STATE OF NEW YORK

4293

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

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

AN ACT to amend the state finance law, in relation to a state transportation plan

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

Section 1. The state finance law is amended by adding a new section 22-d to read as follows:

§ 22-d. State transportation plan. 1. The commissioner of transportation shall develop and present to the governor and legislature by October first, two thousand twenty-one:

(a) a comprehensive, twenty-year intermodal, long-range transportation plan for the state that shall at a minimum consider long-range needs spanning no less than a twenty-year time range each time it is developed. The plan may be developed in multiple documents, released simultaneously, that assess statewide and regional system needs, and may be analyzed based on geographic area, mode of transportation, transportation corridors, systems, and other distinct subjects relevant to transportation planning. Such plan shall include without limitation consideration of a balanced, affordable, coordinated network of state and local highways, rapid transit, freight and passenger railroad, omnibus, marine, aviation, pedestrian/bicycling and other mass transportation facilities and services, whether publicly or privately owned or maintained. Such plan shall also assess its compliance with the most recently released long-term regional transportation plans for each metropolitan planning organization in the state.

(b) a five-year capital plan in state and local highways and bridges, intercity passenger and freight rail, suburban and upstate transit, ports and airports. In addition, the submittal shall recommend objectives and performance measures to determine the state's investment in transportation. Such five-year capital plan shall include the projects

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

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that are intended to be completed within the first five years of the long-range transportation plan required by paragraph (a) of this subdivision and explain how these projects comport with the goals of the long-range transportation plan required by paragraph (a) of this subdivision.

2. By October first, two thousand twenty-four and every fifth year thereafter, the commissioner of transportation shall:

(a) fully revise and submit to the governor and legislature the long-range transportation plan in conformance with paragraph (a) of subdivision one of this section; and

(b) develop and submit to the governor and legislature a five-year capital plan in conformance with paragraph (b) of subdivision one of this section; provided that the first such five-year plan shall span fiscal years two thousand twenty-five through two thousand thirty, and the initial and all subsequent twenty-year and five-year plans shall be aligned with the capital planning schedule of the metropolitan transportation authority.

3. In developing and revising the state long-range transportation plan and five-year capital plan, the commissioner of transportation shall conform to the requirements for eligibility and use of federal and other fund sources, as applicable, shall seek public review and evaluation by any reasonable means and shall:

(a) consult and cooperate with officials and representatives of the federal government, other governments, interstate commissions and authorities, state and local agencies and authorities, interested corporations and other organizations concerning problems and needs affecting transportation in the state;

(b) request from an agency or other unit of the state government or of a political subdivision of the state, or from a public authority, such assistance and data necessary to enable the commissioner of transportation to carry out responsibilities under this section; every such entity shall provide the assistance and data requested, provided, however, that such assistance shall not waive or impair the terms of an existing agreement negotiated between the relevant employer and employee organization nor limit any obligation to bargain terms and conditions of employment pursuant to article fourteen of the civil service law;

(c) conduct at minimum eleven public hearings, one in each department of transportation region across the state, with opportunity for public comment to be completed at least six months before such document is required to be presented to the legislature. Such hearings shall be conducted in accordance with article seven of the public officers law; and

(d) maintain a section on the department of transportation's website where the public at large may view the proposed long-range transportation plan and five-year capital plan and submit comments about each plan directly to the commissioner of transportation.

4. Copies of the long-range transportation plan and five-year capital plan, original and as revised, in addition to being made available in a searchable format on the department of transportation's website shall be kept on file as a public document in the office of the commissioner of transportation and at each regional office of the department of transportation.

5. The commissioner of transportation shall annually develop and submit to the governor and legislature, by October thirtieth, two thousand twenty-one and each year thereafter, a list of projects scheduled for planning, acquisition, design, engineering, environmental analysis,

construction, reconstruction, restoration, rehabilitation, establishment, improvement, renovation, extension, repair, revitalization, management, development, demolition, reconditioning and preservation. The list of projects shall include an estimate of federal, state, and other funds anticipated to be received to fund each project; a description, location, and itemization of the estimated cost for each project; and a disbursement schedule of costs over each project's life, and an explanation of how the list comports with the five-year capital plan and long-range transportation plan and why there are deviations, if any, from the five-year capital plan. Project listing information related to cost and disbursement schedule shall be publicly available for download on the department of transportation's website in a searchable format, including without limitation formatting as an excel file by October thirtieth of each year. In each year a five-year plan is developed, the annual list of projects shall align with and comport to the five-year plan, and shall also appear as an appendix in the five-year plan.

6. The list of projects and project information annually developed under subdivision five of this section, if amended by the executive budget, shall be updated to reflect the executive proposed budget and submitted concurrently, and made available on the department of transportation's website, with the executive budget, in addition to the information required by sections twenty-two and twenty-two-c of this article. A list of projects or a separate column shall be provided concurrently updating the status of projects approved for funding commitment or disbursement during the previously enacted budget, showing whether funds were committed or disbursed as well as any revisions to each project's scheduled completion and project cost. Such list or lists of projects and any project listing revisions reflected within the enacted executive budget shall be subject to a memorandum of understanding to be signed by the governor, the temporary president of the senate and the speaker of the assembly. Prior to disbursement of any funds for the five-year capital plan and long-range transportation plan for the department of transportation required by subdivision one of this section or for the department of transportation's capital expenditures, the memorandum of understanding must be signed by the governor and the legislative leaders of the senate and assembly and made available on the department of transportation's website.

7. The department of transportation shall annually provide to the governor, the temporary president of the senate, the speaker of the assembly, and the chairs of the transportation and fiscal committees of the legislature, on or before July fifteenth, in electronic format, a report that details the conditions of state highway pavement by region and statewide condition goals for pavement, and the condition of state and local bridges by county and the statewide condition goals for bridge conditions.

8. For projects scheduled to obligate construction funds during the five-year program period ending March thirty-first, two thousand twenty-five, the department of transportation shall provide semi-annually by region, a list of those projects that have experienced "major schedule changes" or "major cost changes" in letting schedule and/or construction cost since execution of the five-year program. For each project the report shall include the project identification number, original and revised construction cost estimates, changes in construction cost after contract award, original and revised letting dates and a detailed explanation of why the changes occurred. For the purposes of this section,

the term "major schedule changes" is defined as a twelve-month or more delay in the letting date, and the term "major cost changes" is defined as a greater than twenty-five percent change for projects in excess of fifteen million dollars.

§ 2. This act shall take effect immediately.