

# STATE OF NEW YORK

3529

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed 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  
24 Island, NY-NJ-CT-PA, as published by the United States department of  
25 labor bureau of labor statistics, over the prior five years.

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

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

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

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