

# STATE OF NEW YORK

S. 4048

A. 5990

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

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

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 than [~~eighty-five~~] one dollar and seventy-seven cents per square yard of the pavement area that is included in the state highway system according

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

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

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

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

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