

STATE OF NEW YORK

4414

2019-2020 Regular Sessions

IN SENATE

March 11, 2019

Introduced by Sen. KENNEDY -- 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 complete street design features and funding of construction and improvements at a municipalities' expense

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 80-b of the highway law, as
2 amended by section 3 of part A of chapter 57 of the laws of 2014, is
3 amended to read as follows:

4 1. In connection with the undertaking of any project for which the
5 commissioner is authorized to use moneys of the federal government
6 pursuant to the provisions of subdivision thirty-four-a of section ten
7 and section eighty of this chapter to assure the effective discharge of
8 state responsibilities with respect to regional transportation needs, on
9 highways, roads, streets, bicycle paths or pedestrian paths that are not
10 on the state highway system, the commissioner shall submit such project
11 to the governing body or bodies of the affected municipality or municipalities
12 together with estimates of costs thereof. If such project
13 includes a municipal project, as that term is defined in accordance with
14 article thirteen of the transportation law, the state share of such
15 municipal project shall also be included. If such project includes a
16 project affecting a highway, road, street, bicycle path or pedestrian
17 path not on the state highway system, the state share shall be equal to
18 eighty percent of the difference between the total project cost and the
19 federal assistance, provided, however, the state share shall be equal to
20 eighty-two and one-half percent of the difference between the total
21 project cost and the federal assistance where as a component of the
22 project the municipality agrees to fund a complete street design feature
23 as defined in section three hundred thirty-one of this chapter,
24 provided, [~~however~~] further, the commissioner may increase the state

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

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1 share to an amount equal to one hundred percent of the difference
2 between the total project cost and the federal assistance where he or
3 she determines that the need for the project results substantially from
4 actions undertaken pursuant to section ten of this chapter. No such
5 project shall proceed without the approval of the governing body of a
6 municipality. Such governing body may request the commissioner to under-
7 take the provision of such project. If the commissioner agrees to such
8 undertaking he or she shall notify the local governing body which shall
9 appropriate sufficient moneys to pay the estimated amount of the municipi-
10 pal share. Such moneys shall be deposited with the state comptroller who
11 is authorized to receive and accept the same for the purposes of such
12 project, subject to the draft or requisition of the commissioner. When
13 the work of such project has been completed, the commissioner shall
14 render to the governing body of such municipality an itemized statement
15 showing in full (a) the amount of money that has been deposited by such
16 municipality with the state comptroller as hereinbefore provided, and
17 (b) all disbursements made pursuant to this section for such project.
18 Any surplus moneys shall be paid to such municipality on the warrant of
19 the comptroller on vouchers therefor approved by the commissioner. When
20 the work of such project has been completed and it is determined by the
21 commissioner that the amount of the cost to be borne by the municipality
22 is in excess of the amount deposited by such municipality with the state
23 comptroller, the commissioner shall then notify the municipality of the
24 deficiency of funds. The municipality shall then within ninety days of
25 the receipt of such notice, pay such amount to the state comptroller.
26 For purposes of this section, the term "municipality" shall include a
27 city, county, town, village or two or more of the foregoing acting
28 jointly.

29 § 2. This act shall take effect on the ninetieth day after it shall
30 have become a law.