

# STATE OF NEW YORK

5082

2023-2024 Regular Sessions

## IN ASSEMBLY

March 2, 2023

Introduced by M. of A. PALMESANO, BARCLAY, RA, BLANKENBUSH, BRABENEC, DeSTEFANO, DiPIETRO, FRIEND, J. M. GIGLIO, MANKTELOW, McDONOUGH, MILLER, MORINELLO, NORRIS, REILLY, SMULLEN, TAGUE, WALSH -- Multi-Sponsored by -- M. of A. BYRNES, COOK -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to establishing the dedicated highway and bridge trust fund reform act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "dedicated highway and bridge trust fund reform act".  
3 § 2. Paragraph a of subdivision 5 of section 89-b of the state finance  
4 law, as amended by section 10 of part C of chapter 57 of the laws of  
5 2014, is amended to read as follows:  
6 a. Moneys in the dedicated highway and bridge trust fund shall,  
7 following appropriation by the legislature, be utilized for: recon-  
8 struction, replacement, reconditioning, restoration, rehabilitation and  
9 preservation of state, county, town, city and village roads, highways,  
10 parkways, and bridges thereon, to restore such facilities to their  
11 intended functions; construction, reconstruction, enhancement and  
12 improvement of state, county, town, city, and village roads, highways,  
13 parkways, and bridges thereon, to address current and projected capacity  
14 problems including costs for traffic mitigation activities; aviation  
15 projects authorized pursuant to section fourteen-j of the transportation  
16 law and for payments to the general debt service fund of amounts equal  
17 to amounts required for service contract payments related to aviation  
18 projects as provided and authorized by section three hundred eighty-six  
19 of the public authorities law; programs to assist small and minority and  
20 women-owned firms engaged in transportation construction and recon-  
21 struction projects, including a revolving fund for working capital  
22 loans, and a bonding guarantee assistance program in accordance with

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

LBD08488-01-3

1 provisions of this chapter; matching federal grants or apportionments to  
2 the state for highway, parkway and bridge capital projects; the acquisi-  
3 tion of real property and interests therein required or expected to be  
4 required in connection with such projects; preventive maintenance activ-  
5 ities necessary to ensure that highways, parkways and bridges meet or  
6 exceed their optimum useful life; [~~expenses of control of snow and ice  
7 on state highways by the department of transportation including but not  
8 limited to personal services, nonpersonal services and fringe benefits,  
9 payment of emergency aid for control of snow and ice in municipalities  
10 pursuant to section fifty-five of the highway law, expenses of control  
11 of snow and ice on state highways by municipalities pursuant to section  
12 twelve of the highway law, and for expenses of arterial maintenance  
13 agreements with cities pursuant to section three hundred forty nine of  
14 the highway law; personal services, nonpersonal services, and fringe  
15 benefit costs of the department of transportation for bus safety  
16 inspection activities, rail safety inspection activities, and truck  
17 safety inspection activities; costs of the department of motor vehicles,  
18 including but not limited to personal and nonpersonal services,~~] costs  
19 of engineering and administrative services of the department of trans-  
20 portation, including but not limited to fringe benefits; the contract  
21 services provided by private firms in accordance with section fourteen  
22 of the transportation law; personal services and nonpersonal services,  
23 for activities including but not limited to the preparation of designs,  
24 plans, specifications and estimates; construction management and super-  
25 vision activities; costs of appraisals, surveys, testing and environ-  
26 mental impact statements for transportation projects; expenses in  
27 connection with buildings, equipment, materials and facilities used or  
28 useful in connection with the maintenance, operation, and repair of  
29 highways, parkways and bridges thereon; and project costs for:  
30 construction, reconstruction, improvement, reconditioning and preserva-  
31 tion of rail freight facilities and intercity rail passenger facilities  
32 and equipment; construction, reconstruction, improvement, reconditioning  
33 and preservation of state, municipal and privately owned ports;  
34 construction, reconstruction, improvement, reconditioning and preserva-  
35 tion of municipal airports; privately owned airports and aviation capi-  
36 tal facilities, excluding airports operated by the state or operated by  
37 a bi-state municipal corporate instrumentality for which federal funding  
38 is not available provided the project is consistent with an approved  
39 airport layout plan; and construction, reconstruction, enhancement,  
40 improvement, replacement, reconditioning, restoration, rehabilitation  
41 and preservation of state, county, town, city and village roads, high-  
42 ways, parkways and bridges; and construction, reconstruction, improve-  
43 ment, reconditioning and preservation of fixed ferry facilities of  
44 municipal and privately owned ferry lines for transportation purposes,  
45 and the payment of debt service required on any bonds, notes or other  
46 obligations and related expenses for highway, parkway, bridge and  
47 project costs for: construction, reconstruction, improvement, recondi-  
48 tioning and preservation of rail freight facilities and intercity rail  
49 passenger facilities and equipment; construction, reconstruction,  
50 improvement, reconditioning and preservation of state, municipal and  
51 privately owned ports; construction, reconstruction, improvement, recondi-  
52 tioning and preservation of municipal airports; privately owned  
53 airports and aviation capital facilities, excluding airports operated by  
54 the state or operated by a bi-state municipal corporate instrumentality  
55 for which federal funding is not available provided the project is  
56 consistent with an approved airport layout plan; construction, recon-

1 construction, enhancement, improvement, replacement, reconditioning, resto-  
2 ration, rehabilitation and preservation of state, county, town, city and  
3 village roads, highways, parkways and bridges; and construction, recon-  
4 struction, improvement, reconditioning and preservation of fixed ferry  
5 facilities of municipal and privately owned ferry lines for transporta-  
6 tion purposes, purposes authorized on or after the effective date of  
7 this section. Beginning with disbursements made on and after the first  
8 day of April, nineteen hundred ninety-three, moneys in such fund shall  
9 be available to pay such costs or expenses made pursuant to appropri-  
10 ations or reappropriations made during the state fiscal year which began  
11 on the first of April, nineteen hundred ninety-two. Beginning the first  
12 day of April, nineteen hundred ninety-three, moneys in such fund shall  
13 also be used for transfers to the general debt service fund and the  
14 revenue bond tax fund of amounts equal to that respectively required for  
15 service contract and financing agreement payments as provided and  
16 authorized by section three hundred eighty of the public authorities  
17 law, section eleven of chapter three hundred twenty-nine of the laws of  
18 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and  
19 sixty-nine-o of this chapter.

20 § 3. Paragraph a of subdivision 5 of section 89-b of the state finance  
21 law, as amended by section 52 of part JJJ of chapter 59 of the laws of  
22 2021, is amended to read as follows:

23 a. Moneys in the dedicated highway and bridge trust fund shall,  
24 following appropriation by the legislature, be utilized for: recon-  
25 struction, replacement, reconditioning, restoration, rehabilitation and  
26 preservation of state, county, town, city and village roads, highways,  
27 parkways, and bridges thereon, to restore such facilities to their  
28 intended functions; construction, reconstruction, enhancement and  
29 improvement of state, county, town, city, and village roads, highways,  
30 parkways, and bridges thereon, to address current and projected capacity  
31 problems including costs for traffic mitigation activities; aviation  
32 projects authorized pursuant to section fourteen-j of the transportation  
33 law and for payments to the general debt service fund of amounts equal  
34 to amounts required for service contract payments related to aviation  
35 projects as provided and authorized by section three hundred eighty-six  
36 of the public authorities law; programs to assist small and minority and  
37 women-owned firms engaged in transportation construction and recon-  
38 struction projects, including a revolving fund for working capital  
39 loans, and a bonding guarantee assistance program in accordance with  
40 provisions of this chapter; matching federal grants or apportionments to  
41 the state for highway, parkway and bridge capital projects; the acquisi-  
42 tion of real property and interests therein required or expected to be  
43 required in connection with such projects; preventive maintenance activ-  
44 ities necessary to ensure that highways, parkways and bridges meet or  
45 exceed their optimum useful life; ~~expenses of control of snow and ice  
46 on state highways by the department of transportation including but not  
47 limited to personal services, nonpersonal services and fringe benefits,  
48 payment of emergency aid for control of snow and ice in municipalities  
49 pursuant to section fifty-five of the highway law, expenses of control  
50 of snow and ice on state highways by municipalities pursuant to section  
51 twelve of the highway law, and for expenses of arterial maintenance  
52 agreements with cities pursuant to section three hundred forty nine of  
53 the highway law; personal services, nonpersonal services, and fringe  
54 benefit costs of the department of transportation for bus safety  
55 inspection activities, rail safety inspection activities, and truck  
56 safety inspection activities; costs of the department of motor vehicles,~~

1 ~~including but not limited to personal and nonpersonal services,~~ costs  
2 of engineering and administrative services of the department of trans-  
3 portation, including but not limited to fringe benefits; the contract  
4 services provided by private firms in accordance with section fourteen  
5 of the transportation law; personal services and nonpersonal services,  
6 for activities including but not limited to the preparation of designs,  
7 plans, specifications and estimates; construction management and super-  
8 vision activities; costs of appraisals, surveys, testing and environ-  
9 mental impact statements for transportation projects; expenses in  
10 connection with buildings, equipment, materials and facilities used or  
11 useful in connection with the maintenance, operation, and repair of  
12 highways, parkways and bridges thereon; and project costs for:  
13 construction, reconstruction, improvement, reconditioning and preserva-  
14 tion of rail freight facilities and intercity rail passenger facilities  
15 and equipment; construction, reconstruction, improvement, reconditioning  
16 and preservation of state, municipal and privately owned ports;  
17 construction, reconstruction, improvement, reconditioning and preserva-  
18 tion of municipal airports; privately owned airports and aviation capi-  
19 tal facilities, excluding airports operated by the state or operated by  
20 a bi-state municipal corporate instrumentality for which federal funding  
21 is not available provided the project is consistent with an approved  
22 airport layout plan; and construction, reconstruction, enhancement,  
23 improvement, replacement, reconditioning, restoration, rehabilitation  
24 and preservation of state, county, town, city and village roads, high-  
25 ways, parkways and bridges; and construction, reconstruction, improve-  
26 ment, reconditioning and preservation of fixed ferry facilities of  
27 municipal and privately owned ferry lines for transportation purposes,  
28 and the payment of debt service required on any bonds, notes or other  
29 obligations and related expenses for highway, parkway, bridge and  
30 project costs for: construction, reconstruction, improvement, recondi-  
31 tioning and preservation of rail freight facilities and intercity rail  
32 passenger facilities and equipment; construction, reconstruction,  
33 improvement, reconditioning and preservation of state, municipal and  
34 privately owned ports; construction, reconstruction, improvement, recondi-  
35 tioning and preservation of municipal airports; privately owned  
36 airports and aviation capital facilities, excluding airports operated by  
37 the state or operated by a bi-state municipal corporate instrumentality  
38 for which federal funding is not available provided the project is  
39 consistent with an approved airport layout plan; construction, recon-  
40 struction, enhancement, improvement, replacement, reconditioning, resto-  
41 ration, rehabilitation and preservation of state, county, town, city and  
42 village roads, highways, parkways and bridges; and construction, recon-  
43 struction, improvement, reconditioning and preservation of fixed ferry  
44 facilities of municipal and privately owned ferry lines for transporta-  
45 tion purposes, purposes authorized on or after the effective date of  
46 this section. Beginning with disbursements made on and after the first  
47 day of April, nineteen hundred ninety-three, moneys in such fund shall  
48 be available to pay such costs or expenses made pursuant to appropri-  
49 ations or reappropriations made during the state fiscal year which began  
50 on the first of April, nineteen hundred ninety-two. Beginning the first  
51 day of April, nineteen hundred ninety-three, moneys in such fund shall  
52 also be used for transfers to the general debt service fund and the  
53 general fund of amounts equal to that respectively required for service  
54 contract and financing agreement payments as provided and authorized by  
55 section three hundred eighty of the public authorities law, section  
56 eleven of chapter three hundred twenty-nine of the laws of nineteen

1 hundred ninety-one, as amended, and sections sixty-eight-c and sixty-  
2 nine-o of this chapter.  
3 § 4. This act shall take effect immediately; provided, however, that  
4 the amendments to paragraph a of subdivision 5 of section 89-b of the  
5 state finance law made by section two of this act shall be subject to  
6 the expiration and reversion of such paragraph pursuant to section 2 of  
7 part B of chapter 84 of the laws of 2002, as amended, when upon such  
8 date the provisions of section three of this act shall take effect.