

# STATE OF NEW YORK

4010--B

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. THIELE, BYRNES, GRIFFIN, JACOBSON, PALMESANO -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted 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. Section 14 of the transportation law is amended by adding a  
2 new subdivision 36 to read as follows:

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

12 (a) On or before January first, two thousand twenty-two and by January  
13 first of each year thereafter, a report for each forthcoming state  
14 fiscal year detailing the department's on-state system capital projects  
15 and off-state system local capital projects, as defined in subdivision  
16 two-a of section two of the state finance law, planned for the forthcom-  
17 ing fiscal year including projects receiving funds pursuant to New York  
18 works. Such report shall include projects expected to be advertised for  
19 public bid in the respective state fiscal year, including estimated

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

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

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

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

36 (d) (i) On or before June first, two thousand twenty-two and by June  
37 first of each year thereafter, a report detailing the allocation and  
38 disbursement for the prior state fiscal year of capital funds appropri-  
39 ated for public transportation providers within the metropolitan commu-  
40 ter transportation district that exclude the metropolitan transportation  
41 authority and its subsidiaries, and for public transportation providers  
42 outside the metropolitan commuter transportation district. The report on  
43 capital fund use shall indicate the amount of capital funds allocated  
44 and disbursed to each respective transportation provider by capital  
45 element, including, but not limited to: rolling stock and buses, passen-  
46 ger stations, track, line equipment, line structures, signals and commu-  
47 nications, power equipment, emergency power equipment and substations,  
48 shops, yards, maintenance facilities, depots and terminals, service  
49 vehicles, security systems, electrification extensions, and unspecified,  
50 miscellaneous and emergency.

51 (ii) On or before June first, two thousand twenty-two and by June  
52 first of every fifth year thereafter, the department shall conduct a  
53 needs assessment for each public transportation provider that includes  
54 but is not limited to: vehicle age and condition, facility and equipment  
55 state of good repair, and consistency with federal and state system  
56 safety plans. For purposes of this subparagraph, the term "public trans-

1 portation provider" shall mean those public transportation systems  
2 receiving capital funds from the state, and the term "public transporta-  
3 tion system" shall have the same meaning as such term is defined in  
4 subdivision one of section eighteen-a of this article.

5 § 2. This act shall take effect immediately.