

STATE OF NEW YORK

2618

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sens. LANZA, AVELLA, BONACIC, CROCI, DeFRANCISCO, DILAN, FUNKE, GALLIVAN, HAMILTON, HANNON, KENNEDY, KRUEGER, LATIMER, ORTT, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

Section 1. The state finance law is amended by adding a new section 22-d to read as follows:

§ 22-d. State transportation plan. 1. The commissioner of transportation shall develop and present to the governor and legislature by October first, two thousand seventeen:

(a) a comprehensive, twenty-year intermodal, long-range transportation plan for the state that shall at a minimum consider long-range needs spanning no less than a twenty-year time range each time it is developed. The plan may be developed in multiple documents, released simultaneously, that assess statewide and regional system needs, and may be analyzed based on geographic area, mode of transportation, transportation corridors, systems, and other distinct subjects relevant to transportation planning. Such plan shall include without limitation consideration of a balanced, affordable, coordinated network of state and local highways, rapid transit, freight and passenger railroad, omnibus, marine, aviation, pedestrian/bicycling and other mass transportation facilities and services, whether publicly or privately owned or maintained. Such plan shall also assess its compliance with the most recently released long-term regional transportation plans for each metropolitan planning organization in the state.

(b) a five-year capital plan in state and local highways and bridges, intercity passenger and freight rail, suburban and upstate transit, ports and airports. In addition, the submittal shall recommend objec-

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

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1 tives and performance measures to determine the state's investment in
2 transportation. Such five-year capital plan shall include the projects
3 that are intended to be completed within the first five years of the
4 long-range transportation plan required by paragraph (a) of this subdivi-
5 vision and explain how these projects comport with the goals of the
6 long-range transportation plan required by paragraph (a) of this subdivi-
7 vision.

8 2. By October first, two thousand twenty and every fifth year there-
9 after, the commissioner of transportation shall:

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

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

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

25 (a) consult and cooperate with officials and representatives of the
26 federal government, other governments, interstate commissions and
27 authorities, state and local agencies and authorities, interested corpo-
28 rations and other organizations concerning problems and needs affecting
29 transportation in the state;

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

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

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

49 4. Copies of the long-range transportation plan and five-year capital
50 plan, original and as revised, in addition to being made available in a
51 searchable format on the department of transportation's website shall be
52 kept on file as a public document in the office of the commissioner of
53 transportation and at each regional office of the department of trans-
54 portation.

55 5. The commissioner of transportation shall annually develop and
56 submit to the governor and legislature, by October thirtieth, two thou-

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

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

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

49 8. For projects scheduled to obligate construction funds during the
50 five-year program period ending March thirty-first, two thousand twen-
51 ty-one, the department of transportation shall provide semi-annually by
52 region, a list of those projects that have experienced "major schedule
53 changes" or "major cost changes" in letting schedule and/or construction
54 cost since execution of the five-year program. For each project the
55 report shall include the project identification number, original and
56 revised construction cost estimates, changes in construction cost after

1 contract award, original and revised letting dates and a detailed expla-
2 nation of why the changes occurred. For the purposes of this section,
3 the term "major schedule changes" is defined as a twelve-month or more
4 delay in the letting date, and the term "major cost changes" is defined
5 as a greater than twenty-five percent change for projects in excess of
6 fifteen million dollars.

7 § 2. This act shall take effect immediately.