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:

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

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

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

LBD03335-09-2

in region by funding source, within funding source by capital program category (pavement preservation, pavement reconstruction, bridge preservation, bridge rehabilitation or replacement, safety, mobility, and other), and within capital program category by project phase (scoping, preliminary engineering, right-of-way, final design and construction). After completion of each quarter, the department shall issue a report, including the actual letting dates and contract amounts for each project accompanied by the same information. The report shall also compare changes in planned construction lettings with actual project lettings, changes in project costs of more than twenty-five percent for projects exceeding fifteen million dollars and the contributing factors for such project cost changes, and changes in project letting schedules of more than twelve months and contributing factors for such changes in letting schedules, and the estimated number of jobs created by each project. **For purposes of this subdivision, "preliminary project cost estimates" shall mean publicly available project cost estimates including those required by the Statewide Transportation Improvement Program (STIP) established pursuant to Title 23 U.S.C. sections 134 and 135, Title 23 C.F.R. Part 450 and Title 49 U.S.C. Chapter 53 and those required by Transportation Improvement Programs (TIPs) as defined by Title 23 U.S.C. section 134(b)(6). For projects without such estimates, such term shall mean estimates in the following ranges: one to one hundred thousand dollars, one hundred thousand to two hundred fifty thousand dollars, two hundred fifty thousand to five hundred thousand dollars, five hundred thousand to one million dollars, one million to two million five hundred thousand dollars, two million five hundred thousand to five million dollars, five million to ten million dollars, ten million to fifteen million dollars, fifteen million to twenty-five million dollars, twenty-five million to seventy-five million dollars, seventy-five million to one hundred fifty million dollars, and one hundred fifty million dollars or greater.**

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

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

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

shall indicate the amount of capital funds allocated and disbursed **by the department** to each respective transportation provider by capital element, including, but not limited to: rolling stock and buses, passenger stations, track, line equipment, line structures, signals and communications, power equipment, emergency power equipment and substations, shops, yards, maintenance facilities, depots and terminals, service vehicles, security systems, electrification extensions, and unspecified, miscellaneous and emergency.

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

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