STATE OF NEW YORK

4133--A

2023-2024 Regular Sessions

IN SENATE

February 3, 2023

Introduced by Sens. MANNION, HELMING, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law, in relation to authorizing county highway superintendents to rent road machinery from any city, town, village, or another county and authorizing the town highway superintendent to contract with another municipality, district corporation, school district, community college or any unit of the state university to provide certain services and the use of town machinery, tools and equipment

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

Section 1. Section 117 of the highway law, as amended by chapter 542 of the laws of 1981, is amended to read as follows:

§ 117. Construction and reconstruction of county roads. Construction or reconstruction of such roads, including necessary grade and culvert work, and any plans and specifications therefor, shall conform to an outline or general plan of the work, and such construction or reconstruction must be done under the immediate direct supervision of the county superintendent or a competent foreman designated by him **or her**. All or any part of such construction or reconstruction may be done by contract or by direct employment of labor and purchase of material, or both. The machinery needed for work done under this article, unless furnished by the contractor, shall be provided as follows:

The county superintendent may rent road machinery from any person, company, corporation, or from any **city,** town or towns [~~in the county~~]**,** **village**, or from any other county, and such rental shall be payable from the county road fund; or he **or she** may use road building machinery, equipment, tools and implements purchased with county moneys, and whenever used for the purpose of this article, a charge therefor, in the

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

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nature of rental, shall be payable from the county road fund on itemized vouchers certified by the county superintendent showing where the machinery was used, together with the amount chargeable to each appropriation or construction project. The provisions of subdivision three of section one hundred ninety-five, and of subdivisions four, five and six of section one hundred ninety-four **of this chapter** shall apply to work carried on pursuant to the provisions of this article.

§ 2. Section 142-d of the highway law, as amended by chapter 347 of the laws of 1997, is amended to read as follows:

§ 142-d. Rental or hiring of town highway machinery, tools or equipment. [~~Except as otherwise provided in section one hundred forty-two-c of this chapter with respect to the use of town highway machinery, snow and ice removal equipment, tools and equipment by a village located wholly or partly within the town, the~~] **The** town superintendent of highways, with the approval of the town board, may permit the use of any town-owned highway machinery, tools or equipment by a county or any municipality, district, district corporation, school district, community college, and any unit of the state university of New York, upon such terms and conditions as may be agreed upon by the parties involved. Moneys received by a town pursuant to the provisions of this section shall be applicable for the purposes for which amounts may be raised as provided in subdivision three of section two hundred seventy-one of this chapter.

§ 3. This act shall take effect immediately.