

522

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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

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

LBD03791-01-9

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

tion of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of this section. Beginning with disbursements made on and after the first day of April, nineteen hundred ninety-three, moneys in such fund shall be available to pay such costs or expenses made pursuant to appropriations or reappropriations made during the state fiscal year which began on the first of April, nineteen hundred ninety-two. Beginning the first day of April, nineteen hundred ninety-three, moneys in such fund shall also be used for payments to the general debt service fund of amounts equal to amounts required for service contract payments as provided and authorized by section three hundred eighty of the public authorities law and by section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended.

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

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; [expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law;] personal services and fringe benefit costs of the department of transportation for bus safety inspection activities; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs,

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

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

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

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

7 (I) \$450.24 MILLION FOR FISCAL YEAR TWO THOUSAND TEN--TWO THOUSAND
8 ELEVEN;

9 (II) \$337.68 MILLION FOR FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND
10 TWELVE;

11 (III) \$225.12 MILLION FOR FISCAL YEAR TWO THOUSAND TWELVE--TWO THOU-
12 SAND THIRTEEN; AND

13 (IV) \$112.56 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOU-
14 SAND FOURTEEN.

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

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

30 (I) \$160.24 MILLION FOR FISCAL YEAR TWO THOUSAND TEN--TWO THOUSAND
31 ELEVEN;

32 (II) \$121.80 MILLION FOR FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND
33 TWELVE;

34 (III) \$81.20 MILLION FOR FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND
35 THIRTEEN; AND

36 (IV) \$40.60 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOU-
37 SAND FOURTEEN.

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

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