

STATE OF NEW YORK

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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, LIFTON, LUPARDO, MAGNARELLI, MAYER, M. G. MILLER, McDONALD, McDONOUGH, MONTESANO, MOSLEY, MURRAY, OTIS, PALMESANO, RA, RAIA, RODRIGUEZ, RYAN, SANTABARBARA, SEAWRIGHT, SEPULVEDA, SCHIMMINGER, SIMON, STECK, STIRPE, WALTER, ZEBROWSKI, CASTORINA, D'URSO, DE LA ROSA, CAHILL, SKOUFIS, ORTIZ, SKARTADOS, WALSH, WALLACE, TITONE, DICKENS, VANEL, LAWRENCE, PHEFFER AMATO, HARRIS, WRIGHT, BRABENEC, BARNWELL, PICHARDO, GALEF, QUART, RICHARDSON, NIOU, CUSICK, KIM, BICHOTTE, O'DONNELL, LAVINE, JEAN-PIERRE, COLTON, DAVILA, WOERNER, BRAUNSTEIN, LENTOL, L. ROSENTHAL, WILLIAMS, M. L. MILLER, CARROLL, DINOWITZ, SIMOTAS, PAULIN, PERRY, CYMBROWITZ, PEOPLES-STOKES, SOLAGES, PELLEGRINO, JONES -- Multi-Sponsored by -- M. of A. ABBATE, COOK, ENGLEBRIGHT, GLICK, HEVESI, HYNDMAN, MAGEE, NOLAN, STEC, THIELE, WEINSTEIN -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- 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 § 22-d. State transportation plan. 1. The commissioner of transportation shall develop and present to the governor and legislature by October first, two thousand eighteen:

4 (a) a comprehensive, twenty-year intermodal, long-range transportation
5 plan for the state that shall at a minimum consider long-range needs
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 spanning no less than a twenty-year time range each time it is devel-
2 oped. The plan may be developed in multiple documents, released simul-
3 taneously, that assess statewide and regional system needs, and may be
4 analyzed based on geographic area, mode of transportation, transporta-
5 tion corridors, systems, and other distinct subjects relevant to trans-
6 portation planning. Such plan shall include without limitation consider-
7 ation of a balanced, affordable, coordinated network of state and local
8 highways, rapid transit, freight and passenger railroad, omnibus,
9 marine, aviation, pedestrian/bicycling and other mass transportation
10 facilities and services, whether publicly or privately owned or main-
11 tained. Such plan shall also assess its compliance with the most recent-
12 ly released long-term regional transportation plans for each metropol-
13 itan planning organization in the state.

14 (b) a five-year capital plan in state and local highways and bridges,
15 intercity passenger and freight rail, suburban and upstate transit,
16 ports and airports. In addition, the submittal shall recommend objec-
17 tives and performance measures to determine the state's investment in
18 transportation. Such five-year capital plan shall include the projects
19 that are intended to be completed within the first five years of the
20 long-range transportation plan required by paragraph (a) of this subdivi-
21 vision and explain how these projects comport with the goals of the
22 long-range transportation plan required by paragraph (a) of this subdivi-
23 vision.

24 2. By October first, two thousand twenty-one and every fifth year
25 thereafter, the commissioner of transportation shall:

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

29 (b) develop and submit to the governor and legislature a five-year
30 capital plan in conformance with paragraph (b) of subdivision one of
31 this section; provided that the first such five-year plan shall span
32 fiscal years two thousand twenty-two through two thousand twenty-seven,
33 and the initial and all subsequent twenty-year and five-year plans shall
34 be aligned with the capital planning schedule of the metropolitan trans-
35 portation authority.

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

41 (a) consult and cooperate with officials and representatives of the
42 federal government, other governments, interstate commissions and
43 authorities, state and local agencies and authorities, interested corpo-
44 rations and other organizations concerning problems and needs affecting
45 transportation in the state;

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

55 (c) conduct at minimum eleven public hearings, one in each department
56 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 eighteen and each year thereafter, a list of projects scheduled for planning, acquisition, design, engineering, environmental analysis, construction, reconstruction, restoration, rehabilitation, establishment, improvement, renovation, extension, repair, revitalization, management, development, demolition, reconditioning and preservation. The list of projects shall include an estimate of federal, state, and other funds anticipated to be received to fund each project; a description, location, and itemization of the estimated cost for each project; and a disbursement schedule of costs over each project's life, and an explanation of how the list comports with the five-year capital plan and long-range transportation plan and why there are deviations, if any, from the five-year capital plan. Project listing information related to cost and disbursement schedule shall be publicly available for download on the department of transportation's website in a searchable format, including without limitation formatting as an excel file by October thirtieth of each year. In each year a five-year plan is developed, the annual list of projects shall align with and comport to the five-year plan, and shall also appear as an appendix in the five-year plan.

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

1 7. The department of transportation shall annually provide to the
2 governor, the temporary president of the senate, the speaker of the
3 assembly, and the chairs of the transportation and fiscal committees of
4 the legislature, on or before July fifteenth, in electronic format, a
5 report that details the conditions of state highway pavement by region
6 and statewide condition goals for pavement, and the condition of state
7 and local bridges by county and the statewide condition goals for bridge
8 conditions.

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

23 § 2. This act shall take effect immediately.