STATE OF NEW YORK

S. 4048--A A. 5990--A

2019-2020 Regular Sessions

SENATE - ASSEMBLY

February 26, 2019

IN SENATE -- Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. ROZIC, ABBATE, BLAKE, CRESPO, CUSICK, LAWRENCE, OTIS, MAGNARELLI, LIFTON, PAULIN, SIMON, QUART, RYAN, SEAWRIGHT, MOSLEY, SCHIMMINGER, LUPARDO, HUNTER, TAYLOR, PALMESANO, CROUCH -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law, in relation to the rate paid by the state to a city for maintenance and repair of highways

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

Section 1. The opening paragraph of subdivision 5-a of section 340-b of the highway law, as amended by chapter 30 of the laws of 1987, is amended to read as follows:

The commissioner of transportation and the city of New York, acting through the mayor or other administrative head thereof, pursuant to a resolution of the governing body of such city, are authorized to enter into a written agreement for the maintenance and repair, under the supervision and subject to the approval of the commissioner of transportation, of any state interstate highway or portion thereof, exclusive of service roads and pavement on intersecting street bridges, which is within the boundaries of such city and which is now or which shall hereafter be designated in section three hundred forty-a of this [~~chapter~~] **article** and which has been constructed or which shall have been constructed as authorized by section three hundred forty-a of this [~~chapter~~] **article**. Such agreement may provide that the state shall pay annually to such city a sum to be computed at the rate of (a) not more

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

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than [~~eighty-five~~] **one dollar and eighty-seven** cents per square yard of the pavement area that is included in the state highway system according to the provisions of this section, and (b) an additional [~~ten~~] **twenty** cents per square yard of such pavement area where such pavement area is located on any elevated bridge**, such rate shall be increased in each year of the agreement by the percentage change in the consumer price index for all urban consumers (CPI-U), New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, as published by the United States department of labor bureau of labor statistics, over the prior five years**.

§ 2. The opening paragraph of subdivision 7 of section 349-c of the highway law, as amended by chapter 30 of the laws of 1987, is amended to read as follows:

The commissioner of transportation and any city named in this article, acting through the mayor or other administrative head thereof, pursuant to a resolution of the governing body of such city except the city of New York, are authorized to enter into a written agreement for the maintenance and repair, under the supervision and subject to the approval of the commissioner, of any public street, main route or thoroughfare or portion thereof, exclusive of service roads and pavement on intersecting street bridges, which is within the boundaries of such city and which is now or which shall hereafter be designated in this article and which has been constructed or which shall have been constructed as authorized by [~~articles~~] **this article and article** four [~~and twelve-B~~] of this chapter and with grants made available by the federal government pursuant to the federal aid highway act of nineteen hundred forty-four, being public law five hundred twenty-one of the seventy-eighth congress, chapter six hundred twenty-six, second session, as approved on the twentieth day of December, nineteen hundred forty-four. Such agreement may provide that the state shall pay annually to such city a sum to be computed at the rate of (a) not more than [~~eighty-five~~] **one dollar and eighty-seven** cents per square yard of the pavement area that is included in the state highway system according to the provisions of this section, and (b) an additional [~~ten~~] **twenty** cents per square yard of such pavement area where such pavement area is located on any elevated bridge**, such rate shall be increased in each year of the agreement by the percentage change in the consumer price index for all urban consumers (CPI-U), New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, as published by the United States department of labor bureau of labor statistics, over the prior five years**.

§ 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.