

5426

2009-2010 Regular Sessions

I N   S E N A T E

May 4, 2009

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Introduced by Sens. AUBERTINE, STACHOWSKI, VALESKY, WINNER, YOUNG -- (at request of the Legislative Commission on Rural Resources) -- 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 authorizing county highway superintendents to rent road machinery from any city, town or village, and the authority of the town highway superintendent to contract with another municipality, district corporation, school district, community college or any unit of the state university to provide certain services and the use of town machinery, tools and equipment

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

1     Section 1. Section 117 of the highway law, as amended by chapter 542  
2     of the laws of 1981, is amended to read as follows:  
3     S 117. Construction and reconstruction of county roads. Construction  
4     or reconstruction of such roads, including necessary grade and culvert  
5     work, and any plans and specifications therefor, shall conform to an  
6     outline or general plan of the work, and such construction or recon-  
7     struction must be done under the immediate direct supervision of the  
8     county superintendent or a competent foreman designated by him OR HER.  
9     All or any part of such construction or reconstruction may be done by  
10    contract or by direct employment of labor and purchase of material, or  
11    both. The machinery needed for work done under this article, unless  
12    furnished by the contractor, shall be provided as follows:  
13    The county superintendent may rent road machinery from any person,  
14    company, corporation, or from any CITY, town or towns [in the county],  
15    VILLAGE, or from any other county, and such rental shall be payable from  
16    the county road fund; or he OR SHE may use road building machinery,  
17    equipment, tools and implements purchased with county moneys, and when-  
18    ever used for the purpose of this article, a charge therefor, in the

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

LBD02338-01-9

1 nature of rental, shall be payable from the county road fund on itemized  
2 vouchers certified by the county superintendent showing where the  
3 machinery was used, together with the amount chargeable to each appro-  
4 priation or construction project. The provisions of subdivision three of  
5 section one hundred ninety-five, and of subdivisions four, five and six  
6 of section one hundred ninety-four OF THIS CHAPTER shall apply to work  
7 carried on pursuant to the provisions of this article.

8 S 2. Section 142-c of the highway law, as amended by chapter 561 of  
9 the laws of 1962, subdivision 4 as amended by chapter 534 of the laws of  
10 1973 and subdivision 5 as amended by chapter 604 of the laws of 1965, is  
11 amended to read as follows:

12 S 142-c. Removal of snow and ice from streets and repair of sidewalks  
13 in villages. The town board may authorize the town superintendent OF  
14 HIGHWAYS to (1) remove snow and ice from streets and sidewalks in any  
15 village or portion thereof [within the town].

16 (2) Repair streets and sidewalks within any village or ANY portion  
17 thereof [within the town].

18 (3) Permit the use of town highway machinery, snow and ice removal  
19 equipment, tools and equipment in or by any village [located wholly or  
20 partly within the town].

21 (4) The work authorized by this section shall be performed upon such  
22 terms and conditions as may be agreed upon by the town board of the town  
23 and board of trustees of the village.

24 (5) Moneys received by a town pursuant to the provisions of this  
25 section shall be first applied to the credit of the fund authorized by  
26 subdivision four of section one hundred forty-one of this [chapter]  
27 ARTICLE to the extent that any expense incurred was originally charged  
28 thereto, and the balance of such moneys, if any, shall be credited to  
29 the fund authorized by subdivision three of section one hundred forty-  
30 one of this [chapter] ARTICLE.

31 S 3. Section 142-d of the highway law, as amended by chapter 347 of  
32 the laws of 1997, is amended to read as follows:

33 S 142-d. Rental or hiring of town highway machinery, tools or equip-  
34 ment. [Except as otherwise provided in section one hundred forty-two-c  
35 of this chapter with respect to the use of town highway machinery, snow  
36 and ice removal equipment, tools and equipment by a village located  
37 wholly or partly within the town, the] THE town superintendent of high-  
38 ways, with the approval of the town board, may permit the use of any  
39 town-owned highway machinery, tools or equipment by a county or any  
40 municipality, district, district corporation, school district, community  
41 college, and any unit of the state university of New York, upon such  
42 terms and conditions as may be agreed upon by the parties involved.  
43 Moneys received by a town pursuant to the provisions of this section  
44 shall be applicable for the purposes for which amounts may be raised as  
45 provided in subdivision three of section two hundred seventy-one of this  
46 chapter.

47 S 4. Section 142-b of the highway law, as amended by chapter 561 of  
48 the laws of 1962, subdivisions 3 and 4 as amended by chapter 534 of the  
49 laws of 1973 and subdivision 5 as amended by chapter 604 of the laws of  
50 1965, is amended to read as follows:

51 S 142-b. Removal of snow and ice, making of repairs, and rental of  
52 town highway machinery; school and other districts. The town board of  
53 any town may authorize the town superintendent OF HIGHWAYS to (1) remove  
54 snow and ice from any property within the town belonging to a school  
55 district, upon such terms as may be agreed upon by the town board and  
56 governing board of any such school district.

1 (2) Repair roads and sidewalks [within the town] belonging to a school  
2 district, upon such terms as may be agreed upon by the town board and  
3 the governing board of any such school district.

4 (3) Permit the use of town highway machinery, tools and equipment  
5 [within the town] by any fire district, special improvement district or  
6 school district, [located in whole or in part in any such town,] upon  
7 such terms and conditions as may be agreed upon by the town board and  
8 the governing board or governing body of any such district.

9 (4) [Except as otherwise provided in section one hundred forty-two-c  
10 of this chapter with respect to the use of town highway machinery, snow  
11 and ice removal equipment, tools and equipment by a village located  
12 wholly or partly within the town, permit] PERMIT the use of town highway  
13 machinery, snow and ice removal equipment, tools and equipment during an  
14 emergency by any city, village, town, county, fire district, special  
15 improvement district or school district, upon such terms and conditions  
16 as may be agreed upon by the town board and the governing board or  
17 governing body of any such district.

18 (5) Moneys received by a town pursuant to the provisions of this  
19 section shall be first applied to the credit of the fund authorized by  
20 subdivision four of section one hundred forty-one of this [chapter]  
21 ARTICLE to the extent that any expense incurred was originally charged  
22 thereto, and the balance of such moneys, if any, shall be credited to  
23 the fund authorized by subdivision three of section one hundred forty-  
24 one of this [chapter] ARTICLE.

25 S 5. This act shall take effect immediately.