

# 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:

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

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

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

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

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

22 3. Not less than one hundred twenty days before the beginning of each  
23 state fiscal year, the chairman of the authority shall certify to the  
24 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.

LBD13955-01-7

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

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

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

18 § 10-h. E-Z Pave roadway assistance program. 1. Notwithstanding any  
 19 other provisions of this chapter or any other law, and subject to avail-  
 20 able funding therefor as provided in section three hundred eighty-two of  
 21 the public authorities law, and in accordance with the provisions of  
 22 this section and with the rules and regulations promulgated by the  
 23 commissioner in connection therewith, there is hereby established the  
 24 E-Z Pave roadway assistance program for the purpose of making payments  
 25 to the city of New York and to certain counties outside of New York city  
 26 for the construction, operation and/or maintenance of certain public  
 27 county, town, city and village roads, highways and bridges that are not  
 28 a part of the state highway system or the New York thruway system. The  
 29 commissioner shall promulgate all necessary rules and regulations to  
 30 carry out the program so that an equitable distribution of aid shall be  
 31 made for the construction, operation and/or maintenance of qualifying  
 32 roads, highways and bridges in accordance with the provisions of this  
 33 section.

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

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

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

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

<u>JURISDICTIONAL</u>	<u>PERCENT OF</u>
<u>SYSTEM</u>	<u>VEHICLE MILES OF TRAVEL</u>
<u>Cities</u>	<u>42.7</u>
<u>Counties</u>	<u>18.5</u>
<u>Villages</u>	<u>10.7</u>
<u>Towns</u>	<u>28.1</u>

1  
2 Total -----  
3 100.0

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

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

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

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

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

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

55 § 89-i. E-Z Pave roadway assistance fund. 1. There is hereby estab-  
lished in the joint custody of the commissioner of taxation and finance

1 and the comptroller a fund to be known as the "E-Z Pave roadway assist-  
2 ance fund".

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

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

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

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

26 § 4. This act shall take effect on the first of January next succeed-  
27 ing the date on which it shall have become a law.