

# STATE OF NEW YORK

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602

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

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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 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:

1 Section 1. Subdivision 1 of section 80-b of the highway law, as  
2 amended by a chapter of the laws of 2022 amending the highway law relat-  
3 ing to complete street design features and funding of construction and  
4 improvements at a municipalities' expense, as proposed in legislative  
5 bills numbers S. 3897 and A. 8936-A, is amended to read as follows:  
6 1. In connection with the undertaking of any project for which the  
7 commissioner is authorized to use moneys of the federal government  
8 pursuant to the provisions of subdivision thirty-four-a of section ten  
9 and section eighty of this chapter to assure the effective discharge of  
10 state responsibilities with respect to regional transportation needs, on  
11 highways, roads, streets, bicycle paths or pedestrian paths that are not  
12 on the state highway system, the commissioner shall submit such project  
13 to the governing body or bodies of the affected municipality or munici-  
14 palities together with estimates of costs thereof. If such project  
15 includes a municipal project, as that term is defined in accordance with  
16 article thirteen of the transportation law, the state share of such  
17 municipal project shall also be included. If such project includes a  
18 project affecting a highway, road, street, bicycle path or pedestrian  
19 path not on the state highway system, the state share shall be equal to  
20 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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1 federal assistance, [~~provided, however, the state share shall be equal~~  
2 ~~to eighty seven and one half percent of the difference between the total~~  
3 ~~project cost and the federal assistance where, in conjunction with such~~  
4 ~~project, the municipality agrees to fund a complete street design~~  
5 ~~feature as defined in section three hundred thirty one of this chapter,~~  
6 provided, [~~further~~] however, the commissioner may increase the state  
7 share to an amount equal to one hundred percent of the difference  
8 between the total project cost and the federal assistance where he or  
9 she determines that the need for the project results substantially from  
10 actions undertaken pursuant to section ten of this chapter. No such  
11 project shall proceed without the approval of the governing body of a  
12 municipality. Such governing body may request the commissioner to under-  
13 take the provision of such project. If the commissioner agrees to such  
14 undertaking he or she shall notify the local governing body which shall  
15 appropriate sufficient moneys to pay the estimated amount of the municipi-  
16 pal share. Such moneys shall be deposited with the state comptroller who  
17 is authorized to receive and accept the same for the purposes of such  
18 project, subject to the draft or requisition of the commissioner. When  
19 the work of such project has been completed, the commissioner shall  
20 render to the governing body of such municipality an itemized statement  
21 showing in full (a) the amount of money that has been deposited by such  
22 municipality with the state comptroller as hereinbefore provided, and  
23 (b) all disbursements made pursuant to this section for such project.  
24 Any surplus moneys shall be paid to such municipality on the warrant of  
25 the comptroller on vouchers therefor approved by the commissioner. When  
26 the work of such project has been completed and it is determined by the  
27 commissioner that the amount of the cost to be borne by the municipality  
28 is in excess of the amount deposited by such municipality with the state  
29 comptroller, the commissioner shall then notify the municipality of the  
30 deficiency of funds. The municipality shall then within ninety days of  
31 the receipt of such notice, pay such amount to the state comptroller.  
32 For purposes of this section, the term "municipality" shall include a  
33 city, county, town, village or two or more of the foregoing acting  
34 jointly.

35 § 2. Paragraphs (a) and (b) of section 15 of chapter 329 of the laws  
36 of 1991, amending the state finance law and other laws relating to  
37 establishing the dedicated highway and bridge trust fund and the dedi-  
38 cated mass transportation fund, as added by chapter 330 of the laws of  
39 1991, are amended to read as follows:

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

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

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

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