

STATE OF NEW YORK

399

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance AN ACT to amend the state finance law, in relation to a state transportation plan

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

Section 1. The state finance law is amended by adding a new section 22-d to read as follows: § 22-d. State transportation plan. 1. The commissioner of transportation shall develop and present to the governor and legislature by October first, two thousand nineteen: (a) a comprehensive, twenty-year intermodal, long-range transportation plan for the state that shall at a minimum consider long-range needs spanning no less than a twenty-year time range each time it is developed. The plan may be developed in multiple documents, released simultaneously, that assess statewide and regional system needs, and may be analyzed based on geographic area, mode of transportation, transportation corridors, systems, and other distinct subjects relevant to transportation planning. Such plan shall include without limitation attention of a balanced, affordable, coordinated network of state and local

15 highways, rapid transit, freight and passenger railroad,
omnibus,
16 marine, aviation, pedestrian/bicycling and other mass
transportation
17 facilities and services, whether publicly or privately owned or
main-
18 tained. Such plan shall also assess its compliance with the most
recent-
19 ly released long-term regional transportation plans for each
metropol-
20 itan planning organization in the state.
21 (b) a five-year capital plan in state and local highways and
bridges,
22 intercity passenger and freight rail, suburban and upstate
transit,
23 ports and airports. In addition, the submittal shall recommend
objec-
24 tives and performance measures to determine the state's investment
in

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets

[-] is old law to be omitted.

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1 transportation. Such five-year capital plan shall include the
projects
2 that are intended to be completed within the first five years of
the
3 long-range transportation plan required by paragraph (a) of this
subdi-
4 vision and explain how these projects comport with the goals of
the
5 long-range transportation plan required by paragraph (a) of this
subdi-
6 vision.
7 2. By October first, two thousand twenty-two and every fifth
year
8 thereafter, the commissioner of transportation shall:
9 (a) fully revise and submit to the governor and legislature the
long-
10 range transportation plan in conformance with paragraph (a) of
subdivi-
11 sion one of this section; and
12 (b) develop and submit to the governor and legislature a five-
year
13 capital plan in conformance with paragraph (b) of subdivision one
of
14 this section; provided that the first such five-year plan shall
span
15 fiscal years two thousand twenty-three through two thousand
twenty-
16 eight, and the initial and all subsequent twenty-year and five-
year

17 plans shall be aligned with the capital planning schedule of the
metro-
18 politan transportation authority.
19 3. In developing and revising the state long-range transportation
plan
20 and five-year capital plan, the commissioner of transportation
shall
21 conform to the requirements for eligibility and use of federal and
other
22 fund sources, as applicable, shall seek public review and evaluation
by
23 any reasonable means and shall:
24 (a) consult and cooperate with officials and representatives of
the
25 federal government, other governments, interstate commissions
and
26 authorities, state and local agencies and authorities, interested
corpo-
27 rations and other organizations concerning problems and needs
affecting
28 transportation in the state;
29 (b) request from an agency or other unit of the state government or
of
30 a political subdivision of the state, or from a public authority,
such
31 assistance and data necessary to enable the commissioner of
transporta-
32 tion to carry out responsibilities under this section; every such
entity
33 shall provide the assistance and data requested, provided, however,
that
34 such assistance shall not waive or impair the terms of an
existing
35 agreement negotiated between the relevant employer and employee
organ-
36 ization nor limit any obligation to bargain terms and conditions
of
37 employment pursuant to article fourteen of the civil service law;
38 (c) conduct at minimum eleven public hearings, one in each
department
39 of transportation region across the state, with opportunity for
public
40 comment to be completed at least six months before such document
is
41 required to be presented to the legislature. Such hearings shall
be
42 conducted in accordance with article seven of the public officers
law;
43 and
44 (d) maintain a section on the department of transportation's
website
45 where the public at large may view the proposed long-range
transporta-
46 tion plan and five-year capital plan and submit comments about each
plan
47 directly to the commissioner of transportation.

48 4. Copies of the long-range transportation plan and five-year
capital
49 plan, original and as revised, in addition to being made available in
a
50 searchable format on the department of transportation's website shall
be
51 kept on file as a public document in the office of the commissioner
of
52 transportation and at each regional office of the department of
trans-
53 portation.

54 5. The commissioner of transportation shall annually develop
and
55 submit to the governor and legislature, by October thirtieth, two
thou-
56 sand nineteen and each year thereafter, a list of projects scheduled
for

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1 planning, acquisition, design, engineering, environmental
analysis,
2 construction, reconstruction, restoration, rehabilitation,
establish-
3 ment, improvement, renovation, extension, repair,
revitalization,
4 management, development, demolition, reconditioning and
preservation.
5 The list of projects shall include an estimate of federal, state,
and
6 other funds anticipated to be received to fund each project;
a
7 description, location, and itemization of the estimated cost for
each
8 project; and a disbursement schedule of costs over each project's
life,
9 and an explanation of how the list comports with the five-year
capital
10 plan and long-range transportation plan and why there are deviations,
if
11 any, from the five-year capital plan. Project listing
information
12 related to cost and disbursement schedule shall be publicly
available
13 for download on the department of transportation's website in a
searcha-
14 ble format, including without limitation formatting as an excel file
by
15 October thirtieth of each year. In each year a five-year plan is
devel-
16 oped, the annual list of projects shall align with and comport to
the
17 five-year plan, and shall also appear as an appendix in the five-
year
18 plan.

19 6. The list of projects and project information annually
developed

20 under subdivision five of this section, if amended by the
executive
21 budget, shall be updated to reflect the executive proposed budget
and
22 submitted concurrently, and made available on the department of
trans-
23 portation's website, with the executive budget, in addition to
the
24 information required by sections twenty-two and twenty-two-c of
this
25 article. A list of projects or a separate column shall be
provided
26 concurrently updating the status of projects approved for
funding
27 commitment or disbursement during the previously enacted budget,
showing
28 whether funds were committed or disbursed as well as any revisions
to
29 each project's scheduled completion and project cost. Such list or
lists
30 of projects and any project listing revisions reflected within
the
31 enacted executive budget shall be subject to a memorandum of
understand-
32 ing to be signed by the governor, the temporary president of the
senate
33 and the speaker of the assembly. Prior to disbursement of any funds
for
34 the five-year capital plan and long-range transportation plan for
the
35 department of transportation required by subdivision one of this
section
36 or for the department of transportation's capital expenditures,
the
37 memorandum of understanding must be signed by the governor and
the
38 legislative leaders of the senate and assembly and made available on
the
39 department of transportation's website.
40 7. The department of transportation shall annually provide to
the
41 governor, the temporary president of the senate, the speaker of
the
42 assembly, and the chairs of the transportation and fiscal committees
of
43 the legislature, on or before July fifteenth, in electronic format,
a
44 report that details the conditions of state highway pavement by
region
45 and statewide condition goals for pavement, and the condition of
state
46 and local bridges by county and the statewide condition goals for
bridge
47 conditions.
48 8. For projects scheduled to obligate construction funds during
the

49 five-year program period ending March thirty-first, two thousand
twen-
50 ty-three, the department of transportation shall provide semi-
annually
51 by region, a list of those projects that have experienced "major
sched-
52 ule changes" or "major cost changes" in letting schedule
and/or
53 construction cost since execution of the five-year program. For
each
54 project the report shall include the project identification
number,
55 original and revised construction cost estimates, changes
in
56 construction cost after contract award, original and revised
letting

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1 dates and a detailed explanation of why the changes occurred. For
the
2 purposes of this section, the term "major schedule changes" is
defined
3 as a twelve-month or more delay in the letting date, and the term
"major
4 cost changes" is defined as a greater than twenty-five percent
change
5 for projects in excess of fifteen million dollars.

6 § 2. This act shall take effect immediately.