

S T A T E O F N E W Y O R K

7205--A

2011-2012 Regular Sessions

I N A S S E M B L Y

April 15, 2011

Introduced by M. of A. MORELLE, P. RIVERA, LUPARDO -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-

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

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struction 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 the department of motor vehicles, including but not limited to personal and nonpersonal services;] 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, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation 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, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport

1 layout plan; construction, reconstruction, enhancement, improvement,
2 replacement, reconditioning, restoration, rehabilitation and preserva-
3 tion of state, county, town, city and village roads, highways, parkways
4 and bridges; and construction, reconstruction, improvement, recondition-
5 ing and preservation of fixed ferry facilities of municipal and private-
6 ly owned ferry lines for transportation purposes, purposes authorized on
7 or after the effective date of this section. Beginning with disburse-
8 ments made on and after the first day of April, nineteen hundred nine-
9 ty-three, moneys in such fund shall be available to pay such costs or
10 expenses made pursuant to appropriations or reappropriations made during
11 the state fiscal year which began on the first of April, nineteen
12 hundred ninety-two. Beginning the first day of April, nineteen hundred
13 ninety-three, moneys in such fund shall also be used for payments to the
14 general debt service fund of amounts equal to amounts required for
15 service contract payments as provided and authorized by section three
16 hundred eighty of the public authorities law and by section eleven of
17 chapter three hundred twenty-nine of the laws of nineteen hundred nine-
18 ty-one, as amended.

19 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance
20 law, as amended by section 1 of part D of chapter 151 of the laws of
21 2001, is amended to read as follows:

22 a. Moneys in the dedicated highway and bridge trust fund shall,
23 following appropriation by the legislature, be utilized for: recon-
24 struction, replacement, reconditioning, restoration, rehabilitation and
25 preservation of state, county, town, city and village roads, highways,
26 parkways, and bridges thereon, to restore such facilities to their
27 intended functions; construction, reconstruction, enhancement and
28 improvement of state, county, town, city, and village roads, highways,
29 parkways, and bridges thereon, to address current and projected capacity
30 problems including costs for traffic mitigation activities; aviation
31 projects authorized pursuant to section fourteen-j of the transportation
32 law and for payments to the general debt service fund of amounts equal
33 to amounts required for service contract payments related to aviation
34 projects as provided and authorized by section three hundred eighty-six
35 of the public authorities law; programs to assist small and minority and
36 women-owned firms engaged in transportation construction and recon-
37 struction projects, including a revolving fund for working capital
38 loans, and a bonding guarantee assistance program in accordance with
39 provisions of this chapter; matching federal grants or apportionments to
40 the state for highway, parkway and bridge capital projects; the acquisi-
41 tion of real property and interests therein required or expected to be
42 required in connection with such projects; preventive maintenance activ-
43 ities necessary to ensure that highways, parkways and bridges meet or
44 exceed their optimum useful life; [expenses of control of snow and ice
45 on state highways by the department of transportation including but not
46 limited to personal services, nonpersonal services and fringe benefits,
47 payment of emergency aid for control of snow and ice in municipalities
48 pursuant to section fifty-five of the highway law, expenses of control
49 of snow and ice on state highways by municipalities pursuant to section
50 twelve of the highway law, and for expenses of arterial maintenance
51 agreements with cities pursuant to section three hundred forty-nine of
52 the highway law;] personal services and fringe benefit costs of the
53 department of transportation for bus safety inspection activities; costs
54 of engineering and administrative services of the department of trans-
55 portation, including but not limited to fringe benefits; the contract
56 services provided by private firms in accordance with section fourteen

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

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

55 C. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED
56 BY THE LEGISLATURE FOR EXPENSES OF CONTROL OF SNOW AND ICE ON STATE

1 HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION INCLUDING BUT NOT LIMITED
2 TO PERSONAL SERVICES, NONPERSONAL SERVICES AND FRINGE BENEFITS, PAYMENT
3 OF EMERGENCY AID FOR CONTROL OF SNOW AND ICE IN MUNICIPALITIES PURSUANT
4 TO SECTION FIFTY-FIVE OF THE HIGHWAY LAW, EXPENSES OF CONTROL OF SNOW
5 AND ICE ON STATE HIGHWAYS BY MUNICIPALITIES PURSUANT TO SECTION TWELVE
6 OF THE HIGHWAY LAW, AND FOR EXPENSES OF ARTERIAL MAINTENANCE AGREEMENTS
7 WITH CITIES PURSUANT TO SECTION THREE HUNDRED FORTY-NINE OF THE HIGHWAY
8 LAW SHALL NOT EXCEED:

9 (I) \$252 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND
10 FOURTEEN;

11 (II) \$189 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND
12 FIFTEEN;

13 (III) \$126 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND
14 SIXTEEN; AND

15 (IV) \$63 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND
16 SEVENTEEN.

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

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

32 (I) \$156 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND
33 FOURTEEN;

34 (II) \$117 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND
35 FIFTEEN;

36 (III) \$78 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND
37 SIXTEEN; AND

38 (IV) \$39 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND
39 SEVENTEEN.

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

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