

1071--B

2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

Introduced by Sens. LIBOUS, ALESI, FARLEY, LARKIN, LITTLE, RITCHIE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

1 municipal corporate instrumentality for which federal funding is not
2 available provided the project is consistent with an approved airport
3 layout plan; construction, reconstruction, enhancement, improvement,
4 replacement, reconditioning, restoration, rehabilitation and preserva-
5 tion of state, county, town, city and village roads, highways, parkways
6 and bridges; and construction, reconstruction, improvement, recondition-
7 ing and preservation of fixed ferry facilities of municipal and private-
8 ly owned ferry lines for transportation purposes, purposes authorized on
9 or after the effective date of this section. Beginning with disburse-
10 ments made on and after the first day of April, nineteen hundred nine-
11 ty-three, moneys in such fund shall be available to pay such costs or
12 expenses made pursuant to appropriations or reappropriations made during
13 the state fiscal year which began on the first of April, nineteen
14 hundred ninety-two. Beginning the first day of April, nineteen hundred
15 ninety-three, moneys in such fund shall also be used for payments to the
16 general debt service fund of amounts equal to amounts required for
17 service contract payments as provided and authorized by section three
18 hundred eighty of the public authorities law and by section eleven of
19 chapter three hundred twenty-nine of the laws of nineteen hundred nine-
20 ty-one, as amended.

21 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance
22 law, as amended by section 1 of part D of chapter 151 of the laws of
23 2001, is amended to read as follows:

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

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

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

1 C. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED
2 BY THE LEGISLATURE FOR EXPENSES OF CONTROL OF SNOW AND ICE ON STATE
3 HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION INCLUDING BUT NOT LIMITED
4 TO PERSONAL SERVICES, NONPERSONAL SERVICES AND FRINGE BENEFITS, PAYMENT
5 OF EMERGENCY AID FOR CONTROL OF SNOW AND ICE IN MUNICIPALITIES PURSUANT
6 TO SECTION FIFTY-FIVE OF THE HIGHWAY LAW, EXPENSES OF CONTROL OF SNOW
7 AND ICE ON STATE HIGHWAYS BY MUNICIPALITIES PURSUANT TO SECTION TWELVE
8 OF THE HIGHWAY LAW, AND FOR EXPENSES OF ARTERIAL MAINTENANCE AGREEMENTS
9 WITH CITIES PURSUANT TO SECTION THREE HUNDRED FORTY-NINE OF THE HIGHWAY
10 LAW SHALL NOT EXCEED:

11 (I) \$252 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND
12 FOURTEEN;

13 (II) \$189 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND
14 FIFTEEN;

15 (III) \$126 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND
16 SIXTEEN; AND

17 (IV) \$63 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND
18 SEVENTEEN.

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

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

34 (I) \$156 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND
35 FOURTEEN;

36 (II) \$117 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND
37 FIFTEEN;

38 (III) \$78 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND
39 SIXTEEN; AND

40 (IV) \$39 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND
41 SEVENTEEN.

42 (V) FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN AND
43 FOR ALL SUBSEQUENT YEARS THEREAFTER NO MONEYS FROM THE DEDICATED HIGHWAY
44 AND BRIDGE TRUST FUND SHALL BE EXPENDED FOR COSTS OF THE DEPARTMENT OF
45 MOTOR VEHICLES, INCLUDING BUT NOT LIMITED TO PERSONAL AND NONPERSONAL
46 SERVICES.

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