

STATE OF NEW YORK

5078

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

Introduced by M. of A. PALMESANO, BLANKENBUSH, BRABENEC, BYRNES,
J. M. GIGLIO, GOODELL, HAWLEY, MORINELLO, NORRIS, REILLY, SAYEGH,
TAGUE -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to increasing reimbursement rates paid by the state to cities for repair and maintenance of state arterials

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

1 Section 1. The first undesignated paragraph of subdivision 5-a of
2 section 340-b of the highway law, as amended by chapter 30 of the laws
3 of 1987, is 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 cents per square yard of the
18 pavement area that is included in the state highway system according to
19 the provisions of this section, and (b) an additional [~~ten~~] twenty cents
20 per square yard of such pavement area where such pavement area is
21 located on any elevated bridge, such rate to be increased in each year
22 of the agreement by the percentage change in the consumer price index
23 for all urban consumers (CPI-U), New York-Northern New Jersey-Long

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

LBD08407-01-3

1 Island, NY-NJ-CT-PA, as published by the United States department of
2 labor bureau of labor statistics, over the prior five years.

3 § 2. The first undesignated paragraph of subdivision 7 of section
4 349-c of the highway law, as amended by chapter 30 of the laws of 1987,
5 is amended to read as follows:

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

33 § 3. This act shall take effect immediately.