STATE OF NEW YORK

542

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, STECK, OTIS, CROUCH, GRAF, GIGLIO, BLANKENBUSH, BARCLAY, MONTESANO, RAIA, GOODELL, LOPEZ -- Multi-Sponsored by -- M. of A. HAWLEY, RIVERA, STEC -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to authorizing county highway superintendents to rent road machinery from any city, town or village, and the authority of the town highway superintendent to contract with another municipality, district corporation, school district, community college or any unit of the state university to provide certain services and the use of town machinery, tools and equipment

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

Section 1. Section 117 of the highway law, as amended by chapter 542 of the laws of 1981, is amended to read as follows:

§ 117. Construction and reconstruction of county roads. Construction or reconstruction of such roads, including necessary grade and culvert work, and any plans and specifications therefor, shall conform to an outline or general plan of the work, and such construction or reconstruction must be done under the immediate direct supervision of the county superintendent or a competent foreman designated by him **or her**. All or any part of such construction or reconstruction may be done by contract or by direct employment of labor and purchase of material, or both. The machinery needed for work done under this article, unless furnished by the contractor, shall be provided as follows:

The county superintendent may rent road machinery from any person, company, corporation, or from any **city,** town or towns [~~in the county~~]**,** **village**, or from any other county, and such rental shall be payable from the county road fund; or he **or she** may use road building machinery, equipment, tools and implements purchased with county moneys, and whenever used for the purpose of this article, a charge therefor, in the

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

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nature of rental, shall be payable from the county road fund on itemized vouchers certified by the county superintendent showing where the machinery was used, together with the amount chargeable to each appropriation or construction project. The provisions of subdivision three of section one hundred ninety-five, and of subdivisions four, five and six of section one hundred ninety-four **of this chapter** shall apply to work carried on pursuant to the provisions of this article.

§ 2. Section 142-c of the highway law, as amended by chapter 561 of the laws of 1962, subdivision 4 as amended by chapter 534 of the laws of 1973 and subdivision 5 as amended by chapter 604 of the laws of 1965, is amended to read as follows:

§ 142-c. Removal of snow and ice from streets and repair of sidewalks in villages. The town board may authorize the town superintendent **of highways** to (1) remove snow and ice from streets and sidewalks in any village or portion thereof [~~within the town~~].

(2) Repair streets and sidewalks within any village or **any** portion thereof [~~within the town~~].

(3) Permit the use of town highway machinery, snow and ice removal equipment, tools and equipment in or by any village [~~located wholly or partly within the town~~].

(4) The work authorized by this section shall be performed upon such terms and conditions as may be agreed upon by the town board of the town and board of trustees of the village.

(5) Moneys received by a town pursuant to the provisions of this section shall be first applied to the credit of the fund authorized by subdivision four of section one hundred forty-one of this [~~chapter~~] **article** to the extent that any expense incurred was originally charged thereto, and the balance of such moneys, if any, shall be credited to the fund authorized by subdivision three of section one hundred forty-one of this [~~chapter~~] **article**.

§ 3. Section 142-d of the highway law, as amended by chapter 347 of the laws of 1997, is amended to read as follows:

§ 142-d. Rental or hiring of town highway machinery, tools or equipment. [~~Except as otherwise provided in section one hundred forty-two-c of this chapter with respect to the use of town highway machinery, snow and ice removal equipment, tools and equipment by a village located wholly or partly within the town, the~~] **The** town superintendent of highways, with the approval of the town board, may permit the use of any town-owned highway machinery, tools or equipment by a county or any municipality, district, district corporation, school district, community college, and any unit of the state university of New York, upon such terms and conditions as may be agreed upon by the parties involved. Moneys received by a town pursuant to the provisions of this section shall be applicable for the purposes for which amounts may be raised as provided in subdivision three of section two hundred seventy-one of this chapter.

§ 4. Section 142-b of the highway law, as amended by chapter 561 of the laws of 1962, subdivisions 3 and 4 as amended by chapter 534 of the laws of 1973 and subdivision 5 as amended by chapter 604 of the laws of 1965, is amended to read as follows:

§ 142-b. Removal of snow and ice, making of repairs, and rental of town highway machinery; school and other districts. The town board of any town may authorize the town superintendent **of highways** to (1) remove snow and ice from any property within the town belonging to a school district, upon such terms as may be agreed upon by the town board and governing board of any such school district.

(2) Repair roads and sidewalks [~~within the town~~] belonging to a school district, upon such terms as may be agreed upon by the town board and the governing board of any such school district.

(3) Permit the use of town highway machinery, tools and equipment [~~within the town~~] by any fire district, special improvement district or school district, [~~located in whole or in part in any such town,~~] upon such terms and conditions as may be agreed upon by the town board and the governing board or governing body of any such district.

(4) [~~Except as otherwise provided in section one hundred forty-two-c of this chapter with respect to the use of town highway machinery, snow and ice removal equipment, tools and equipment by a village located wholly or partly within the town, permit~~] **Permit** the use of town highway machinery, snow and ice removal equipment, tools and equipment during an emergency by any city, village, town, county, fire district, special improvement district or school district, upon such terms and conditions as may be agreed upon by the town board and the governing board or governing body of any such district.

(5) Moneys received by a town pursuant to the provisions of this section shall be first applied to the credit of the fund authorized by subdivision four of section one hundred forty-one of this [~~chapter~~] **article** to the extent that any expense incurred was originally charged thereto, and the balance of such moneys, if any, shall be credited to the fund authorized by subdivision three of section one hundred forty-one of this [~~chapter~~] **article**.

§ 5. This act shall take effect immediately.