

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

1917--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. LIBOUS, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- 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 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-

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

LBD05270-03-3

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 transfers to
14 the general debt service fund and the revenue bond tax fund of amounts
15 equal to that respectively required for service contract and financing
16 agreement payments as provided and authorized by section three hundred
17 eighty of the public authorities law, section eleven of chapter three
18 hundred twenty-nine of the laws of nineteen hundred ninety-one, as
19 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

20 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance
21 law, as amended by section 60-a of part HH of chapter 57 of the laws of
22 2013, 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 transfers to the general debt service fund and the
50 revenue bond tax fund of amounts equal to that respectively required for
51 service contract and financing agreement payments as provided and
52 authorized by section three hundred eighty of the public authorities
53 law, section eleven of chapter three hundred twenty-nine of the laws of
54 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and
55 sixty-nine-o of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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