

6573

I N   S E N A T E

January 27, 2016

---

Introduced by Sen. DeFRANCISCO -- 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 ASSEM-  
BLY, 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  
25    the state for highway, parkway and bridge capital projects; the acquisi-  
26    tion of real property and interests therein required or expected to be  
27    required in connection with such projects; preventive maintenance activ-

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

LBD04672-01-5

ities 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, nonpersonal services, and fringe benefit costs of the department of transportation for bus safety inspection activities, rail safety inspection activities, and truck 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 layout plan; 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

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

16 S 3. Paragraph a of subdivision 5 of section 89-b of the state finance  
17 law, as amended by section 11 of part C of chapter 57 of the laws of  
18 2014, is amended to read as follows:

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

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

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

55 D. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND APPROPRIATED  
56 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.