STATE OF NEW YORK

840

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the highway law, in relation to the percentage responsibility of the state for federally assisted projects; and to amend chapter 329 of the laws of 1991 amending the state finance law and other laws relating to establishing the dedicated highway and bridge trust fund and the dedicated mass transportation fund, in relation to the state share of municipal projects where the municipality funds a complete street design

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

Section 1. Subdivision 1 of section 80-b of the highway law, as amended by a chapter of the laws of 2022 amending the highway law relating to complete street design features and funding of construction and improvements at a municipalities' expense, as proposed in legislative bills numbers S. 3897 and A. 8936-A, is amended to read as follows:

1. In connection with the undertaking of any project for which the commissioner is authorized to use moneys of the federal government pursuant to the provisions of subdivision thirty-four-a of section ten and section eighty of this chapter to assure the effective discharge of state responsibilities with respect to regional transportation needs, on highways, roads, streets, bicycle paths or pedestrian paths that are not on the state highway system, the commissioner shall submit such project to the governing body or bodies of the affected municipality or municipalities together with estimates of costs thereof. If such project includes a municipal project, as that term is defined in accordance with article thirteen of the transportation law, the state share of such municipal project shall also be included. If such project includes a project affecting a highway, road, street, bicycle path or pedestrian path not on the state highway system, the state share shall be equal to eighty percent of the difference between the total project cost and the

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

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federal assistance, [~~provided, however, the state share shall be equal to eighty-seven and one-half percent of the difference between the total project cost and the federal assistance where, in conjunction with such project, the municipality agrees to fund a complete street design feature as defined in section three hundred thirty-one of this chapter,~~] provided, [~~further~~] **however**, the commissioner may increase the state share to an amount equal to one hundred percent of the difference between the total project cost and the federal assistance where he or she determines that the need for the project results substantially from actions undertaken pursuant to section ten of this chapter. No such project shall proceed without the approval of the governing body of a municipality. Such governing body may request the commissioner to undertake the provision of such project. If the commissioner agrees to such undertaking he or she shall notify the local governing body which shall appropriate sufficient moneys to pay the estimated amount of the municipal share. Such moneys shall be deposited with the state comptroller who is authorized to receive and accept the same for the purposes of such project, subject to the draft or requisition of the commissioner. When the work of such project has been completed, the commissioner shall render to the governing body of such municipality an itemized statement showing in full (a) the amount of money that has been deposited by such municipality with the state comptroller as hereinbefore provided, and (b) all disbursements made pursuant to this section for such project. Any surplus moneys shall be paid to such municipality on the warrant of the comptroller on vouchers therefor approved by the commissioner. When the work of such project has been completed and it is determined by the commissioner that the amount of the cost to be borne by the municipality is in excess of the amount deposited by such municipality with the state comptroller, the commissioner shall then notify the municipality of the deficiency of funds. The municipality shall then within ninety days of the receipt of such notice, pay such amount to the state comptroller. For purposes of this section, the term "municipality" shall include a city, county, town, village or two or more of the foregoing acting jointly.

§ 2. Paragraphs (a) and (b) of section 15 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to establishing the dedicated highway and bridge trust fund and the dedicated mass transportation fund, as added by chapter 330 of the laws of 1991, are amended to read as follows:

(a) for federal aid municipal street and highway projects, municipalities shall be eligible for repayment of nineteen percent of the total project cost when the federal share is seventy-five percent of such total project cost, and fifteen percent of the total project cost when the federal share is eighty percent of the total project cost. **Provided, however, that the state share shall be equal to eighty-seven and one-half percent of the difference between the total project cost and the federal assistance where, in conjunction with such project, the municipality funds a complete street design as defined in section three hundred thirty-one of the highway law that is sufficiently compliant with such section, in the determination of the state department of transportation pursuant to guidance it makes publicly available, as shall warrant such state share.**

(b) For federal aid municipal street and highway projects for which the federal share is fixed at other than seventy-five or eighty percent of the total project cost, municipalities shall be eligible for repayment of eighty percent of the non-federal share of such total project

cost. **Provided, however, that the state share shall be equal to eighty-seven and one-half percent of the difference between the total project cost and the federal assistance where, in conjunction with such project, the municipality funds a complete street design as defined in section three hundred thirty-one of the highway law that is sufficiently compliant with such section, in the determination of the state department of transportation pursuant to guidance it makes publicly available, as shall warrant such state share.**

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the highway law relating to complete street design features and funding of construction and improvements at a municipalities' expense, as proposed in legislative bills numbers S. 3897 and A. 8936-A, takes effect.