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

S. 373 A. 184

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the maintenance of unimproved roads

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

Section 1. Article 54 of the environmental conservation law is amended by adding a new title 14 to read as follows:

TITLE 14

UNIMPROVED ROAD MAINTENANCE

SECTION 54-1401. STATEMENT OF PURPOSE.
54-1403. GENERAL RULE.
54-1405. APPORTIONMENT CRITERIA.
54-1407. DEPARTMENT'S RESPONSIBILITIES.
54-1409. COUNTY SOIL AND WATER CONSERVATION DISTRICTS.
54-1411. ADMINISTRATION.
54-1413. GRANT APPLICATIONS.

S 54-1401. STATEMENT OF PURPOSE.

IT IS THE INTENT AND PURPOSE OF THIS TITLE:

1. TO FUND SAFE, EFFICIENT AND ENVIRONMENTALLY SOUND MAINTENANCE OF SECTIONS OF UNIMPROVED ROADS WHICH HAVE BEEN IDENTIFIED AS SOURCES OF SEDIMENT POLLUTION; AND

2. TO ESTABLISH A DEDICATED AND EARMARKED FUNDING MECHANISM THAT PROVIDES STREAMLINED APPROPRIATION TO THE COUNTY LEVEL AND ENABLES LOCAL OFFICIALS TO ESTABLISH FISCAL AND ENVIRONMENTAL CONTROLS.

S 54-1403. GENERAL RULE.

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

LBD02395-01-5

SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE TO THE DEPARTMENT, FUNDING SHALL BE MADE AVAILABLE BY THE DEPARTMENT FOR THE MAINTENANCE AND IMPROVEMENT OF UNIMPROVED ROADS AND/OR THE MAINTENANCE AND MITIGATION OF SEDIMENT POLLUTION FROM UNIMPROVED ROADS. THE DEPARTMENT SHALL APPORTION THE FUNDS BASED ON WRITTEN CRITERIA IT DEVELOPS TO ESTABLISH PRIORITIES BASED ON PREVENTING AND MITIGATING SEDIMENT POLLUTION.

S 54-1405. APPORTIONMENT CRITERIA.

THE APPORTIONMENT CRITERIA SHALL:

1. BE BASED ON VERIFIED NEED TO CORRECT POLLUTION PROBLEMS RELATED TO THE ROAD;

2. CONSIDER THE TOTAL MILES OF UNIMPROVED ROADS MAINTAINED BY LOCAL MUNICIPALITIES OR STATE AGENCIES THAT ARE OPEN TO THE PUBLIC DURING ANY PERIOD OF THE YEAR;

3. CONSIDER TOTAL MILES OF UNIMPROVED ROADS WITHIN CRITICAL WATERSHEDS; AND

4. CONSIDER THE COMMITMENTS OF GRANT APPLICANTS TO COMPLY WITH THE NONPOLLUTION REQUIREMENTS ESTABLISHED.

S 54-1407. DEPARTMENT'S RESPONSIBILITIES.

THE DEPARTMENT SHALL:

1. ADOPT PERFORMANCE STANDARDS;

2. PROVIDE FOR A SYSTEM OF AUDIT;

3. ANNUALLY ASSESS THE PROGRAM AND ANNUALLY REPORT TO THE TRANSPORTATION COMMITTEE AND ENVIRONMENTAL CONSERVATION COMMITTEES OF BOTH THE ASSEMBLY AND SENATE ON ITS ACCEPTANCE AND EFFECTIVENESS; AND

4. BE ENTITLED TO WITHHOLD AND EXPEND THE COSTS OF THE AUDIT AND REPORT PREPARATION UP TO THE MAXIMUM LIMIT OF TWO PERCENT OF THE FUNDS ADMINISTERED.

S 54-1409. COUNTY SOIL AND WATER CONSERVATION DISTRICTS.

APPORTIONED FUNDS ARE TO BE DISPERSED TO COUNTY SOIL AND WATER CONSERVATION DISTRICTS WHICH APPLY FOR THEM AND ARE TO BE USED BY LOCAL MUNICIPALITIES THAT MAINTAIN ROADS WITHIN THE COUNTY AND FULFILL CERTAIN REQUIREMENTS SPECIFIED UNDER SECTION 54-1413 OF THIS TITLE.

S 54-1411. ADMINISTRATION.

THE SOIL AND WATER CONSERVATION DISTRICT'S ADMINISTRATION OF FUNDING SHALL INCLUDE:

1. ADOPTION OF WRITTEN CRITERIA TO ASSURE EQUAL ACCESS FOR ALL ELIGIBLE APPLICANTS WITHIN SPECIFIED FUNDING CATEGORIES;

2. PROVISION OF DOCUMENTATION THAT APPLICATION HAS BEEN MADE FOR ALL REQUIRED PERMITS;

3. ADOPTION OF PROCEDURES THAT ASSURE A MINIMAL AMOUNT OF PROCEDURAL PAPERWORK;

4. ADOPTION OF WRITTEN CRITERIA TO SPECIFY PRIORITIES;

5. ADOPTION OF FUNDING CATEGORIES TO PROVIDE FOR SEPARATE BUDGETING FOR:

(A) MUNICIPAL GOVERNMENT ROADS.

(B) ROAD DEMONSTRATION PROJECTS.

(C) TRAINING GRANTS RESTRICTED TO FIFTEEN PERCENT OF FUNDING.

(D) ADMINISTRATIVE COSTS, LIMITED TO ACTUAL DOCUMENTED COSTS AND RESTRICTED TO A MAXIMUM OF TEN PERCENT;

6. ADOPTION OF INCENTIVES FOR TRAINING ROAD MANAGERS AND EQUIPMENT OPERATORS;

7. ADOPTION OF STANDARDS THAT PROHIBIT USE OF MATERIALS OR PRACTICES WHICH ARE ENVIRONMENTALLY HARMFUL; AND

8. ADOPTION OF SITE INSPECTION REQUIREMENTS TO VERIFY COMPLETION OF WORK.

S 54-1413. GRANT APPLICATIONS.

EACH GRANT APPLICATION SHALL:

1. BE SPECIFIC TO ONE WORK LOCATION OR ONE TYPE OF WORK;

2. EXPEDITE THE APPROVAL PROCESS BY ALLOWING THE COUNTY SOIL AND WATER CONSERVATION DISTRICT TO INSERT ADDITIONAL REQUIREMENTS THAT COMPLETE AND QUALIFY THE GRANT FOR APPROVAL AND WHICH WHEN ACCEPTED BY THE APPLICANT BECOME A BINDING OBLIGATION ON THE APPLICANT; AND

3. REQUIRE MINIMAL HANDWRITTEN INFORMATION SUCH AS LOCATION, PROBLEM BEING SOLVED, BASIS OF COST ESTIMATE, PROJECT WORK SCHEDULE, BASIS OF SUCCESSFUL COMPLETION AND TYPE AND AMOUNT OF POLLUTION REDUCED.

S 2. This act shall take effect immediately.