

# STATE OF NEW YORK

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3897

2021-2022 Regular Sessions

## IN SENATE

February 1, 2021

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Introduced by Sens. KENNEDY, KAPLAN, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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:

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

4 1. In connection with the undertaking of any project for which the  
5 commissioner is authorized to use moneys of the federal government  
6 pursuant to the provisions of subdivision thirty-four-a of section ten  
7 and section eighty of this chapter to assure the effective discharge of  
8 state responsibilities with respect to regional transportation needs, on  
9 highways, roads, streets, bicycle paths or pedestrian paths that are not  
10 on the state highway system, the commissioner shall submit such project  
11 to the governing body or bodies of the affected municipality or municipalities together with estimates of costs thereof. If such project  
12 includes a municipal project, as that term is defined in accordance with  
13 article thirteen of the transportation law, the state share of such  
14 municipal project shall also be included. If such project includes a  
15 project affecting a highway, road, street, bicycle path or pedestrian  
16 path not on the state highway system, the state share shall be equal to  
17 eighty percent of the difference between the total project cost and the  
18 federal assistance, provided, however, the state share shall be equal to  
19 eighty-seven and one-half percent of the difference between the total  
20 project cost and the federal assistance where, in conjunction with such  
21 project, the municipality agrees to fund a complete street design  
22 feature as defined in section three hundred thirty-one of this chapter,  
23

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

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1 provided, [~~however~~] further, the commissioner may increase the state  
2 share to an amount equal to one hundred percent of the difference  
3 between the total project cost and the federal assistance where he or  
4 she determines that the need for the project results substantially from  
5 actions undertaken pursuant to section ten of this chapter. No such  
6 project shall proceed without the approval of the governing body of a  
7 municipality. Such governing body may request the commissioner to under-  
8 take the provision of such project. If the commissioner agrees to such  
9 undertaking he or she shall notify the local governing body which shall  
10 appropriate sufficient moneys to pay the estimated amount of the munici-  
11 pal share. Such moneys shall be deposited with the state comptroller who  
12 is authorized to receive and accept the same for the purposes of such  
13 project, subject to the draft or requisition of the commissioner. When  
14 the work of such project has been completed, the commissioner shall  
15 render to the governing body of such municipality an itemized statement  
16 showing in full (a) the amount of money that has been deposited by such  
17 municipality with the state comptroller as hereinbefore provided, and  
18 (b) all disbursements made pursuant to this section for such project.  
19 Any surplus moneys shall be paid to such municipality on the warrant of  
20 the comptroller on vouchers therefor approved by the commissioner. When  
21 the work of such project has been completed and it is determined by the  
22 commissioner that the amount of the cost to be borne by the municipality  
23 is in excess of the amount deposited by such municipality with the state  
24 comptroller, the commissioner shall then notify the municipality of the  
25 deficiency of funds. The municipality shall then within ninety days of  
26 the receipt of such notice, pay such amount to the state comptroller.  
27 For purposes of this section, the term "municipality" shall include a  
28 city, county, town, village or two or more of the foregoing acting  
29 jointly.

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