

STATE OF NEW YORK

5437

2017-2018 Regular Sessions

IN ASSEMBLY

February 9, 2017

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Transportation

AN ACT to amend the state finance law, in relation to establishing the bridge and road investment and dedicated fund guaranteed enforcement "BRIDGE" reform act

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "bridge and road investment and dedicated fund guaranteed enforce-
3 ment (BRIDGE) reform act".

4 § 2. Paragraph a of subdivision 5 of section 89-b of the state finance
5 law, as amended by section 10 of part C of chapter 57 of the laws of
6 2014, is amended to read as follows:

7 a. Moneys in the dedicated highway and bridge trust fund shall,
8 following appropriation by the legislature, be utilized for: recon-
9 struction, replacement, reconditioning, restoration, rehabilitation and
10 preservation of state, county, town, city and village roads, highways,
11 parkways, and bridges thereon, to restore such facilities to their
12 intended functions; construction, reconstruction, enhancement and
13 improvement of state, county, town, city, and village roads, highways,
14 parkways, and bridges thereon, to address current and projected capacity
15 problems including costs for traffic mitigation activities; aviation
16 projects authorized pursuant to section fourteen-j of the transportation
17 law and for payments to the general debt service fund of amounts equal
18 to amounts required for service contract payments related to aviation
19 projects as provided and authorized by section three hundred eighty-six
20 of the public authorities law; programs to assist small and minority and
21 women-owned firms engaged in transportation construction and recon-
22 struction projects, including a revolving fund for working capital
23 loans, and a bonding guarantee assistance program in accordance with
24 provisions of this chapter; matching federal grants or apportionments to

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

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1 the state for highway, parkway and bridge capital projects; the acquisi-
2 tion of real property and interests therein required or expected to be
3 required in connection with such projects; preventive maintenance activ-
4 ities necessary to ensure that highways, parkways and bridges meet or
5 exceed their optimum useful life; [~~expenses of control of snow and ice~~
6 ~~on state highways by the department of transportation including but not~~
7 ~~limited to personal services, nonpersonal services and fringe benefits,~~
8 ~~payment of emergency aid for control of snow and ice in municipalities~~
9 ~~pursuant to section fifty-five of the highway law, expenses of control~~
10 ~~of snow and ice on state highways by municipalities pursuant to section~~
11 ~~twelve of the highway law, and for expenses of arterial maintenance~~
12 ~~agreements with cities pursuant to section three hundred forty-nine of~~
13 ~~the highway law,]~~ personal services, nonpersonal services, and fringe
14 benefit costs of the department of transportation for bus safety
15 inspection activities, rail safety inspection activities, and truck
16 safety inspection activities; [~~costs of the department of motor vehi-~~
17 ~~cles, including but not limited to personal and nonpersonal services,]~~
18 costs of engineering and administrative services of the department of
19 transportation, including but not limited to fringe benefits; the
20 contract services provided by private firms in accordance with section
21 fourteen of the transportation law; personal services and nonpersonal
22 services, for activities including but not limited to the preparation of
23 designs, plans, specifications and estimates; construction management
24 and supervision activities; costs of appraisals, surveys, testing and
25 environmental impact statements for transportation projects; expenses in
26 connection with buildings, equipment, materials and facilities used or
27 useful in connection with the maintenance, operation, and repair of
28 highways, parkways and bridges thereon; and project costs for:
29 construction, reconstruction, improvement, reconditioning and preserva-
30 tion of rail freight facilities and intercity rail passenger facilities
31 and equipment; construction, reconstruction, improvement, reconditioning
32 and preservation of state, municipal and privately owned ports;
33 construction, reconstruction, improvement, reconditioning and preserva-
34 tion of municipal airports; privately owned airports and aviation capi-
35 tal facilities, excluding airports operated by the state or operated by
36 a bi-state municipal corporate instrumentality for which federal funding
37 is not available provided the project is consistent with an approved
38 airport layout plan; and construction, reconstruction, enhancement,
39 improvement, replacement, reconditioning, restoration, rehabilitation
40 and preservation of state, county, town, city and village roads, high-
41 ways, parkways and bridges; and construction, reconstruction, improve-
42 ment, reconditioning and preservation of fixed ferry facilities of
43 municipal and privately owned ferry lines for transportation purposes,
44 and the payment of debt service required on any bonds, notes or other
45 obligations and related expenses for highway, parkway, bridge and
46 project costs for: construction, reconstruction, improvement, recondi-
47 tioning and preservation of rail freight facilities and intercity rail
48 passenger facilities and equipment; construction, reconstruction,
49 improvement, reconditioning and preservation of state, municipal and
50 privately owned ports; construction, reconstruction, improvement, recon-
51 ditioning and preservation of municipal airports; privately owned
52 airports and aviation capital facilities, excluding airports operated by
53 the state or operated by a bi-state municipal corporate instrumentality
54 for which federal funding is not available provided the project is
55 consistent with an approved airport layout plan; construction, recon-
56 struction, enhancement, improvement, replacement, reconditioning, resto-

1 ration, rehabilitation and preservation of state, county, town, city and
2 village roads, highways, parkways and bridges; and construction, recon-
3 struction, improvement, reconditioning and preservation of fixed ferry
4 facilities of municipal and privately owned ferry lines for transporta-
5 tion purposes, purposes authorized on or after the effective date of
6 this section. Beginning with disbursements made on and after the first
7 day of April, nineteen hundred ninety-three, moneys in such fund shall
8 be available to pay such costs or expenses made pursuant to appropri-
9 ations or reappropriations made during the state fiscal year which began
10 on the first of April, nineteen hundred ninety-two. Beginning the first
11 day of April, nineteen hundred ninety-three, moneys in such fund shall
12 also be used for transfers to the general debt service fund and the
13 revenue bond tax fund of amounts equal to that respectively required for
14 service contract and financing agreement payments as provided and
15 authorized by section three hundred eighty of the public authorities
16 law, section eleven of chapter three hundred twenty-nine of the laws of
17 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and
18 sixty-nine-o of this chapter.

19 § 3. Paragraph a of subdivision 5 of section 89-b of the state finance
20 law, as amended by section 11 of part C of chapter 57 of the laws of
21 2014, is amended to read as follows:

22 a. Moneys in the dedicated highway and bridge trust fund shall,
23 following appropriation by the legislature, be utilized for: recon-
24 struction, replacement, reconditioning, restoration, rehabilitation and
25 preservation of state, county, town, city and village roads, highways,
26 parkways, and bridges thereon, to restore such facilities to their
27 intended functions; construction, reconstruction, enhancement and
28 improvement of state, county, town, city, and village roads, highways,
29 parkways, and bridges thereon, to address current and projected capacity
30 problems including costs for traffic mitigation activities; aviation
31 projects authorized pursuant to section fourteen-j of the transportation
32 law and for payments to the general debt service fund of amounts equal
33 to amounts required for service contract payments related to aviation
34 projects as provided and authorized by section three hundred eighty-six
35 of the public authorities law; programs to assist small and minority and
36 women-owned firms engaged in transportation construction and recon-
37 struction projects, including a revolving fund for working capital
38 loans, and a bonding guarantee assistance program in accordance with
39 provisions of this chapter; matching federal grants or apportionments to
40 the state for highway, parkway and bridge capital projects; the acquisi-
41 tion of real property and interests therein required or expected to be
42 required in connection with such projects; preventive maintenance activ-
43 ities necessary to ensure that highways, parkways and bridges meet or
44 exceed their optimum useful life; ~~expenses of control of snow and ice~~
45 ~~on state highways by the department of transportation including but not~~
46 ~~limited to personal services, nonpersonal services and fringe benefits,~~
47 ~~payment of emergency aid for control of snow and ice in municipalities~~
48 ~~pursuant to section fifty-five of the highway law, expenses of control~~
49 ~~of snow and ice on state highways by municipalities pursuant to section~~
50 ~~twelve of the highway law, and for expenses of arterial maintenance~~
51 ~~agreements with cities pursuant to section three hundred forty-nine of~~
52 ~~the highway law;~~ personal services, nonpersonal services, and fringe
53 benefit costs of the department of transportation for bus safety
54 inspection activities, rail safety inspection activities, and truck
55 safety inspection activities; costs of engineering and administrative
56 services of the department of transportation, including but not limited

1 to fringe benefits; the contract services provided by private firms in
2 accordance with section fourteen of the transportation law; personal
3 services and nonpersonal services, for activities including but not
4 limited to the preparation of designs, plans, specifications and esti-
5 mates; construction management and supervision activities; costs of
6 appraisals, surveys, testing and environmental impact statements for
7 transportation projects; expenses in connection with buildings, equip-
8 ment, materials and facilities used or useful in connection with the
9 maintenance, operation, and repair of highways, parkways and bridges
10 thereon; and project costs for: construction, reconstruction, improve-
11 ment, reconditioning and preservation of rail freight facilities and
12 intercity rail passenger facilities and equipment; construction, recon-
13 struction, improvement, reconditioning and preservation of state, munic-
14 ipal and privately owned ports; construction, reconstruction, improve-
15 ment, reconditioning and preservation of municipal airports; privately
16 owned airports and aviation capital facilities, excluding airports oper-
17 ated by the state or operated by a bi-state municipal corporate instru-
18 mentality for which federal funding is not available provided the
19 project is consistent with an approved airport layout plan; and
20 construction, reconstruction, enhancement, improvement, replacement,
21 reconditioning, restoration, rehabilitation and preservation of state,
22 county, town, city and village roads, highways, parkways and bridges;
23 and construction, reconstruction, improvement, reconditioning and pres-
24 ervation of fixed ferry facilities of municipal and privately owned
25 ferry lines for transportation purposes, and the payment of debt service
26 required on any bonds, notes or other obligations and related expenses
27 for highway, parkway, bridge and project costs for: construction, recon-
28 struction, improvement, reconditioning and preservation of rail freight
29 facilities and intercity rail passenger facilities and equipment;
30 construction, reconstruction, improvement, reconditioning and preserva-
31 tion of state, municipal and privately owned ports; construction, recon-
32 struction, improvement, reconditioning and preservation of municipal
33 airports; privately owned airports and aviation capital facilities,
34 excluding airports operated by the state or operated by a bi-state
35 municipal corporate instrumentality for which federal funding is not
36 available provided the project is consistent with an approved airport
37 layout plan; construction, reconstruction, enhancement, improvement,
38 replacement, reconditioning, restoration, rehabilitation and preserva-
39 tion of state, county, town, city and village roads, highways, parkways
40 and bridges; and construction, reconstruction, improvement, recondition-
41 ing and preservation of fixed ferry facilities of municipal and private-
42 ly owned ferry lines for transportation purposes, purposes authorized on
43 or after the effective date of this section. Beginning with disburse-
44 ments made on and after the first day of April, nineteen hundred nine-
45 ty-three, moneys in such fund shall be available to pay such costs or
46 expenses made pursuant to appropriations or reappropriations made during
47 the state fiscal year which began on the first of April, nineteen
48 hundred ninety-two. Beginning the first day of April, nineteen hundred
49 ninety-three, moneys in such fund shall also be used for transfers to
50 the general debt service fund and the revenue bond tax fund of amounts
51 equal to that respectively required for service contract and financing
52 agreement payments as provided and authorized by section three hundred
53 eighty of the public authorities law, section eleven of chapter three
54 hundred twenty-nine of the laws of nineteen hundred ninety-one, as
55 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

§ 4. Subdivision 5 of section 89-b of the state finance law is amended by adding two new paragraphs d and e to read as follows:

d. Moneys in the dedicated highway and bridge trust fund appropriated by the legislature for expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law shall not exceed:

(i) \$252 million for fiscal year two thousand eighteen--two thousand nineteen;

(ii) \$189 million for fiscal year two thousand nineteen--two thousand twenty;

(iii) \$126 million for fiscal year two thousand twenty--two thousand twenty-one; and

(iv) \$63 million for fiscal year two thousand twenty-one--two thousand twenty-two.

(v) For fiscal year two thousand twenty-two--two thousand twenty-three and for all subsequent years thereafter no moneys from the dedicated highway and bridge trust fund shall be expended for expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law.

e. Moneys in the dedicated highway and bridge trust fund appropriated by the legislature for costs of the department of motor vehicles, including but not limited to personal and nonpersonal services shall not exceed:

(i) \$156 million for fiscal year two thousand eighteen--two thousand nineteen;

(ii) \$117 million for fiscal year two thousand nineteen--two thousand twenty;

(iii) \$78 million for fiscal year two thousand twenty--two thousand twenty-one; and

(iv) \$39 million for fiscal year two thousand twenty-one--two thousand twenty-two.

(v) For fiscal year two thousand twenty-two--two thousand twenty-three and for all subsequent years thereafter no moneys from the dedicated highway and bridge trust fund shall be expended for costs of the department of motor vehicles, including but not limited to personal and nonpersonal services.

§ 5. This act shall take effect immediately, provided that the amendments to paragraph a of subdivision 5 of section 89-b of the state finance law made by section two of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 2 of part B of chapter 84 of the laws of 2002, as amended, when upon such date the provisions of section three of this act shall take effect.