

STATE OF NEW YORK

8694

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. THIELE -- read once and referred to the Committee on Transportation

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.

LBD03335-09-2

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.