

# STATE OF NEW YORK

1234--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 11, 2017

Introduced by M. of A. ROZIC, ABINANTI, BARRETT, BLAKE, BRINDISI, BRONSON, BUCHWALD, DenDEKKER, FAHY, FRIEND, GOTTFRIED, HUNTER, JENNE, JOYNER, KAVANAGH, LIFTON, LUPARDO, MAGNARELLI, MAYER, M. G. MILLER, McDONALD, McDONOUGH, MONTESANO, MOSLEY, MURRAY, OTIS, PALMESANO, RA, RAIA, RODRIGUEZ, RYAN, SANTABARBARA, SEAWRIGHT, SEPULVEDA, SCHIMMING-ER, SIMON, STECK, STIRPE, WALTER, ZEBROWSKI, CASTORINA, D'URSO, DE LA ROSA -- Multi-Sponsored by -- M. of A. ABBATE, COOK, ENGLE-BRIGHT, GLICK, LUPINACCI, MAGEE, McKEVITT, THIELE -- read once and referred to the Committee on Transportation -- 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:

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

§ 22-d. State transportation plan. 1. The commissioner of transportation shall develop and present to the governor and legislature by October first, two thousand seventeen:

(a) a comprehensive, twenty-year intermodal, long-range transportation plan for the state that shall at a minimum consider long-range needs spanning no less than a twenty-year time range each time it is developed. The plan may be developed in multiple documents, released simultaneously, that assess statewide and regional system needs, and may be analyzed based on geographic area, mode of transportation, transportation corridors, systems, and other distinct subjects relevant to transportation planning. Such plan shall include without limitation consideration of a balanced, affordable, coordinated network of state and local highways, rapid transit, freight and passenger railroad, omnibus, marine, aviation, pedestrian/bicycling and other mass transportation

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

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1 facilities and services, whether publicly or privately owned or main-  
2 tained. Such plan shall also assess its compliance with the most recent-  
3 ly released long-term regional transportation plans for each metropol-  
4 itan planning organization in the state.

5 (b) a five-year capital plan in state and local highways and bridges,  
6 intercity passenger and freight rail, suburban and upstate transit,  
7 ports and airports. In addition, the submittal shall recommend objec-  
8 tives and performance measures to determine the state's investment in  
9 transportation. Such five-year capital plan shall include the projects  
10 that are intended to be completed within the first five years of the  
11 long-range transportation plan required by paragraph (a) of this subdi-  
12 vision and explain how these projects comport with the goals of the  
13 long-range transportation plan required by paragraph (a) of this subdi-  
14 vision.

15 2. By October first, two thousand twenty and every fifth year there-  
16 after, the commissioner of transportation shall:

17 (a) fully revise and submit to the governor and legislature the long-  
18 range transportation plan in conformance with paragraph (a) of subdivi-  
19 sion one of this section; and

20 (b) develop and submit to the governor and legislature a five-year  
21 capital plan in conformance with paragraph (b) of subdivision one of  
22 this section; provided that the first such five-year plan shall span  
23 fiscal years two thousand twenty-one through two thousand twenty-six,  
24 and the initial and all subsequent twenty-year and five-year plans shall  
25 be aligned with the capital planning schedule of the metropolitan trans-  
26 portation authority.

27 3. In developing and revising the state long-range transportation plan  
28 and five-year capital plan, the commissioner of transportation shall  
29 conform to the requirements for eligibility and use of federal and other  
30 fund sources, as applicable, shall seek public review and evaluation by  
31 any reasonable means and shall:

32 (a) consult and cooperate with officials and representatives of the  
33 federal government, other governments, interstate commissions and  
34 authorities, state and local agencies and authorities, interested corpo-  
35 rations and other organizations concerning problems and needs affecting  
36 transportation in the state;

37 (b) request from an agency or other unit of the state government or of  
38 a political subdivision of the state, or from a public authority, such  
39 assistance and data necessary to enable the commissioner of transporta-  
40 tion to carry out responsibilities under this section; every such entity  
41 shall provide the assistance and data requested, provided, however, that  
42 such assistance shall not waive or impair the terms of an existing  
43 agreement negotiated between the relevant employer and employee organ-  
44 ization nor limit any obligation to bargain terms and conditions of  
45 employment pursuant to article fourteen of the civil service law;

46 (c) conduct at minimum eleven public hearings, one in each department  
47 of transportation region across the state, with opportunity for public  
48 comment to be completed at least six months before such document is  
49 required to be presented to the legislature. Such hearings shall be  
50 conducted in accordance with article seven of the public officers law;  
51 and

52 (d) maintain a section on the department of transportation's website  
53 where the public at large may view the proposed long-range transporta-  
54 tion plan and five-year capital plan and submit comments about each plan  
55 directly to the commissioner of transportation.

1 4. Copies of the long-range transportation plan and five-year capital  
2 plan, original and as revised, in addition to being made available in a  
3 searchable format on the department of transportation's website shall be  
4 kept on file as a public document in the office of the commissioner of  
5 transportation and at each regional office of the department of trans-  
6 portation.

7 5. The commissioner of transportation shall annually develop and  
8 submit to the governor and legislature, by October thirtieth, two thou-  
9 sand seventeen and each year thereafter, a list of projects scheduled  
10 for planning, acquisition, design, engineering, environmental analysis,  
11 construction, reconstruction, restoration, rehabilitation, establish-  
12 ment, improvement, renovation, extension, repair, revitalization,  
13 management, development, demolition, reconditioning and preservation.  
14 The list of projects shall include an estimate of federal, state, and  
15 other funds anticipated to be received to fund each project; a  
16 description, location, and itemization of the estimated cost for each  
17 project; and a disbursement schedule of costs over each project's life,  
18 and an explanation of how the list comports with the five-year capital  
19 plan and long-range transportation plan and why there are deviations, if  
20 any, from the five-year capital plan. Project listing information  
21 related to cost and disbursement schedule shall be publicly available  
22 for download on the department of transportation's website in a searcha-  
23 ble format, including without limitation formatting as an excel file by  
24 October thirtieth of each year. In each year a five-year plan is devel-  
25 oped, the annual list of projects shall align with and comport to the  
26 five-year plan, and shall also appear as an appendix in the five-year  
27 plan.

28 6. The list of projects and project information annually developed  
29 under subdivision five of this section, if amended by the executive  
30 budget, shall be updated to reflect the executive proposed budget and  
31 submitted concurrently, and made available on the department of trans-  
32 portation's website, with the executive budget, in addition to the  
33 information required by sections twenty-two and twenty-two-c of this  
34 article. A list of projects or a separate column shall be provided  
35 concurrently updating the status of projects approved for funding  
36 commitment or disbursement during the previously enacted budget, showing  
37 whether funds were committed or disbursed as well as any revisions to  
38 each project's scheduled completion and project cost. Such list or lists  
39 of projects and any project listing revisions reflected within the  
40 enacted executive budget shall be subject to a memorandum of understand-  
41 ing to be signed by the governor, the temporary president of the senate  
42 and the speaker of the assembly. Prior to disbursement of any funds for  
43 the five-year capital plan and long-range transportation plan for the  
44 department of transportation required by subdivision one of this section  
45 or for the department of transportation's capital expenditures, the  
46 memorandum of understanding must be signed by the governor and the  
47 legislative leaders of the senate and assembly and made available on the  
48 department of transportation's website.

49 7. The department of transportation shall annually provide to the  
50 governor, the temporary president of the senate, the speaker of the  
51 assembly, and the chairs of the transportation and fiscal committees of  
52 the legislature, on or before July fifteenth, in electronic format, a  
53 report that details the conditions of state highway pavement by region  
54 and statewide condition goals for pavement, and the condition of state  
55 and local bridges by county and the statewide condition goals for bridge  
56 conditions.

1     8. For projects scheduled to obligate construction funds during the  
2 five-year program period ending March thirty-first, two thousand twen-  
3 ty-one, the department of transportation shall provide semi-annually by  
4 region, a list of those projects that have experienced "major schedule  
5 changes" or "major cost changes" in letting schedule and/or construction  
6 cost since execution of the five-year program. For each project the  
7 report shall include the project identification number, original and  
8 revised construction cost estimates, changes in construction cost after  
9 contract award, original and revised letting dates and a detailed expla-  
10 nation of why the changes occurred. For the purposes of this section,  
11 the term "major schedule changes" is defined as a twelve-month or more  
12 delay in the letting date, and the term "major cost changes" is defined  
13 as a greater than twenty-five percent change for projects in excess of  
14 fifteen million dollars.

15     § 2. This act shall take effect immediately.