

# STATE OF NEW YORK

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2618--A

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

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Introduced by Sens. LANZA, ADDABBO, AVELLA, BAILEY, BONACIC, BROOKS, CARLUCCI, CROCI, DeFRANCISCO, DILAN, FUNKE, GALLIVAN, HAMILTON, HANNON, HOYLMAN, KENNEDY, KRUEGER, MARCHIONE, MURPHY, O'MARA, ORTT, RANZENHOFER, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- 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  
4 shall develop and present to the governor and legislature by October  
5 first, two thousand eighteen:

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

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

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1 ly released long-term regional transportation plans for each metropol-  
2 itan planning organization in the state.

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

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

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

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

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

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

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

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

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

54 4. Copies of the long-range transportation plan and five-year capital  
55 plan, original and as revised, in addition to being made available in a  
56 searchable format on the department of transportation's website shall be

1 kept on file as a public document in the office of the commissioner of  
2 transportation and at each regional office of the department of trans-  
3 portation.

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

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

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

54 8. For projects scheduled to obligate construction funds during the  
55 five-year program period ending March thirty-first, two thousand twen-  
56 ty-two, the department of transportation shall provide semi-annually by

1 region, a list of those projects that have experienced "major schedule  
2 changes" or "major cost changes" in letting schedule and/or construction  
3 cost since execution of the five-year program. For each project the  
4 report shall include the project identification number, original and  
5 revised construction cost estimates, changes in construction cost after  
6 contract award, original and revised letting dates and a detailed expla-  
7 nation of why the changes occurred. For the purposes of this section,  
8 the term "major schedule changes" is defined as a twelve-month or more  
9 delay in the letting date, and the term "major cost changes" is defined  
10 as a greater than twenty-five percent change for projects in excess of  
11 fifteen million dollars.

12 § 2. This act shall take effect immediately.