guarantee assistance program in accordance with
36 provisions of this chapter; matching federal grants or apportionments to
37 the state for highway, parkway and bridge capital projects; the acquisi-
38 tion of real property and interests therein required or expected to be
39 required in connection with such projects; preventive maintenance activ-
40 ities necessary to ensure that highways, parkways and bridges meet or
41 exceed their optimum useful life; [expenses of control of snow and ice
42 on state highways by the department of transportation including but not
43 limited to personal services, nonpersonal services and fringe benefits,
44 payment of emergency aid for control of snow and ice in municipalities
45 pursuant to section fifty-five of the highway law, expenses of control
46 of snow and ice on state highways by municipalities pursuant to section
47 twelve of the highway law, and for expenses of arterial maintenance
48 agreements with cities pursuant to section three hundred forty-nine of
49 the highway law;] personal services and fringe benefit costs of the
50 department of transportation for bus safety inspection activities; costs
51 of engineering and administrative services of the department of trans-
52 portation, including but not limited to fringe benefits; the contract
53 services provided by private firms in accordance with section fourteen
54 of the transportation law; personal services and nonpersonal services,
55 for activities including but not limited to the preparation of designs,
56 plans, specifications and estimates; construction management and super-

1 vision activities; costs of appraisals, surveys, testing and environ-
2 mental impact statements for transportation projects; expenses in
3 connection with buildings, equipment, materials and facilities used or
4 useful in connection with the maintenance, operation, and repair of
5 highways, parkways and bridges thereon; and project costs for:
6 construction, reconstruction, improvement, reconditioning and preserva-
7 tion of rail freight facilities and intercity rail passenger facilities
8 and equipment; construction, reconstruction, improvement, reconditioning
9 and preservation of state, municipal and privately owned ports;
10 construction, reconstruction, improvement, reconditioning and preserva-
11 tion of municipal airports; privately owned airports and aviation capi-
12 tal facilities, excluding airports operated by the state or operated by
13 a bi-state municipal corporate instrumentality for which federal funding
14 is not available provided the project is consistent with an approved
15 airport layout plan; and construction, reconstruction, enhancement,
16 improvement, replacement, reconditioning, restoration, rehabilitation
17 and preservation of state, county, town, city and village roads, high-
18 ways, parkways and bridges; and construction, reconstruction, improve-
19 ment, reconditioning and preservation of fixed ferry facilities of
20 municipal and privately owned ferry lines for transportation purposes,
21 and the payment of debt service required on any bonds, notes or other
22 obligations and related expenses for highway, parkway, bridge and
23 project costs for: construction, reconstruction, improvement, recondi-
24 tioning and preservation of rail freight facilities and intercity rail
25 passenger facilities and equipment; construction, reconstruction,
26 improvement, reconditioning and preservation of state, municipal and
27 privately owned ports; construction, reconstruction, improvement, recon-
28 ditioning and preservation of municipal airports; privately owned
29 airports and aviation capital facilities, excluding airports operated by
30 the state or operated by a bi-state municipal corporate instrumentality
31 for which federal funding is not available provided the project is
32 consistent with an approved airport layout plan; construction, recon-
33 struction, enhancement, improvement, replacement, reconditioning, resto-
34 ration, rehabilitation and preservation of state, county, town, city and
35 village roads, highways, parkways and bridges; and construction, recon-
36 struction, improvement, reconditioning and preservation of fixed ferry
37 facilities of municipal and privately owned ferry lines for transporta-
38 tion purposes, purposes authorized on or after the effective date of
39 this section. Beginning with disbursements made on and after the first
40 day of April, nineteen hundred ninety-three, moneys in such fund shall
41 be available to pay such costs or expenses made pursuant to appropri-
42 ations or reappropriations made during the state fiscal year which began
43 on the first of April, nineteen hundred ninety-two. Beginning the first
44 day of April, nineteen hundred ninety-three, moneys in such fund shall
45 also be used for payments to the general debt service fund of amounts
46 equal to amounts required for service contract payments as provided and
47 authorized by section three hundred eighty of the public authorities law
48 and by section eleven of chapter three hundred twenty-nine of the laws
49 of nineteen hundred ninety-one, as amended.

50 S 4. Subdivision 5 of section 89-b of the state finance law is amended
51 by adding two new paragraphs c and d to read as follows:

52 C. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED
53 BY THE LEGISLATURE FOR EXPENSES OF CONTROL OF SNOW AND ICE ON STATE
54 HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION INCLUDING BUT NOT LIMITED
55 TO PERSONAL SERVICES, NONPERSONAL SERVICES AND FRINGE BENEFITS, PAYMENT
56 OF EMERGENCY AID FOR CONTROL OF SNOW AND ICE IN MUNICIPALITIES PURSUANT

1 TO SECTION FIFTY-FIVE OF THE HIGHWAY LAW, EXPENSES OF CONTROL OF SNOW
2 AND ICE ON STATE HIGHWAYS BY MUNICIPALITIES PURSUANT TO SECTION TWELVE
3 OF THE HIGHWAY LAW, AND FOR EXPENSES OF ARTERIAL MAINTENANCE AGREEMENTS
4 WITH CITIES PURSUANT TO SECTION THREE HUNDRED FORTY-NINE OF THE HIGHWAY
5 LAW SHALL NOT EXCEED:

6 (I) \$450.24 MILLION FOR FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND
7 THIRTEEN;

8 (II) \$337.68 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOU-
9 SAND FOURTEEN;

10 (III) \$225.12 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOU-
11 SAND FIFTEEN; AND

12 (IV) \$112.56 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOU-
13 SAND SIXTEEN.

14 (V) FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN AND
15 FOR ALL SUBSEQUENT YEARS THEREAFTER NO MONEYS FROM THE DEDICATED HIGHWAY
16 AND BRIDGE TRUST FUND SHALL BE EXPENDED FOR EXPENSES OF CONTROL OF SNOW
17 AND ICE ON STATE HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION INCLUDING
18 BUT NOT LIMITED TO PERSONAL SERVICES, NONPERSONAL SERVICES AND FRINGE
19 BENEFITS, PAYMENT OF EMERGENCY AID FOR CONTROL OF SNOW AND ICE IN MUNI-
20 CIPALITIES PURSUANT TO SECTION FIFTY-FIVE OF THE HIGHWAY LAW, EXPENSES
21 OF CONTROL OF SNOW AND ICE ON STATE HIGHWAYS BY MUNICIPALITIES PURSUANT
22 TO SECTION TWELVE OF THE HIGHWAY LAW, AND FOR EXPENSES OF ARTERIAL MAIN-
23 TENANCE AGREEMENTS WITH CITIES PURSUANT TO SECTION THREE HUNDRED FORTY-
24 NINE OF THE HIGHWAY LAW.

25 D. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED
26 BY THE LEGISLATURE FOR COSTS OF THE DEPARTMENT OF MOTOR VEHICLES,
27 INCLUDING BUT NOT LIMITED TO PERSONAL AND NONPERSONAL SERVICES SHALL NOT
28 EXCEED:

29 (I) \$160.24 MILLION FOR FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND
30 THIRTEEN;

31 (II) \$121.80 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOU-
32 SAND FOURTEEN;

33 (III) \$81.20 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOU-
34 SAND FIFTEEN; AND

35 (IV) \$40.60 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND
36 SIXTEEN.

37 (V) FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN AND
38 FOR ALL SUBSEQUENT YEARS THEREAFTER NO MONEYS FROM THE DEDICATED HIGHWAY
39 AND BRIDGE TRUST FUND SHALL BE EXPENDED FOR COSTS OF THE DEPARTMENT OF
40 MOTOR VEHICLES, INCLUDING BUT NOT LIMITED TO PERSONAL AND NONPERSONAL
41 SERVICES.

42 S 5. This act shall take effect immediately, provided that the amend-
43 ments to paragraph a of subdivision 5 of section 89-b of the state
44 finance law made by section two of this act shall be subject to the
45 expiration and reversion of such paragraph pursuant to section 2 of part
46 B of chapter 84 of the laws of 2002, as amended, when upon such date the
47 provisions of section three of this act shall take effect.