STATE OF NEW YORK

8936--A

IN ASSEMBLY

January 19, 2022

Introduced by M. of A. FAHY, HUNTER, SEAWRIGHT, WOERNER, DICKENS, STERN, ZINERMAN, JACOBSON, THIELE, McMAHON, GALEF, SILLITTI, GOTTFRIED, ENGLEBRIGHT, SIMON, RAJKUMAR, OTIS, GONZALEZ-ROJAS, GLICK -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law, in relation to complete street design features and funding of construction and improvements at a municipalities' expense

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

Section 1. Subdivision 1 of section 80-b of the highway law, as amended by section 3 of part A of chapter 57 of the laws of 2014, is amended to read as follows:

1. In connection with the undertaking of any project for which the commissioner is authorized to use moneys of the federal government pursuant to the provisions of subdivision thirty-four-a of section ten and section eighty of this chapter to assure the effective discharge of state responsibilities with respect to regional transportation needs, on highways, roads, streets, bicycle paths or pedestrian paths that are not on the state highway system, the commissioner shall submit such project to the governing body or bodies of the affected municipality or municipalities together with estimates of costs thereof. If such project includes a municipal project, as that term is defined in accordance with article thirteen of the transportation law, the state share of such municipal project shall also be included. If such project includes a project affecting a highway, road, street, bicycle path or pedestrian path not on the state highway system, the state share shall be equal to eighty percent of the difference between the total project cost and the federal assistance, **provided, however, the state share shall be equal to eighty-seven and one-half percent of the difference between the total project cost and the federal assistance where, in conjunction with such project, the municipality agrees to fund a complete street design feature as defined in section three hundred thirty-one of this chapter,**

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

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provided, [~~however~~] **further**, the commissioner may increase the state share to an amount equal to one hundred percent of the difference between the total project cost and the federal assistance where he **or she** determines that the need for the project results substantially from actions undertaken pursuant to section ten of this chapter. No such project shall proceed without the approval of the governing body of a municipality. Such governing body may request the commissioner to undertake the provision of such project. If the commissioner agrees to such undertaking he **or she** shall notify the local governing body which shall appropriate sufficient moneys to pay the estimated amount of the municipal share. Such moneys shall be deposited with the state comptroller who is authorized to receive and accept the same for the purposes of such project, subject to the draft or requisition of the commissioner. When the work of such project has been completed, the commissioner shall render to the governing body of such municipality an itemized statement showing in full (a) the amount of money that has been deposited by such municipality with the state comptroller as hereinbefore provided, and (b) all disbursements made pursuant to this section for such project. Any surplus moneys shall be paid to such municipality on the warrant of the comptroller on vouchers therefor approved by the commissioner. When the work of such project has been completed and it is determined by the commissioner that the amount of the cost to be borne by the municipality is in excess of the amount deposited by such municipality with the state comptroller, the commissioner shall then notify the municipality of the deficiency of funds. The municipality shall then within ninety days of the receipt of such notice, pay such amount to the state comptroller. For purposes of this section, the term "municipality" shall include a city, county, town, village or two or more of the foregoing acting jointly.

§ 2. This act shall take effect one year after it shall have become a law and shall apply to project agreements entered into on and after such date.