

4376

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. MORELLE, LUPARDO, COOK, MAGNARELLI, LAVINE, PEOPLES-STOKES, ROBERTS, GUNTHER, HOOPER, SKOUFIS -- Multi-Sponsored by -- M. of A. MAGEE, McDONALD, ROBINSON, SCHIMEL, SEPULVEDA, SOLAGES, THIELE -- 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 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 10 of part C of chapter 57 of the laws of
6 2014, 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

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

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

1 consistent with an approved airport layout plan; construction, recon-
2 struction, enhancement, improvement, replacement, reconditioning, resto-
3 ration, rehabilitation and preservation of state, county, town, city and
4 village roads, highways, parkways and bridges; and construction, recon-
5 struction, improvement, reconditioning and preservation of fixed ferry
6 facilities of municipal and privately owned ferry lines for transporta-
7 tion purposes, purposes authorized on or after the effective date of
8 this section. Beginning with disbursements made on and after the first
9 day of April, nineteen hundred ninety-three, moneys in such fund shall
10 be available to pay such costs or expenses made pursuant to appropri-
11 ations or reappropriations made during the state fiscal year which began
12 on the first of April, nineteen hundred ninety-two. Beginning the first
13 day of April, nineteen hundred ninety-three, moneys in such fund shall
14 also be used for transfers to the general debt service fund and the
15 revenue bond tax fund of amounts equal to that respectively required for
16 service contract and financing agreement payments as provided and
17 authorized by section three hundred eighty of the public authorities
18 law, section eleven of chapter three hundred twenty-nine of the laws of
19 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and
20 sixty-nine-o of this chapter.

21 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance
22 law, as amended by section 11 of part C of chapter 57 of the laws of
23 2014, is amended to read as follows:

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

1 safety inspection activities; costs of engineering and administrative
2 services of the department of transportation, including but not limited
3 to fringe benefits; the contract services provided by private firms in
4 accordance with section fourteen of the transportation law; personal
5 services and nonpersonal services, for activities including but not
6 limited to the preparation of designs, plans, specifications and esti-
7 mates; construction management and supervision activities; costs of
8 appraisals, surveys, testing and environmental impact statements for
9 transportation projects; expenses in connection with buildings, equip-
10 ment, materials and facilities used or useful in connection with the
11 maintenance, operation, and repair of highways, parkways and bridges
12 thereon; and project costs for: construction, reconstruction, improve-
13 ment, reconditioning and preservation of rail freight facilities and
14 intercity rail passenger facilities and equipment; construction, recon-
15 struction, improvement, reconditioning and preservation of state, munic-
16 ipal and privately owned ports; construction, reconstruction, improve-
17 ment, reconditioning and preservation of municipal airports; privately
18 owned airports and aviation capital facilities, excluding airports oper-
19 ated by the state or operated by a bi-state municipal corporate instru-
20 mentality for which federal funding is not available provided the
21 project is consistent with an approved airport layout plan; and
22 construction, reconstruction, enhancement, improvement, replacement,
23 reconditioning, restoration, rehabilitation and preservation of state,
24 county, town, city and village roads, highways, parkways and bridges;
25 and construction, reconstruction, improvement, reconditioning and pres-
26 ervation of fixed ferry facilities of municipal and privately owned
27 ferry lines for transportation purposes, and the payment of debt service
28 required on any bonds, notes or other obligations and related expenses
29 for highway, parkway, bridge and project costs for: construction, recon-
30 struction, improvement, reconditioning and preservation of rail freight
31 facilities and intercity rail passenger facilities and equipment;
32 construction, reconstruction, improvement, reconditioning and preserva-
33 tion of state, municipal and privately owned ports; construction, recon-
34 struction, improvement, reconditioning and preservation of municipal
35 airports; privately owned airports and aviation capital facilities,
36 excluding airports operated by the state or operated by a bi-state
37 municipal corporate instrumentality for which federal funding is not
38 available provided the project is consistent with an approved airport
39 layout plan; construction, reconstruction, enhancement, improvement,
40 replacement, reconditioning, restoration, rehabilitation and preserva-
41 tion of state, county, town, city and village roads, highways, parkways
42 and bridges; and construction, reconstruction, improvement, recondition-
43 ing and preservation of fixed ferry facilities of municipal and private-
44 ly owned ferry lines for transportation purposes, purposes authorized on
45 or after the effective date of this section. Beginning with disburse-
46 ments made on and after the first day of April, nineteen hundred nine-
47 ty-three, moneys in such fund shall be available to pay such costs or
48 expenses made pursuant to appropriations or reappropriations made during
49 the state fiscal year which began on the first of April, nineteen
50 hundred ninety-two. Beginning the first day of April, nineteen hundred
51 ninety-three, moneys in such fund shall also be used for transfers to
52 the general debt service fund and the revenue bond tax fund of amounts
53 equal to that respectively required for service contract and financing
54 agreement payments as provided and authorized by section three hundred
55 eighty of the public authorities law, section eleven of chapter three

hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

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

D. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED 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 SIXTEEN--TWO THOUSAND SEVENTEEN;

(II) \$189 MILLION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN;

(III) \$126 MILLION FOR FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN; AND

(IV) \$63 MILLION FOR FISCAL YEAR TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY.

(V) FOR FISCAL YEAR TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE 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 SIXTEEN--TWO THOUSAND SEVENTEEN;

(II) \$117 MILLION FOR FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN;

(III) \$78 MILLION FOR FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN; AND

(IV) \$39 MILLION FOR FISCAL YEAR TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY.

(V) FOR FISCAL YEAR TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE 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.