STATE OF NEW YORK

6520

2019-2020 Regular Sessions

IN SENATE

June 14, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the highway law, in relation to authorizing towns to repair state roads

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

Section 1. Subdivision 1 of section 12 of the highway law, as amended by section 3 of part B of chapter 494 of the laws of 2009, is amended to read as follows:

1. **(a)** The maintenance and repair of improved state highways in towns and incorporated villages, exclusive, however, of the cost of maintaining and repairing bridges having a span in excess of twenty feet shall be under the direct supervision and control of the commissioner and he or she shall be responsible therefor. The cost of such maintenance and repair shall be borne wholly by the state and be paid from moneys appropriated therefor by the legislature. Such maintenance and repair may be done in the discretion of the commissioner either directly by the department or by contract awarded to the lowest responsible bidder at a public letting after due advertisement, and under such rules and regulations as the commissioner may prescribe. The commissioner shall also have the power to adopt such system as may seem expedient so that each section of such highways shall be effectively and economically preserved, maintained and repaired.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision or any other provision of law, a town, acting by and through its legislative body, may, upon notice to the commissioner, repair state roads lying within the boundaries of such town. The state shall pay to such town, not less than twice annually, the total sum of moneys expended by such town for the repair of such state roads. The commissioner is authorized to promulgate rules and regulations necessary for the implementation of this paragraph.

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

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§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.