

2015-2016 Regular Sessions

I N   S E N A T E

January 7, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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