

# STATE OF NEW YORK

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6798

2019-2020 Regular Sessions

## IN ASSEMBLY

March 20, 2019

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Introduced by M. of A. PALMESANO, BYRNE, KOLB -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to establishing the dedicated highway and bridge trust fund 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 "dedicated highway and bridge trust fund reform act".

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

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

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

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~~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; personal services, nonpersonal services, and fringe benefit costs of the department of transportation for bus safety inspection activities, rail safety inspection activities, and truck safety inspection activities; costs of the department of motor vehicles, including but not limited to personal and nonpersonal services;]~~ costs

of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of

1 this section. Beginning with disbursements made on and after the first  
2 day of April, nineteen hundred ninety-three, moneys in such fund shall  
3 be available to pay such costs or expenses made pursuant to appropri-  
4 ations or reappropriations made during the state fiscal year which began  
5 on the first of April, nineteen hundred ninety-two. Beginning the first  
6 day of April, nineteen hundred ninety-three, moneys in such fund shall  
7 also be used for transfers to the general debt service fund and the  
8 revenue bond tax fund of amounts equal to that respectively required for  
9 service contract and financing agreement payments as provided and  
10 authorized by section three hundred eighty of the public authorities  
11 law, section eleven of chapter three hundred twenty-nine of the laws of  
12 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and  
13 sixty-nine-o of this chapter.

14 § 3. Paragraph a of subdivision 5 of section 89-b of the state finance  
15 law, as amended by section 11 of part C of chapter 57 of the laws of  
16 2014, is amended to read as follows:

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

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

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