

# 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:

1 Section 1. The state finance law is amended by adding a new section  
2 22-d to read as follows:

3 § 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:

4 (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.

5 (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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1 that are intended to be completed within the first five years of the  
2 long-range transportation plan required by paragraph (a) of this subdi-  
3 vision and explain how these projects comport with the goals of the  
4 long-range transportation plan required by paragraph (a) of this subdi-  
5 vision.

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

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

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

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

23 (a) consult and cooperate with officials and representatives of the  
24 federal government, other governments, interstate commissions and  
25 authorities, state and local agencies and authorities, interested corpo-  
26 rations and other organizations concerning problems and needs affecting  
27 transportation in the state;

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

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

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

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

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

1 construction, reconstruction, restoration, rehabilitation, establish-  
2 ment, improvement, renovation, extension, repair, revitalization,  
3 management, development, demolition, reconditioning and preservation.  
4 The list of projects shall include an estimate of federal, state, and  
5 other funds anticipated to be received to fund each project; a  
6 description, location, and itemization of the estimated cost for each  
7 project; and a disbursement schedule of costs over each project's life,  
8 and an explanation of how the list comports with the five-year capital  
9 plan and long-range transportation plan and why there are deviations, if  
10 any, from the five-year capital plan. Project listing information  
11 related to cost and disbursement schedule shall be publicly available  
12 for download on the department of transportation's website in a searcha-  
13 ble format, including without limitation formatting as an excel file by  
14 October thirtieth of each year. In each year a five-year plan is devel-  
15 oped, the annual list of projects shall align with and comport to the  
16 five-year plan, and shall also appear as an appendix in the five-year  
17 plan.

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

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

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

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

5 § 2. This act shall take effect immediately.