

6893

2013-2014 Regular Sessions

I N A S S E M B L Y

April 23, 2013

Introduced by M. of A. MORELLE, LUPARDO -- read once and referred to the
Committee on Transportation

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 ASSEM-
BLY, 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 60 of part HH of chapter 57 of the laws of
6 2013, 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
24 provisions of this chapter; matching federal grants or apportionments to

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

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1 the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be
2 required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or
3 exceed their optimum useful life; [expenses of control of snow and ice on state highways by the department of transportation including but not
4 limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities
5 pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section
6 twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of
7 the highway law;] personal services and fringe benefit costs of the department of transportation for bus safety inspection activities;
8 [costs of the department of motor vehicles, including but not limited to personal and nonpersonal services;] costs of engineering and administrative
9 services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private
10 firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but
11 not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of
12 appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment,
13 materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges
14 thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and
15 intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement,
16 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
17 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;
18 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
19 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;
20 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
21 available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation
22 of state, county, town, city and village roads, highways, parkways

1 and bridges; and construction, reconstruction, improvement, recondition-
2 ing and preservation of fixed ferry facilities of municipal and private-
3 ly owned ferry lines for transportation purposes, purposes authorized on
4 or after the effective date of this section. Beginning with disburse-
5 ments made on and after the first day of April, nineteen hundred nine-
6 ty-three, moneys in such fund shall be available to pay such costs or
7 expenses made pursuant to appropriations or reappropriations made during
8 the state fiscal year which began on the first of April, nineteen
9 hundred ninety-two. Beginning the first day of April, nineteen hundred
10 ninety-three, moneys in such fund shall also be used for transfers to
11 the general debt service fund and the revenue bond tax fund of amounts
12 equal to that respectively required for service contract and financing
13 agreement payments as provided and authorized by section three hundred
14 eighty of the public authorities law, section eleven of chapter three
15 hundred twenty-nine of the laws of nineteen hundred ninety-one, as
16 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

17 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance
18 law, as amended by section 60-a of part HH of chapter 57 of the laws of
19 2013, is amended to read as follows:

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

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

55 D. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED
56 BY THE LEGISLATURE FOR 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 SHALL NOT EXCEED:

(I) \$252 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN;

(II) \$189 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN;

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

(IV) \$63 MILLION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN.

(V) FOR FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN AND FOR ALL SUBSEQUENT YEARS THEREAFTER NO MONEYS FROM THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND SHALL BE EXPENDED FOR 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.

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

(I) \$156 MILLION FOR FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN;

(II) \$117 MILLION FOR FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN;

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

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

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

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