STATE OF NEW YORK

9523

IN ASSEMBLY

January 19, 2018

Introduced by M. of A. BRINDISI -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to expanding the powers of the New York thruway authority to include contributing to the financing of certain local highway and bridge improvements; to amend the highway law, in relation to establishing the E-Z Pave roadway assistance program; and to amend the state finance law, in relation to establishing the E-Z Pave roadway assistance fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public authorities law is amended by adding a new section 382 to read as follows:

§ 382. Further additional powers of the authority to finance certain local highway and bridge improvements. 1. The authority is hereby authorized and directed, as additional corporate purposes thereof:

(a) to charge out-of-state E-ZPass drivers who enter and exit local thruway toll booths the cash payment rate rather than the discounted E-ZPass rate; and

(b) to make available the proceeds resulting from the difference between such rates, net of all costs to the authority in connection therewith, for the purpose of financing all or a portion of the capital costs of local highway and bridge projects pursuant to section ten-h of the highway law, including the construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of public city, county, town and village roads, highways and bridges.

2. Funds available for distribution as provided in subdivision one of this section shall be calculated and deposited quarterly by the authority into the E-Z Pave roadway assistance fund account established pursuant to section eighty-nine-i of the state finance law on the first day of January, April, July and October of each year.

3. Not less than one hundred twenty days before the beginning of each state fiscal year, the chairman of the authority shall certify to the comptroller a schedule of anticipated funds available for distribution,

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

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together with a breakdown of the amount of funds to be distributed to the city of New York and to each county outside the city of New York in which there is located at least one local thruway toll booth entrance or exit. The total amount so certified for such fiscal year shall be equal to the total amount of the difference between the cash payment rate charged to out-of-state E-ZPass drivers who exit local thruway toll booths and the E-ZPass rate, together with any applicable interest thereon. Such certification shall provide for payments to the city of New York and to counties outside the city of New York no later than January fifteenth of each year. Upon receipt of such certification, the comptroller shall pay such amounts to the city of New York and to the applicable counties outside the city of New York.

4. For purposes of this section, "out-of-state E-ZPass drivers" mean drivers who have E-ZPass devices registered in states other than New York.

§ 2. The highway law is amended by adding a new section 10-h to read as follows:

§ 10-h. E-Z Pave roadway assistance program. 1. Notwithstanding any other provisions of this chapter or any other law, and subject to available funding therefor as provided in section three hundred eighty-two of the public authorities law, and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, there is hereby established the E-Z Pave roadway assistance program for the purpose of making payments to the city of New York and to certain counties outside of New York city for the construction, operation and/or maintenance of certain public county, town, city and village roads, highways and bridges that are not a part of the state highway system or the New York thruway system. The commissioner shall promulgate all necessary rules and regulations to carry out the program so that an equitable distribution of aid shall be made for the construction, operation and/or maintenance of qualifying roads, highways and bridges in accordance with the provisions of this section.

2. On or before the fifteenth day of April in each year, there shall be distributed and paid the following amounts:

(a) to the city of New York, an amount equal to the total amount of the difference between the cash payment rate charged to out-of-state E-ZPass drivers who exit thruway toll booths located within the city and the E-ZPass rate, together with any applicable interest thereon; and

(b) to each county outside of the city of New York in which there is located at least one thruway toll booth exit, an amount equal to the total amount of the difference between the cash payment rate charged to out-of-state E-ZPass drivers who exit local thruway toll booths within that county and the E-ZPass rate, together with any applicable interest thereon.

3. (a) Amounts shall be distributed in accordance with the provisions of section eighty-nine-i of the state finance law for local roads, highways and bridges and shall be distributed among four jurisdictional systems based on relative vehicle miles of travel as follows:

JURISDICTIONAL SYSTEM	PERCENT OF VEHICLE MILES OF TRAVEL
Cities	42.7
Counties	18.5
Villages	10.7
Towns	28.1

Total	100.0

(b) Within each jurisdictional system, the distribution made to each municipality shall be based on the ratio of the number of lane miles under the maintenance jurisdiction, except interstate and state highways, of each municipality that is devoted to the movement of traffic, excluding lanes devoted to the parking of vehicles, to the total number of such lane miles under the operational jurisdiction, except interstate and state highways, of all municipalities in the state within each jurisdictional system.

(c) Funds allocated for local road, highway or bridge projects under this subdivision shall be used to undertake work on a project either with the municipality's own forces or by contract, provided however, that whenever the estimate for the construction contract work exceeds one hundred thousand dollars but does not exceed two hundred fifty thousand dollars such work must be performed either with the municipality's own forces or by contract let by competitive bid in accordance with the provisions of section one hundred three of the general municipal law; and provided further, however, that whenever the estimate for the construction contract work exceeds two hundred fifty thousand dollars such work must be performed by contract let by competitive bid in accordance with the provisions of section one hundred three of the general municipal law.

4. Each municipality shall use at least seventy-five percent of the funds it receives for the construction, reconstruction or improvement of local roads, highways and bridges, including right of way acquisition, preliminary engineering, and construction supervision and inspection, where the service life of the project is at least ten years. Such moneys made available may be used to match other state and federal funds made available for such projects under federal-aid highway acts. The remainder of the apportionment may be used for any highway purposes, except debt service, including but not limited to, the acquisition of materials and equipment devoted to operation and maintenance of local highways, bridges and/or highway-railroad crossings and the payment of any costs directly attributable to operation and maintenance of local roads, highways and bridges. At the discretion of the commissioner, the requirement specified in this subdivision may be waived for assistance payments in amounts of less than five thousand dollars.

5. For any city, town, or village which consolidates or merges with another municipality, the resulting successor government shall file with the office of the state comptroller a certificate of any such consolidation, merger and any accompanying dissolution. In the event that the amount which would otherwise be apportioned to the individual governments exceeds the amount which is payable to the successor government pursuant to this section, such successor government shall receive no less in consolidated local highway apportionments than the predecessor governments would have received in the aggregate had the merger or consolidation not occurred.

6. For purposes of this section, "out-of-state E-ZPass drivers" mean drivers who have E-ZPass devices registered in states other than New York.

§ 3. The state finance law is amended by adding a new section 89-i to read as follows:

§ 89-i. E-Z Pave roadway assistance fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance

and the comptroller a fund to be known as the "E-Z Pave roadway assistance fund".

2. The E-Z Pave roadway assistance fund shall consist of moneys collected and deposited into the account by the New York state thruway authority in accordance with the provisions of section three hundred eighty-two of the public authorities law.

3. Moneys in the E-Z Pave roadway assistance fund shall be kept separate from and shall not be commingled with any other moneys in the custody of the commissioner of taxation and finance and the comptroller. All deposits of such moneys shall, if required by the comptroller, be secured by obligations of the United States or of the state of market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give such securities for such deposits.

4. Moneys of the fund shall be made available for payments under the E-Z Pave roadway assistance program established pursuant to section ten-h of the highway law to the city of New York and to certain counties outside of New York city for the construction, operation and/or maintenance of certain public city, county, town and village roads, highways and bridges that are not a part of the state highway system or the New York thruway system.

5. All payments of moneys from the E-Z Pave roadway assistance fund shall be made on the audit and warrant of the comptroller on vouchers certified or approved by the chairman of the New York state thruway authority.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.