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I N A S S E M B L Y

April 20, 2016

Introduced by M. of A. ROZIC, BRINDISI, RYAN, BRENNAN -- read once and referred to the Committee on Transportation

AN ACT to amend the state finance law, in relation to a state transportation plan

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

1 Section 1. The state finance law is amended by adding a new section
2 22-d to read as follows:

3 S 22-D. STATE TRANSPORTATION PLAN. 1. THE COMMISSIONER OF TRANSPORTA-
4 TION SHALL DEVELOP AND PRESENT TO THE GOVERNOR AND LEGISLATURE BY OCTO-
5 BER FIRST, TWO THOUSAND SIXTEEN:

6 (A) A COMPREHENSIVE, TWENTY-YEAR INTERMODAL, LONG-RANGE TRANSPORTATION
7 PLAN FOR THE STATE THAT SHALL AT A MINIMUM CONSIDER LONG-RANGE NEEDS
8 SPANNING NO LESS THAN A TWENTY-YEAR TIME RANGE EACH TIME IT IS DEVEL-
9 OPED. THE PLAN MAY BE DEVELOPED IN MULTIPLE DOCUMENTS, RELEASED SIMUL-
10 TANEOUSLY, THAT ASSESS STATEWIDE AND REGIONAL SYSTEM NEEDS, AND MAY BE
11 ANALYZED BASED ON GEOGRAPHIC AREA, MODE OF TRANSPORTATION, TRANSPORTA-
12 TION CORRIDORS, SYSTEMS, AND OTHER DISTINCT SUBJECTS RELEVANT TO TRANS-
13 PORTATION PLANNING. SUCH PLAN SHALL INCLUDE WITHOUT LIMITATION CONSIDER-
14 ATION OF A BALANCED, AFFORDABLE, COORDINATED NETWORK OF STATE AND LOCAL
15 HIGHWAYS, RAPID TRANSIT, FREIGHT AND PASSENGER RAILROAD, OMNIBUS,
16 MARINE, AVIATION, PEDESTRIAN/BICYCLING AND OTHER MASS TRANSPORTATION
17 FACILITIES AND SERVICES, WHETHER PUBLICLY OR PRIVATELY OWNED OR MAIN-
18 TAINED. SUCH PLAN SHALL ALSO ASSESS ITS COMPLIANCE WITH THE MOST RECENT-
19 LY RELEASED LONG-TERM REGIONAL TRANSPORTATION PLANS FOR EACH METROPOL-
20 ITAN PLANNING ORGANIZATION IN THE STATE.

21 (B) A FIVE-YEAR CAPITAL PLAN IN STATE AND LOCAL HIGHWAYS AND BRIDGES,
22 INTERCITY PASSENGER AND FREIGHT RAIL, SUBURBAN AND UPSTATE TRANSIT,
23 PORTS AND AIRPORTS. IN ADDITION, THE SUBMITTAL SHALL RECOMMEND OBJEC-
24 TIVES AND PERFORMANCE MEASURES TO DETERMINE THE STATE'S INVESTMENT IN
25 TRANSPORTATION. SUCH FIVE-YEAR CAPITAL PLAN SHALL INCLUDE THE PROJECTS
26 THAT ARE INTENDED TO BE COMPLETED WITHIN THE FIRST FIVE YEARS OF THE
27 LONG-RANGE TRANSPORTATION PLAN REQUIRED BY PARAGRAPH (A) OF THIS SUBDI-
28 VISION AND EXPLAIN HOW THESE PROJECTS COMPORT WITH THE GOALS OF THE

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

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1 LONG-RANGE TRANSPORTATION PLAN REQUIRED BY PARAGRAPH (A) OF THIS SUBDI-
2 VISION.

3 2. BY OCTOBER FIRST, TWO THOUSAND NINETEEN AND EVERY FIFTH YEAR THERE-
4 AFTER, THE COMMISSIONER OF TRANSPORTATION SHALL:

5 (A) FULLY REVISE AND SUBMIT TO THE GOVERNOR AND LEGISLATURE THE LONG-
6 RANGE TRANSPORTATION PLAN IN CONFORMANCE WITH PARAGRAPH (A) OF SUBDIVI-
7 SION ONE OF THIS SECTION; AND

8 (B) DEVELOP AND SUBMIT TO THE GOVERNOR AND LEGISLATURE A FIVE-YEAR
9 CAPITAL PLAN IN CONFORMANCE WITH PARAGRAPH (B) OF SUBDIVISION ONE OF
10 THIS SECTION.

11 3. IN DEVELOPING AND REVISING THE STATE LONG-RANGE TRANSPORTATION PLAN
12 AND FIVE-YEAR CAPITAL PLAN, THE COMMISSIONER OF TRANSPORTATION SHALL
13 CONFORM TO THE REQUIREMENTS FOR ELIGIBILITY AND USE OF FEDERAL AND OTHER
14 FUND SOURCES, AS APPLICABLE, SHALL SEEK PUBLIC REVIEW AND EVALUATION BY
15 ANY REASONABLE MEANS AND SHALL:

16 (A) CONSULT AND COOPERATE WITH OFFICIALS AND REPRESENTATIVES OF THE
17 FEDERAL GOVERNMENT, OTHER GOVERNMENTS, INTERSTATE COMMISSIONS AND
18 AUTHORITIES, STATE AND LOCAL AGENCIES AND AUTHORITIES, INTERESTED CORPO-
19 RATIONS AND OTHER ORGANIZATIONS CONCERNING PROBLEMS AND NEEDS AFFECTING
20 TRANSPORTATION IN THE STATE;

21 (B) REQUEST FROM AN AGENCY OR OTHER UNIT OF THE STATE GOVERNMENT OR OF
22 A POLITICAL SUBDIVISION OF THE STATE, OR FROM A PUBLIC AUTHORITY, SUCH
23 ASSISTANCE AND DATA NECESSARY TO ENABLE THE COMMISSIONER OF TRANSPORTA-
24 TION TO CARRY OUT RESPONSIBILITIES UNDER THIS SECTION; EVERY SUCH ENTITY
25 SHALL PROVIDE THE ASSISTANCE AND DATA REQUESTED, PROVIDED, HOWEVER, THAT
26 SUCH ASSISTANCE SHALL NOT WAIVE OR IMPAIR THE TERMS OF AN EXISTING
27 AGREEMENT NEGOTIATED BETWEEN THE RELEVANT EMPLOYER AND EMPLOYEE ORGAN-
28 IZATION NOR LIMIT ANY OBLIGATION TO BARGAIN TERMS AND CONDITIONS OF
29 EMPLOYMENT PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW;

30 (C) CONDUCT AT MINIMUM ELEVEN PUBLIC HEARINGS, ONE IN EACH DEPARTMENT
31 OF TRANSPORTATION REGION ACROSS THE STATE, WITH OPPORTUNITY FOR PUBLIC
32 COMMENT TO BE COMPLETED AT LEAST SIX MONTHS BEFORE SUCH DOCUMENT IS
33 REQUIRED TO BE PRESENTED TO THE LEGISLATURE. SUCH HEARINGS SHALL BE
34 CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW;
35 AND

36 (D) MAINTAIN A SECTION ON THE DEPARTMENT OF TRANSPORTATION'S WEBSITE
37 WHERE THE PUBLIC AT LARGE MAY VIEW THE PROPOSED LONG-RANGE TRANSPORTA-
38 TION PLAN AND FIVE-YEAR CAPITAL PLAN AND SUBMIT COMMENTS ABOUT EACH PLAN
39 DIRECTLY TO THE COMMISSIONER OF TRANSPORTATION.

40 4. COPIES OF THE LONG-RANGE TRANSPORTATION PLAN AND FIVE-YEAR CAPITAL
41 PLAN, ORIGINAL AND AS REVISED, IN ADDITION TO BEING MADE AVAILABLE IN A
42 SEARCHABLE FORMAT ON THE DEPARTMENT OF TRANSPORTATION'S WEBSITE SHALL BE
43 KEPT ON FILE AS A PUBLIC DOCUMENT IN THE OFFICE OF THE COMMISSIONER OF
44 TRANSPORTATION AND AT EACH REGIONAL OFFICE OF THE DEPARTMENT OF TRANS-
45 PORTATION.

46 5. THE COMMISSIONER OF TRANSPORTATION SHALL ANNUALLY DEVELOP AND
47 SUBMIT TO THE GOVERNOR AND LEGISLATURE, BY OCTOBER THIRTIETH, TWO THOU-
48 SAND SIXTEEN AND EACH YEAR THEREAFTER, A LIST OF PROJECTS SCHEDULED FOR
49 PLANNING, ACQUISITION, DESIGN, ENGINEERING, ENVIRONMENTAL ANALYSIS,
50 CONSTRUCTION, RECONSTRUCTION, RESTORATION, REHABILITATION, ESTABLISH-
51 MENT, IMPROVEMENT, RENOVATION, EXTENSION, REPAIR, REVITALIZATION,
52 MANAGEMENT, DEVELOPMENT, DEMOLITION, RECONDITIONING AND PRESERVATION,
53 TRANSPORTATION INFRASTRUCTURE-RELATED APPRAISALS, SURVEYS, TESTING,
54 SPECIFICATIONS AND ESTIMATES, OR OTHER NECESSARY ACTIVITIES FOR THE
55 UPCOMING YEAR. THE LIST OF PROJECTS SHALL INCLUDE AN ESTIMATE OF FEDER-
56 AL, STATE, AND OTHER FUNDS ANTICIPATED TO BE RECEIVED TO FUND EACH

1 PROJECT; A DESCRIPTION, LOCATION, AND ITEMIZATION OF THE ESTIMATED COST
2 FOR EACH PROJECT; AND A DISBURSEMENT SCHEDULE OF COSTS OVER EACH
3 PROJECT'S LIFE, AND AN EXPLANATION OF HOW THE LIST COMPORTS WITH THE
4 FIVE-YEAR CAPITAL PLAN AND LONG-RANGE TRANSPORTATION PLAN AND WHY THERE
5 ARE DEVIATIONS, IF ANY, FROM THE FIVE-YEAR CAPITAL PLAN. PROJECT LISTING
6 INFORMATION RELATED TO COST AND DISBURSEMENT SCHEDULE SHALL BE PUBLICLY
7 AVAILABLE FOR DOWNLOAD ON THE DEPARTMENT OF TRANSPORTATION'S WEBSITE IN
8 A SEARCHABLE FORMAT, INCLUDING WITHOUT LIMITATION FORMATTING AS AN EXCEL
9 FILE BY OCTOBER THIRTIETH OF EACH YEAR.

10 6. THE LIST OF PROJECTS AND PROJECT INFORMATION ANNUALLY DEVELOPED
11 UNDER SUBDIVISION FIVE OF THIS SECTION, IF AMENDED BY THE EXECUTIVE
12 BUDGET, SHALL BE UPDATED TO REFLECT THE EXECUTIVE PROPOSED BUDGET AND
13 SUBMITTED CONCURRENTLY, AND MADE AVAILABLE ON THE DEPARTMENT OF TRANS-
14 PORTATION'S WEBSITE, WITH THE EXECUTIVE BUDGET, IN ADDITION TO THE
15 INFORMATION REQUIRED BY SECTIONS TWENTY-TWO AND TWENTY-TWO-C OF THIS
16 ARTICLE. A LIST OF PROJECTS OR A SEPARATE COLUMN SHALL BE PROVIDED
17 CONCURRENTLY UPDATING THE STATUS OF PROJECTS APPROVED FOR FUNDING
18 COMMITMENT OR DISBURSEMENT DURING THE PREVIOUSLY ENACTED BUDGET, SHOWING
19 WHETHER FUNDS WERE COMMITTED OR DISBURSED AS WELL AS ANY REVISIONS TO
20 EACH PROJECT'S SCHEDULED COMPLETION AND PROJECT COST. SUCH LIST OR LISTS
21 OF PROJECTS AND ANY PROJECT LISTING REVISIONS REFLECTED WITHIN THE
22 ENACTED EXECUTIVE BUDGET SHALL BE SUBJECT TO A MEMORANDUM OF UNDERSTAND-
23 ING TO BE SIGNED BY THE GOVERNOR AND THE TEMPORARY PRESIDENT AND MAJORI-
24 TY LEADER OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. PRIOR TO
25 DISBURSEMENT OF ANY FUNDS FOR THE FIVE-YEAR CAPITAL PLAN AND LONG-RANGE
26 TRANSPORTATION PLAN FOR THE DEPARTMENT OF TRANSPORTATION REQUIRED BY
27 SUBDIVISION ONE OF THIS SECTION OR FOR THE DEPARTMENT OF TRANSPORTA-
28 TION'S CAPITAL EXPENDITURES, THE MEMORANDUM OF UNDERSTANDING MUST BE
29 SIGNED BY THE GOVERNOR AND THE LEGISLATIVE LEADERS OF THE SENATE AND
30 ASSEMBLY AND MADE AVAILABLE ON THE DEPARTMENT OF TRANSPORTATION'S
31 WEBSITE.

32 7. IN EVALUATING ADDITION, REPLACEMENT, OR EXPANSION OF HIGHWAYS,
33 BRIDGES, AIRPORTS, TERMINALS, FERRIES, AND OTHER MAJOR COMPONENTS FOR
34 INCLUSION IN THE PLAN, THE COMMISSIONER OF TRANSPORTATION SHALL PREPARE
35 A COST-EFFECTIVENESS ANALYSIS FOR PROJECTS OVER TEN MILLION DOLLARS,
36 USING A WIDELY ACCEPTED METHODOLOGY TO BE MADE AVAILABLE TO THE PUBLIC
37 PRIOR TO COMMENCEMENT OF PRELIMINARY ENGINEERING OR DESIGN WORK. A
38 COST-EFFECTIVENESS ANALYSIS SHALL NOT BE REQUIRED FOR A PROJECT THAT
39 INVOLVES THE REHABILITATION AND MAINTENANCE OF AN EXISTING TRANSPORTA-
40 TION SYSTEM OR THAT PRIMARILY SERVES LOCAL TRANSPORTATION NEEDS.

41 S 2. This act shall take effect immediately.