

# STATE OF NEW YORK

6435

2021-2022 Regular Sessions

## IN ASSEMBLY

March 17, 2021

Introduced by M. of A. ROZIC, MAGNARELLI, ABBATE, CUSICK, OTIS, PAULIN, SIMON, QUART, SEAWRIGHT, LUPARDO, HUNTER, TAYLOR, JACOBSON, BARNWELL, GRIFFIN, PALMESANO, NORRIS, BYRNE -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to the rate paid by the state to a city for maintenance and repair of highways

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

1 Section 1. The opening paragraph of subdivision 5-a of section 340-b  
2 of the highway law, as amended by chapter 30 of the laws of 1987, is  
3 amended to read as follows:

4 The commissioner of transportation and the city of New York, acting  
5 through the mayor or other administrative head thereof, pursuant to a  
6 resolution of the governing body of such city, are authorized to enter  
7 into a written agreement for the maintenance and repair, under the  
8 supervision and subject to the approval of the commissioner of transpor-  
9 tation, of any state interstate highway or portion thereof, exclusive of  
10 service roads and pavement on intersecting street bridges, which is  
11 within the boundaries of such city and which is now or which shall here-  
12 after be designated in section three hundred forty-a of this [~~chapter~~  
13 article] and which has been constructed or which shall have been  
14 constructed as authorized by section three hundred forty-a of this  
15 [~~chapter~~] article. Such agreement may provide that the state shall pay  
16 annually to such city a sum to be computed at the rate of (a) not more  
17 than [~~eighty-five~~] one dollar and eighty-seven cents per square yard of  
18 the pavement area that is included in the state highway system according  
19 to the provisions of this section, and (b) an additional [~~ten~~] twenty  
20 cents per square yard of such pavement area where such pavement area is  
21 located on any elevated bridge, such rate shall be increased in each  
22 year of the agreement by the percentage change in the consumer price  
23 index for all urban consumers (CPI-U), New York-Northern New Jersey-Long

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

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1 Island, NY-NJ-CT-PA, as published by the United States department of  
2 labor bureau of labor statistics, over the prior five years.

3 § 2. The opening paragraph of subdivision 7 of section 349-c of the  
4 highway law, as amended by chapter 30 of the laws of 1987, is amended to  
5 read as follows:

6 The commissioner of transportation and any city named in this article,  
7 acting through the mayor or other administrative head thereof, pursuant  
8 to a resolution of the governing body of such city except the city of  
9 New York, are authorized to enter into a written agreement for the main-  
10 tenance and repair, under the supervision and subject to the approval of  
11 the commissioner, of any public street, main route or thoroughfare or  
12 portion thereof, exclusive of service roads and pavement on intersecting  
13 street bridges, which is within the boundaries of such city and which is  
14 now or which shall hereafter be designated in this article and which has  
15 been constructed or which shall have been constructed as authorized by  
16 ~~[articles]~~ this article and article four ~~[and twelve-B]~~ of this chapter  
17 and with grants made available by the federal government pursuant to the  
18 federal aid highway act of nineteen hundred forty-four, being public law  
19 five hundred twenty-one of the seventy-eighth congress, chapter six  
20 hundred twenty-six, second session, as approved on the twentieth day of  
21 December, nineteen hundred forty-four. Such agreement may provide that  
22 the state shall pay annually to such city a sum to be computed at the  
23 rate of (a) not more than ~~[eighty-five]~~ one dollar and eighty-seven  
24 cents per square yard of the pavement area that is included in the state  
25 highway system according to the provisions of this section, and (b) an  
26 additional ~~[ten]~~ twenty cents per square yard of such pavement area  
27 where such pavement area is located on any elevated bridge, such rate  
28 shall be increased in each year of the agreement by the percentage  
29 change in the consumer price index for all urban consumers (CPI-U), New  
30 York-Northern New Jersey-Long Island, NY-NJ-CT-PA, as published by the  
31 United States department of labor bureau of labor statistics, over the  
32 prior five years.

33 § 3. This act shall take effect on the first of April next succeeding  
34 the date on which it shall have become a law.