

1071--A

2011-2012 Regular Sessions

I N   S E N A T E

January 5, 2011

---

Introduced by Sens. LIBOUS, ALESI, FARLEY, LITTLE, RITCHIE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- 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

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

LBD07039-02-2

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

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

20 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance  
21 law, as amended by section 1 of part D of chapter 151 of the laws of  
22 2001, is amended to read as follows:

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

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

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

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

11 (I) \$450.24 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOU-  
12 SAND FOURTEEN;

13 (II) \$337.68 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOU-  
14 SAND FIFTEEN;

15 (III) \$225.12 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOU-  
16 SAND SIXTEEN; AND

17 (IV) \$112.56 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOU-  
18 SAND SEVENTEEN.

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

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

34 (I) \$160.24 MILLION FOR FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOU-  
35 SAND FOURTEEN;

36 (II) \$121.80 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOU-  
37 SAND FIFTEEN;

38 (III) \$81.20 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOU-  
39 SAND SIXTEEN; AND

40 (IV) \$40.60 MILLION FOR FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND  
41 SEVENTEEN.

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

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