

# STATE OF NEW YORK

3783

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the highway law, in relation to authorizing park-and-ride development as construction or improvement by the department of transportation partly at municipal expense

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

1 Section 1. Subdivision 1 of section 80-b of the highway law, as  
2 amended by chapter 794 of the laws of 2022, is amended to read as  
3 follows:  
4 1. In connection with the undertaking of any project for which the  
5 commissioner is authorized to use moneys of the federal government  
6 pursuant to the provisions of subdivision thirty-four-a of section ten  
7 and section eighty of this chapter to assure the effective discharge of  
8 state responsibilities with respect to regional transportation needs, on  
9 highways, roads, streets, bicycle paths [~~or~~], pedestrian paths, or park-  
10 and-ride developments that are not on the state highway system, the  
11 commissioner shall submit such project to the governing body or bodies  
12 of the affected municipality or municipalities together with estimates  
13 of costs thereof. If such project includes a municipal project, as that  
14 term is defined in accordance with article thirteen of the transporta-  
15 tion law, the state share of such municipal project shall also be  
16 included. If such project includes a project affecting a highway, road,  
17 street, bicycle path [~~or~~], pedestrian path, or park-and-ride develop-  
18 ments not on the state highway system, the state share shall be equal to  
19 eighty percent of the difference between the total project cost and the  
20 federal assistance, provided, however, the state share shall be equal to  
21 eighty-seven and one-half percent of the difference between the total  
22 project cost and the federal assistance where, in conjunction with such  
23 project, the municipality agrees to fund a complete street design  
24 feature as defined in section three hundred thirty-one of this chapter,

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

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1 provided, further, the commissioner may increase the state share to an  
2 amount equal to one hundred percent of the difference between the total  
3 project cost and the federal assistance where he or she determines that  
4 the need for the project results substantially from actions undertaken  
5 pursuant to section ten of this chapter. No such project shall proceed  
6 without the approval of the governing body of a municipality. Such  
7 governing body may request the commissioner to undertake the provision  
8 of such project. If the commissioner agrees to such undertaking he or  
9 she shall notify the local governing body which shall appropriate suffi-  
10 cient moneys to pay the estimated amount of the municipal share. Such  
11 moneys shall be deposited with the state comptroller who is authorized  
12 to receive and accept the same for the purposes of such project, subject  
13 to the draft or requisition of the commissioner. When the work of such  
14 project has been completed, the commissioner shall render to the govern-  
15 ing body of such municipality an itemized statement showing in full (a)  
16 the amount of money that has been deposited by such municipality with  
17 the state comptroller as hereinbefore provided, and (b) all disburse-  
18 ments made pursuant to this section for such project. Any surplus  
19 moneys shall be paid to such municipality on the warrant of the comp-  
20 troller on vouchers therefor approved by the commissioner. When the work  
21 of such project has been completed and it is determined by the commis-  
22 sioner that the amount of the cost to be borne by the municipality is in  
23 excess of the amount deposited by such municipality with the state comp-  
24 troller, the commissioner shall then notify the municipality of the  
25 deficiency of funds. The municipality shall then within ninety days of  
26 the receipt of such notice, pay such amount to the state comptroller.  
27 For purposes of this section, the term "municipality" shall include a  
28 city, county, town, village or two or more of the foregoing acting  
29 jointly.

30 § 2. This act shall take effect immediately; provided, however, that  
31 if chapter 794 of the laws of 2022 shall not have taken effect on or  
32 before such date then section one of this act shall take effect on the  
33 same date and in the same manner as such chapter of the laws of 2022  
34 takes effect.