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I N   S E N A T E

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Introduced by Sens. LANZA, AVELLA, BONACIC, CROCI, DeFRANCISCO, DILAN, FUNKE, GALLIVAN, HAMILTON, HANNON, KENNEDY, KRUEGER, LATIMER, MARTINS, ORTT, PANEPINTO, RANZENHOFER -- 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 a state transportation plan

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The state finance law is amended by adding a new section  
2     22-d to read as follows:

3     S 22-D. STATE TRANSPORTATION PLAN. 1. THE COMMISSIONER OF TRANSPORTA-  
4     TION SHALL DEVELOP AND PRESENT TO THE GOVERNOR AND LEGISLATURE BY OCTO-  
5     BER FIRST, TWO THOUSAND SIXTEEN:

6     (A) A COMPREHENSIVE, TWENTY-YEAR INTERMODAL, LONG-RANGE TRANSPORTATION  
7     PLAN FOR THE STATE THAT SHALL AT A MINIMUM CONSIDER LONG-RANGE NEEDS  
8     SPANNING NO LESS THAN A TWENTY-YEAR TIME RANGE EACH TIME IT IS DEVEL-  
9     OPED. THE PLAN MAY BE DEVELOPED IN MULTIPLE DOCUMENTS, RELEASED SIMUL-  
10    TANEOUSLY, THAT ASSESS STATEWIDE AND REGIONAL SYSTEM NEEDS, AND MAY BE  
11    ANALYZED BASED ON GEOGRAPHIC AREA, MODE OF TRANSPORTATION, TRANSPORTA-  
12    TION CORRIDORS, SYSTEMS, AND OTHER DISTINCT SUBJECTS RELEVANT TO TRANS-  
13    PORTATION PLANNING. SUCH PLAN SHALL INCLUDE WITHOUT LIMITATION CONSIDER-  
14    ATION OF A BALANCED, AFFORDABLE, COORDINATED NETWORK OF STATE AND LOCAL  
15    HIGHWAYS, RAPID TRANSIT, FREIGHT AND PASSENGER RAILROAD, OMNIBUS,  
16    MARINE, AVIATION, PEDESTRIAN/BICYCLING AND OTHER MASS TRANSPORTATION  
17    FACILITIES AND SERVICES, WHETHER PUBLICLY OR PRIVATELY OWNED OR MAIN-  
18    TAINED. SUCH PLAN SHALL ALSO ASSESS ITS COMPLIANCE WITH THE MOST RECENT-  
19    LY RELEASED LONG-TERM REGIONAL TRANSPORTATION PLANS FOR EACH METROPOL-  
20    ITAN PLANNING ORGANIZATION IN THE STATE.

21    (B) A FIVE-YEAR CAPITAL PLAN IN STATE AND LOCAL HIGHWAYS AND BRIDGES,  
22    INTERCITY PASSENGER AND FREIGHT RAIL, SUBURBAN AND UPSTATE TRANSIT,  
23    PORTS AND AIRPORTS. IN ADDITION, THE SUBMITTAL SHALL RECOMMEND OBJEC-  
24    TIVES AND PERFORMANCE MEASURES TO DETERMINE THE STATE'S INVESTMENT IN

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

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TRANSPORTATION. SUCH FIVE-YEAR CAPITAL PLAN SHALL INCLUDE THE PROJECTS THAT ARE INTENDED TO BE COMPLETED WITHIN THE FIRST FIVE YEARS OF THE LONG-RANGE TRANSPORTATION PLAN REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION AND EXPLAIN HOW THESE PROJECTS COMPORT WITH THE GOALS OF THE LONG-RANGE TRANSPORTATION PLAN REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION.

2. BY OCTOBER FIRST, TWO THOUSAND NINETEEN AND EVERY FIFTH YEAR THEREAFTER, THE COMMISSIONER OF TRANSPORTATION SHALL:

(A) FULLY REVISE AND SUBMIT TO THE GOVERNOR AND LEGISLATURE THE LONG-RANGE TRANSPORTATION PLAN IN CONFORMANCE WITH PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION; AND

(B) DEVELOP AND SUBMIT TO THE GOVERNOR AND LEGISLATURE A FIVE-YEAR CAPITAL PLAN IN CONFORMANCE WITH PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION; PROVIDED THAT THE FIRST SUCH FIVE-YEAR PLAN SHALL SPAN FISCAL YEARS TWO THOUSAND TWENTY THROUGH TWO THOUSAND TWENTY-FIVE, AND THE INITIAL AND ALL SUBSEQUENT TWENTY-YEAR AND FIVE-YEAR PLANS SHALL BE ALIGNED WITH THE CAPITAL PLANNING SCHEDULE OF THE METROPOLITAN TRANSPORTATION AUTHORITY.

3. IN DEVELOPING AND REVISING THE STATE LONG-RANGE TRANSPORTATION PLAN AND FIVE-YEAR CAPITAL PLAN, THE COMMISSIONER OF TRANSPORTATION SHALL CONFORM TO THE REQUIREMENTS FOR ELIGIBILITY AND USE OF FEDERAL AND OTHER FUND SOURCES, AS APPLICABLE, SHALL SEEK PUBLIC REVIEW AND EVALUATION BY ANY REASONABLE MEANS AND SHALL:

(A) CONSULT AND COOPERATE WITH OFFICIALS AND REPRESENTATIVES OF THE FEDERAL GOVERNMENT, OTHER GOVERNMENTS, INTERSTATE COMMISSIONS AND AUTHORITIES, STATE AND LOCAL AGENCIES AND AUTHORITIES, INTERESTED CORPORATIONS AND OTHER ORGANIZATIONS CONCERNING PROBLEMS AND NEEDS AFFECTING TRANSPORTATION IN THE STATE;

(B) REQUEST FROM AN AGENCY OR OTHER UNIT OF THE STATE GOVERNMENT OR OF A POLITICAL SUBDIVISION OF THE STATE, OR FROM A PUBLIC AUTHORITY, SUCH ASSISTANCE AND DATA NECESSARY TO ENABLE THE COMMISSIONER OF TRANSPORTATION TO CARRY OUT RESPONSIBILITIES UNDER THIS SECTION; EVERY SUCH ENTITY SHALL PROVIDE THE ASSISTANCE AND DATA REQUESTED, PROVIDED, HOWEVER, THAT SUCH ASSISTANCE SHALL NOT WAIVE OR IMPAIR THE TERMS OF AN EXISTING AGREEMENT NEGOTIATED BETWEEN THE RELEVANT EMPLOYER AND EMPLOYEE ORGANIZATION NOR LIMIT ANY OBLIGATION TO BARGAIN TERMS AND CONDITIONS OF EMPLOYMENT PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW;

(C) CONDUCT AT MINIMUM ELEVEN PUBLIC HEARINGS, ONE IN EACH DEPARTMENT OF TRANSPORTATION REGION ACROSS THE STATE, WITH OPPORTUNITY FOR PUBLIC COMMENT TO BE COMPLETED AT LEAST SIX MONTHS BEFORE SUCH DOCUMENT IS REQUIRED TO BE PRESENTED TO THE LEGISLATURE. SUCH HEARINGS SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW; AND

(D) MAINTAIN A SECTION ON THE DEPARTMENT OF TRANSPORTATION'S WEBSITE WHERE THE PUBLIC AT LARGE MAY VIEW THE PROPOSED LONG-RANGE TRANSPORTATION PLAN AND FIVE-YEAR CAPITAL PLAN AND SUBMIT COMMENTS ABOUT EACH PLAN DIRECTLY TO THE COMMISSIONER OF TRANSPORTATION.

4. COPIES OF THE LONG-RANGE TRANSPORTATION PLAN AND FIVE-YEAR CAPITAL PLAN, ORIGINAL AND AS REVISED, IN ADDITION TO BEING MADE AVAILABLE IN A SEARCHABLE FORMAT ON THE DEPARTMENT OF TRANSPORTATION'S WEBSITE SHALL BE KEPT ON FILE AS A PUBLIC DOCUMENT IN THE OFFICE OF THE COMMISSIONER OF TRANSPORTATION AND AT EACH REGIONAL OFFICE OF THE DEPARTMENT OF TRANSPORTATION.

5. THE COMMISSIONER OF TRANSPORTATION SHALL ANNUALLY DEVELOP AND SUBMIT TO THE GOVERNOR AND LEGISLATURE, BY OCTOBER THIRTIETH, TWO THOUSAND SIXTEEN AND EACH YEAR THEREAFTER, A LIST OF PROJECTS SCHEDULED FOR

1 PLANNING, ACQUISITION, DESIGN, ENGINEERING, ENVIRONMENTAL ANALYSIS,  
2 CONSTRUCTION, RECONSTRUCTION, RESTORATION, REHABILITATION, ESTABLISH-  
3 MENT, IMPROVEMENT, RENOVATION, EXTENSION, REPAIR, REVITALIZATION,  
4 MANAGEMENT, DEVELOPMENT, DEMOLITION, RECONDITIONING AND PRESERVATION.  
5 THE LIST OF PROJECTS SHALL INCLUDE AN ESTIMATE OF FEDERAL, STATE, AND  
6 OTHER FUNDS ANTICIPATED TO BE RECEIVED TO FUND EACH PROJECT; A  
7 DESCRIPTION, LOCATION, AND ITEMIZATION OF THE ESTIMATED COST FOR EACH  
8 PROJECT; AND A DISBURSEMENT SCHEDULE OF COSTS OVER EACH PROJECT'S LIFE,  
9 AND AN EXPLANATION OF HOW THE LIST COMPORTS WITH THE FIVE-YEAR CAPITAL  
10 PLAN AND LONG-RANGE TRANSPORTATION PLAN AND WHY THERE ARE DEVIATIONS, IF  
11 ANY, FROM THE FIVE-YEAR CAPITAL PLAN. PROJECT LISTING INFORMATION  
12 RELATED TO COST AND DISBURSEMENT SCHEDULE SHALL BE PUBLICLY AVAILABLE  
13 FOR DOWNLOAD ON THE DEPARTMENT OF TRANSPORTATION'S WEBSITE IN A SEARCHA-  
14 BLE FORMAT, INCLUDING WITHOUT LIMITATION FORMATTING AS AN EXCEL FILE BY  
15 OCTOBER THIRTIETH OF EACH YEAR. IN EACH YEAR A FIVE-YEAR PLAN IS DEVEL-  
16 OPED, THE ANNUAL LIST OF PROJECTS SHALL ALIGN WITH AND COMPORT TO THE  
17 FIVE-YEAR PLAN, AND SHALL ALSO APPEAR AS AN APPENDIX IN THE FIVE-YEAR  
18 PLAN.

19 6. THE LIST OF PROJECTS AND PROJECT INFORMATION ANNUALLY DEVELOPED  
20 UNDER SUBDIVISION FIVE OF THIS SECTION, IF AMENDED BY THE EXECUTIVE  
21 BUDGET, SHALL BE UPDATED TO REFLECT THE EXECUTIVE PROPOSED BUDGET AND  
22 SUBMITTED CONCURRENTLY, AND MADE AVAILABLE ON THE DEPARTMENT OF TRANS-  
23 PORTATION'S WEBSITE, WITH THE EXECUTIVE BUDGET, IN ADDITION TO THE  
24 INFORMATION REQUIRED BY SECTIONS TWENTY-TWO AND TWENTY-TWO-C OF THIS  
25 ARTICLE. A LIST OF PROJECTS OR A SEPARATE COLUMN SHALL BE PROVIDED  
26 CONCURRENTLY UPDATING THE STATUS OF PROJECTS APPROVED FOR FUNDING  
27 COMMITMENT OR DISBURSEMENT DURING THE PREVIOUSLY ENACTED BUDGET, SHOWING  
28 WHETHER FUNDS WERE COMMITTED OR DISBURSED AS WELL AS ANY REVISIONS TO  
29 EACH PROJECT'S SCHEDULED COMPLETION AND PROJECT COST. SUCH LIST OR LISTS  
30 OF PROJECTS AND ANY PROJECT LISTING REVISIONS REFLECTED WITHIN THE  
31 ENACTED EXECUTIVE BUDGET SHALL BE SUBJECT TO A MEMORANDUM OF UNDERSTAND-  
32 ING TO BE SIGNED BY THE GOVERNOR AND THE TEMPORARY PRESIDENT AND MAJORI-  
33 TY LEADER OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. PRIOR TO  
34 DISBURSEMENT OF ANY FUNDS FOR THE FIVE-YEAR CAPITAL PLAN AND LONG-RANGE  
35 TRANSPORTATION PLAN FOR THE DEPARTMENT OF TRANSPORTATION REQUIRED BY  
36 SUBDIVISION ONE OF THIS SECTION OR FOR THE DEPARTMENT OF TRANSPORTA-  
37 TION'S CAPITAL EXPENDITURES, THE MEMORANDUM OF UNDERSTANDING MUST BE  
38 SIGNED BY THE GOVERNOR AND THE LEGISLATIVE LEADERS OF THE SENATE AND  
39 ASSEMBLY AND MADE AVAILABLE ON THE DEPARTMENT OF TRANSPORTATION'S  
40 WEBSITE.

41 7. THE DEPARTMENT OF TRANSPORTATION SHALL ANNUALLY PROVIDE TO THE  
42 GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE  
43 ASSEMBLY, AND THE CHAIRS OF THE TRANSPORTATION AND FISCAL COMMITTEES OF  
44 THE LEGISLATURE, ON OR BEFORE JULY FIFTEENTH, IN ELECTRONIC FORMAT, A  
45 REPORT THAT DETAILS THE CONDITIONS OF STATE HIGHWAY PAVEMENT BY REGION  
46 AND STATEWIDE CONDITION GOALS FOR PAVEMENT, AND THE CONDITION OF STATE  
47 AND LOCAL BRIDGES BY COUNTY AND THE STATEWIDE CONDITION GOALS FOR BRIDGE  
48 CONDITIONS.

49 8. FOR PROJECTS SCHEDULED TO OBLIGATE CONSTRUCTION FUNDS DURING THE  
50 FIVE-YEAR PROGRAM PERIOD ENDING MARCH THIRTY-FIRST, TWO THOUSAND TWENTY,  
51 THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE SEMI-ANNUALLY BY REGION,  
52 A LIST OF THOSE PROJECTS THAT HAVE EXPERIENCED "MAJOR SCHEDULE CHANGES"  
53 OR "MAJOR COST CHANGES" IN LETTING SCHEDULE AND/OR CONSTRUCTION COST  
54 SINCE EXECUTION OF THE FIVE-YEAR PROGRAM. FOR EACH PROJECT THE REPORT  
55 SHALL INCLUDE THE PROJECT IDENTIFICATION NUMBER, ORIGINAL AND REVISED  
56 CONSTRUCTION COST ESTIMATES, CHANGES IN CONSTRUCTION COST AFTER CONTRACT

1 AWARD, ORIGINAL AND REVISED LETTING DATES AND A DETAILED EXPLANATION OF  
2 WHY THE CHANGES OCCURRED. FOR THE PURPOSES OF THIS SECTION, THE TERM  
3 "MAJOR SCHEDULE CHANGES" IS DEFINED AS A TWELVE-MONTH OR MORE DELAY IN  
4 THE LETTING DATE, AND THE TERM "MAJOR COST CHANGES" IS DEFINED AS A  
5 GREATER THAN TWENTY-FIVE PERCENT CHANGE FOR PROJECTS IN EXCESS OF  
6 FIFTEEN MILLION DOLLARS.

7 S 2. This act shall take effect immediately.