

1369

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. DILAN -- 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  
19 nature of rental, shall be payable from the county road fund on itemized  
20 vouchers certified by the county superintendent showing where the

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

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1 machinery was used, together with the amount chargeable to each appro-  
2 priation or construction project. The provisions of subdivision three of  
3 section one hundred ninety-five, and of subdivisions four, five and six  
4 of section one hundred ninety-four OF THIS CHAPTER shall apply to work  
5 carried on pursuant to the provisions of this article.

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

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

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

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

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

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

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

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

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

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