

# STATE OF NEW YORK

4010

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. THIELE, BYRNES -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to requiring the department of transportation to annually prepare and submit to the legislature certain highway pavement and bridge condition reports

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

1 Section 1. Section 14 of the transportation law is amended by adding a  
2 new subdivision 36 to read as follows:

3 36. To prepare and submit reports on highway pavement and bridge  
4 conditions, capital program letting and implementation, capital program  
5 accomplishments, and non-MTA downstate suburban and upstate transit  
6 capital programs. The commissioner shall be responsible for issuing the  
7 following reports in a searchable electronic format accessible to users  
8 to the governor, temporary president of the senate, speaker of the  
9 assembly, the chair of the senate transportation committee, the chair of  
10 the assembly transportation committee, the chair of the senate finance  
11 committee and the chair of the assembly ways and means committee:

12 (a) On or before January first, two thousand twenty-one and by January  
13 first of each year thereafter, a report for each forthcoming state  
14 fiscal year detailing the department's on-state system capital projects  
15 and off-state system local capital projects, as defined in subdivision  
16 two-a of section two of the state finance law, planned for the forthcom-  
17 ing fiscal year including projects receiving funds pursuant to New York  
18 works. Such report shall include projects expected to be advertised for  
19 public bid in the respective state fiscal year, including estimated  
20 letting dates by department region. The report shall also include a  
21 project description, proposed month of letting, project identification  
22 number, and project cost estimates. Such report shall present project  
23 letting details by department region, within region by funding source,  
24 within funding source by capital program category (pavement preserva-  
25 tion, pavement reconstruction, bridge preservation, bridge rehabili-  
26 tation or replacement, safety, mobility, and other), and within capital  
27 program category by project phase (scoping, preliminary engineering,

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

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1 right-of-way, final design and construction). After completion of each  
2 quarter, the department shall issue a report, including the actual  
3 letting dates and contract amounts for each project accompanied by the  
4 same information. The report shall also compare changes in planned  
5 construction lettings with actual project lettings, changes in project  
6 costs of more than twenty-five percent for projects exceeding fifteen  
7 million dollars and the contributing factors for such project cost  
8 changes, changes in project letting schedules of more than twelve months  
9 and contributing factors for such changes in letting schedules, and the  
10 estimated number of jobs created by each project.

11 (b) On or before June first, two thousand twenty-one and by June first  
12 of each year thereafter, an accomplishment report for the prior state  
13 fiscal year detailing the amount of funding obligated for major capital  
14 program categories including: pavement preservation, pavement recon-  
15 struction, bridge preservation, bridge rehabilitation or replacement,  
16 safety, and mobility. Such capital report shall present details by  
17 department region, within region by funding source, within funding  
18 source by capital program category and within capital program category  
19 by project phase, including by scoping, preliminary engineering, right-  
20 of-way, final design and construction phase.

21 (c) On or before June first, two thousand twenty-one and by June first  
22 of each year thereafter, a highway pavement and bridge condition report  
23 that details conditions of state highway pavement by department region  
24 and statewide condition goals for pavement, the condition of state and  
25 locally owned bridges by county and the statewide condition goals for  
26 bridge conditions, as well as the respective goals for each of these  
27 classes for the previous three years.

28 (d) (i) On or before June first, two thousand twenty-one and by June  
29 first of each year thereafter, a report detailing the allocation and  
30 disbursement for the prior state fiscal year of funds appropriated for  
31 public transportation providers within the metropolitan commuter trans-  
32 portation district that exclude the metropolitan transportation authori-  
33 ty and its subsidiaries, and for public transportation providers outside  
34 the metropolitan commuter transportation district. The report on fund  
35 use shall indicate the amount of funds allocated and disbursed to each  
36 respective transportation provider by capital element, including, but  
37 not limited to: rolling stock and buses, passenger stations, track, line  
38 equipment, line structures, signals and communications, power equipment,  
39 emergency power equipment and substations, shops, yards, maintenance  
40 facilities, depots and terminals, service vehicles, security systems,  
41 electrification extensions, and unspecified, miscellaneous and emergen-  
42 cy.

43 (ii) On or before July fifteenth, two thousand twenty-one and by July  
44 fifteenth of every fifth year thereafter, the department shall conduct a  
45 needs assessment for each public transportation provider that includes  
46 but is not limited to: vehicle age and condition, facility and equipment  
47 state of good repair, consistency with federal and state system safety  
48 plans, and availability of federal and local resources to complete a  
49 project. For purposes of this subparagraph, the term "public transpora-  
50 tion provider" shall mean those public transportation systems receiving  
51 capital funds from the state, and the term "public transportation  
52 system" shall have the same meaning as such term is defined in subdivi-  
53 sion one of section eighteen-a of this article.

54 § 2. This act shall take effect immediately.