

# STATE OF NEW YORK

7791

## IN SENATE

January 11, 2022

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

AN ACT to amend the transportation law, in relation to requiring the department of transportation to annually prepare and submit to the legislature certain highway pavement and bridge condition reports

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

1 Section 1. Subdivision 36 of section 14 of the transportation law, as  
2 added by a chapter of the laws of 2021 amending the transportation law  
3 relating to requiring the department of transportation to annually  
4 prepare and submit to the legislature certain highway pavement and  
5 bridge condition reports, as proposed in legislative bills numbers S.  
6 199-B and A. 4010-B, is amended to read as follows:

7 36. To prepare and submit reports on highway pavement and bridge  
8 conditions, capital program letting and implementation, capital program  
9 accomplishments, and non-MTA downstate suburban and upstate transit  
10 capital programs. The commissioner shall be responsible for issuing the  
11 following reports in a searchable electronic format accessible to users  
12 to the governor, temporary president of the senate, speaker of the  
13 assembly, the chair of the senate transportation committee, the chair of  
14 the assembly transportation committee, the chair of the senate finance  
15 committee and the chair of the assembly ways and means committee:

16 (a) On or before [~~January~~] June first, two thousand twenty-two and by  
17 [~~January~~] June first of each year thereafter, a report for each [~~forth-~~  
18 ~~coming~~] state fiscal year detailing the department's on-state system  
19 capital projects and off-state system local capital projects, as defined  
20 in subdivision two-a of section two of the state finance law, planned  
21 for the [~~forthcoming~~] fiscal year including projects receiving funds  
22 pursuant to New York works. Such report shall include projects expected  
23 to be advertised for public bid in the respective state fiscal year,  
24 including estimated letting dates by department region. The report shall  
25 also include a project description, proposed month of letting, project  
26 identification number, and preliminary project cost estimates. Such  
27 report shall present project letting details by department region, with-

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

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1 in region by funding source, within funding source by capital program  
2 category (pavement preservation, pavement reconstruction, bridge preser-  
3 vation, bridge rehabilitation or replacement, safety, mobility, and  
4 other), and within capital program category by project phase (scoping,  
5 preliminary engineering, right-of-way, final design and construction).  
6 After completion of each quarter, the department shall issue a report,  
7 including the actual letting dates and contract amounts for each project  
8 accompanied by the same information. The report shall also compare  
9 changes in planned construction lettings with actual project lettings,  
10 changes in project costs of more than twenty-five percent for projects  
11 exceeding fifteen million dollars and the contributing factors for such  
12 project cost changes, and changes in project letting schedules of more  
13 than twelve months and contributing factors for such changes in letting  
14 schedules, and the estimated number of jobs created by each project.

15 For purposes of this subdivision, "preliminary project cost estimates"  
16 shall mean publicly available project cost estimates including those  
17 required by the Statewide Transportation Improvement Program (STIP)  
18 established pursuant to Title 23 U.S.C. sections 134 and 135, Title 23  
19 C.F.R. Part 450 and Title 49 U.S.C. Chapter 53 and those required by  
20 Transportation Improvement Programs (TIPs) as defined by Title 23 U.S.C.  
21 section 134(b)(6). For projects without such estimates, such term shall  
22 mean estimates in the following ranges: one to one hundred thousand  
23 dollars, one hundred thousand to two hundred fifty thousand dollars, two  
24 hundred fifty thousand to five hundred thousand dollars, five hundred  
25 thousand to one million dollars, one million to two million five hundred  
26 thousand dollars, two million five hundred thousand to five million  
27 dollars, five million to ten million dollars, ten million to fifteen  
28 million dollars, fifteen million to twenty-five million dollars, twen-  
29 ty-five million to seventy-five million dollars, seventy-five million  
30 to one hundred fifty million dollars, and one hundred fifty million  
31 dollars or greater.

32 (b) On or before June first, two thousand twenty-two and by June first  
33 of each year thereafter, an accomplishment report for the prior state  
34 fiscal year detailing the amount of funding obligated for major capital  
35 program categories including: pavement preservation, pavement recon-  
36 struction, bridge preservation, bridge rehabilitation or replacement,  
37 safety, and mobility. Such capital report shall present details by  
38 department region, within region by funding source, within funding  
39 source by capital program category and within capital program category  
40 by project phase, including by scoping, preliminary engineering, right-  
41 of-way, final design and construction phase.

42 (c) On or before June first, two thousand twenty-two and by June first  
43 of each year thereafter, a highway pavement and bridge condition report  
44 that details conditions of state highway pavement by department region  
45 and statewide condition goals for pavement, the condition of state and  
46 locally owned bridges by county and the statewide condition goals for  
47 bridge conditions, as well as the respective goals for each of these  
48 classes for the previous three years.

49 (d) (i) On or before June first, two thousand twenty-two and by June  
50 first of each year thereafter, a report detailing the ~~[allocation and~~  
51 ~~disbursement]~~ allocations and disbursements made by the department for  
52 the prior state fiscal year of capital funds appropriated for public  
53 transportation providers within the metropolitan commuter transportation  
54 district that exclude the metropolitan transportation authority and its  
55 subsidiaries, and for public transportation providers outside the metro-  
56 politan commuter transportation district. The report on capital fund use

1 shall indicate the amount of capital funds allocated and disbursed by  
2 the department to each respective transportation provider by capital  
3 element, including, but not limited to: rolling stock and buses, passen-  
4 ger stations, track, line equipment, line structures, signals and commu-  
5 nications, power equipment, emergency power equipment and substations,  
6 shops, yards, maintenance facilities, depots and terminals, service  
7 vehicles, security systems, electrification extensions, and unspecified,  
8 miscellaneous and emergency.

9 (ii) On or before June first, two thousand twenty-two and by June  
10 first of every fifth year thereafter, the department shall conduct a  
11 needs assessment for each public transportation provider, excluding the  
12 metropolitan transportation authority and its subsidiaries, that  
13 includes but is not limited to: vehicle age and condition, facility and  
14 equipment state of good repair, and consistency with federal and state  
15 system safety plans. For purposes of this subparagraph, the term "public  
16 transportation provider" shall mean those public transportation systems  
17 receiving capital funds from the state, and the term "public transporta-  
18 tion system" shall have the same meaning as such term is defined in  
19 subdivision one of section [~~eighteen-a~~] eighteen-b of this article,  
20 excluding the metropolitan transportation authority and its  
21 subsidiaries.

22 § 2. This act shall take effect on the same date and in the same  
23 manner as a chapter of the laws of 2021 amending the transportation law  
24 relating to requiring the department of transportation to annually  
25 prepare and submit to the legislature certain highway pavement and  
26 bridge condition reports, as proposed in legislative bills numbers S.  
27 199-B and A. 4010-B, takes effect.