

# STATE OF NEW YORK

5790

2021-2022 Regular Sessions

## IN ASSEMBLY

February 25, 2021

Introduced by M. of A. PALMESANO, BARCLAY, BLANKENBUSH, BRABENEC, BYRNE, DeSTEFANO, J. M. GIGLIO, RA, MONTESANO, MORINELLO, NORRIS, SCHMITT, SMULLEN, DiPIETRO, FRIEND, MANKTELOW, B. MILLER, WALSH, WALCZYK, TAGUE, McDONOUGH, REILLY, ABINANTI, HAWLEY -- Multi-Sponsored by -- M. of A. BYRNES, COOK -- 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

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

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1 loans, and a bonding guarantee assistance program in accordance with  
2 provisions of this chapter; matching federal grants or apportionments to  
3 the state for highway, parkway and bridge capital projects; the acquisi-  
4 tion of real property and interests therein required or expected to be  
5 required in connection with such projects; preventive maintenance activ-  
6 ities necessary to ensure that highways, parkways and bridges meet or  
7 exceed their optimum useful life; [~~expenses of control of snow and ice  
8 on state highways by the department of transportation including but not  
9 limited to personal services, nonpersonal services and fringe benefits,  
10 payment of emergency aid for control of snow and ice in municipalities  
11 pursuant to section fifty five of the highway law, expenses of control  
12 of snow and ice on state highways by municipalities pursuant to section  
13 twelve of the highway law, and for expenses of arterial maintenance  
14 agreements with cities pursuant to section three hundred forty-nine of  
15 the highway law, personal services, nonpersonal services, and fringe  
16 benefit costs of the department of transportation for bus safety  
17 inspection activities, rail safety inspection activities, and truck  
18 safety inspection activities; costs of the department of motor vehicles,  
19 including but not limited to personal and nonpersonal services,]~~ costs  
20 of engineering and administrative services of the department of trans-  
21 portation, including but not limited to fringe benefits; the contract  
22 services provided by private firms in accordance with section fourteen  
23 of the transportation law; personal services and nonpersonal services,  
24 for activities including but not limited to the preparation of designs,  
25 plans, specifications and estimates; construction management and super-  
26 vision activities; costs of appraisals, surveys, testing and environ-  
27 mental impact statements for transportation projects; expenses in  
28 connection with buildings, equipment, materials and facilities used or  
29 useful in connection with the maintenance, operation, and repair of  
30 highways, parkways and bridges thereon; and project costs for:  
31 construction, reconstruction, improvement, reconditioning and preserva-  
32 tion of rail freight facilities and intercity rail passenger facilities  
33 and equipment; construction, reconstruction, improvement, reconditioning  
34 and preservation of state, municipal and privately owned ports;  
35 construction, reconstruction, improvement, reconditioning and preserva-  
36 tion of municipal airports; privately owned airports and aviation capi-  
37 tal facilities, excluding airports operated by the state or operated by  
38 a bi-state municipal corporate instrumentality for which federal funding  
39 is not available provided the project is consistent with an approved  
40 airport layout plan; and construction, reconstruction, enhancement,  
41 improvement, replacement, reconditioning, restoration, rehabilitation  
42 and preservation of state, county, town, city and village roads, high-  
43 ways, parkways and bridges; and construction, reconstruction, improve-  
44 ment, reconditioning and preservation of fixed ferry facilities of  
45 municipal and privately owned ferry lines for transportation purposes,  
46 and the payment of debt service required on any bonds, notes or other  
47 obligations and related expenses for highway, parkway, bridge and  
48 project costs for: construction, reconstruction, improvement, recondi-  
49 tioning and preservation of rail freight facilities and intercity rail  
50 passenger facilities and equipment; construction, reconstruction,  
51 improvement, reconditioning and preservation of state, municipal and  
52 privately owned ports; construction, reconstruction, improvement, recon-  
53 ditioning and preservation of municipal airports; privately owned  
54 airports and aviation capital facilities, excluding airports operated by  
55 the state or operated by a bi-state municipal corporate instrumentality  
56 for which federal funding is not available provided the project is

1 consistent with an approved airport layout plan; construction, recon-  
2 struction, enhancement, improvement, replacement, reconditioning, resto-  
3 ration, rehabilitation and preservation of state, county, town, city and  
4 village roads, highways, parkways and bridges; and construction, recon-  
5 struction, improvement, reconditioning and preservation of fixed ferry  
6 facilities of municipal and privately owned ferry lines for transporta-  
7 tion purposes, purposes authorized on or after the effective date of  
8 this section. Beginning with disbursements made on and after the first  
9 day of April, nineteen hundred ninety-three, moneys in such fund shall  
10 be available to pay such costs or expenses made pursuant to appropri-  
11 ations or reappropriations made during the state fiscal year which began  
12 on the first of April, nineteen hundred ninety-two. Beginning the first  
13 day of April, nineteen hundred ninety-three, moneys in such fund shall  
14 also be used for transfers to the general debt service fund and the  
15 revenue bond tax fund of amounts equal to that respectively required for  
16 service contract and financing agreement payments as provided and  
17 authorized by section three hundred eighty of the public authorities  
18 law, section eleven of chapter three hundred twenty-nine of the laws of  
19 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and  
20 sixty-nine-o of this chapter.

21 § 3. Paragraph a of subdivision 5 of section 89-b of the state finance  
22 law, as amended by section 11 of part C of chapter 57 of the laws of  
23 2014, is amended to read as follows:

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

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

1 hundred twenty-nine of the laws of nineteen hundred ninety-one, as  
2 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.  
3 § 4. This act shall take effect immediately; provided, however, that  
4 the amendments to paragraph a of subdivision 5 of section 89-b of the  
5 state finance law made by section two of this act shall be subject to  
6 the expiration and reversion of such paragraph pursuant to section 2 of  
7 part B of chapter 84 of the laws of 2002, as amended, when upon such  
8 date the provisions of section three of this act shall take effect.