

Law for Safe Routes to School- Chapter 444, Section 4, Subdivision 35, Section 1

§ 14. General functions, powers and duties of department. The department, by or through the commissioner or his duly authorized officer or employee, shall have the following general functions, powers and duties:

1. To coordinate and develop comprehensive, balanced transportation policy and planning for the state to meet the present and future statewide needs for adequate, safe and efficient transportation facilities and services at reasonable cost to the people;

2. To coordinate and assist in the balanced development and operation of such transportation facilities and services in the state, including highway, mass transit, marine and aviation facilities;

3. To develop policies and proposals designed to help meet and resolve the special problems of urban and commuter transportation in metropolitan areas throughout the state and the special problems of transportation of other areas of the state.

4. To make such studies and analyses of transportation problems as the commissioner may deem appropriate or as may be requested by the governor relating to any aspect of transportation in the state.

5. To consult with and co-operate with

(a) officials of departments and agencies of the state having duties and responsibilities concerning transportation;

(b) officials and representatives of public corporations as defined in article one, section three of the general corporation law;

(c) official representatives of the federal government, of neighboring states and of interstate agencies on problems affecting transportation in this state;

(d) officials and representatives of carriers and transportation facilities and systems in the state;

(e) persons, organizations and groups utilizing, served by, interested in or concerned with transportation facilities and systems in the state.

6. To appear and participate in proceedings before any federal regulatory agency involving or affecting transportation in this state.

7. For the accomplishment of the purposes of the department of transportation, to undertake any studies, inquiries, surveys or analyses it may deem relevant through the personnel of the department or in cooperation with any public or private agencies, including educational, civic and research organizations, colleges, universities, institutes or foundations.

8. To inspect the property and examine the accounts, books and documents of any person, firm or corporation engaged in operating a public transportation facility or system in whole or in part within the state; may hold investigations and hearings within or without the state; and shall have power to compel the attendance of witnesses and the production of accounts, books and documents by the issuance of a subpoena.

9. To advise and cooperate with municipal, county, regional and other local agencies and officials within the state to plan and otherwise coordinate the development of a system of air routes, airports and landing fields within the state and to protect their approaches.

10. To cooperate with other state departments, and with boards, commissions and other state agencies and with appropriate federal agencies, and with interested private individuals and groups in the coordination of plans and policies for the development of air commerce and air facilities.

11. To act as the official agency of the state in all matters affecting aviation under any federal laws now or hereafter to be enacted, and as the official agency of a county, town, city, village or authority in connection with the grant or advance of any federal or other funds or credits to the state or through the state to its local governing bodies for airports and other air facilities complying with the provisions of such grants or advances.

12. To exercise all functions, powers and duties relating to traffic regulation and control as set forth in the vehicle and traffic law or in other laws.

13. To report from time to time to the governor and make an annual report to the governor and the legislature which shall include its recommendations.

14. To formulate and execute contracts, keep accounts, record personnel data, acquire property, adjust claims, compile statistics and engage in research opportunities; all according to the statutes or department orders and regulations in such cases made and provided.

14-a. To conduct or cause to be conducted an inventory of air transportation facilities, both publicly or privately owned, that are primarily used for general aviation purposes and provide no regularly scheduled passenger aircraft service that results in more than two thousand five hundred enplaned passengers annually; and to submit, on or before February first, nineteen hundred ninety-six, and annually thereafter, such inventory to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee, the chairs of the senate transportation, local governments and commerce, economic development and small business committees, and the chairs of the assembly transportation, local government and economic development, job creation, commerce and industry committees.

15. To prepare the plans, specifications, designs and estimates, and, by the procedures and methods provided by the laws relating thereto, to construct and reconstruct:

(a) The highways and other public ways that are now or shall hereafter be under the jurisdiction of the department for such purposes, whether generally or specially;

(b) The canals, waterways of the state and structures that are now or shall hereafter be under the jurisdiction of the department for such purposes;

(c) The bridges and grade separation structures that are now or shall hereafter be under the jurisdiction of the department for such purposes;

(d) Parking facilities and appurtenances at or adjacent to transportation interfaces and connections to such facilities.

15-a. In addition to any other notification requirements, the commissioner shall notify the municipality in which the highway is located at least sixty days before commencing

construction if such construction shall result in any alteration of the course of such highway or any alteration in the width of the pavement of such highway.

16. To operate and maintain: (a) the state highways, other public

ways, bridges and grade separations; (b) the canals, waterways of the state and structures; and (c) either on its own account or by agreement with a municipality, authority or private contractor, parking facilities and appurtenances at or adjacent to transportation interfaces and connections to such facilities; all of which are mentioned generally in the previous subdivision of this section.

17. Notwithstanding the provisions of this chapter or of any general or special law, and whenever funds therefor are available or have been otherwise provided, the commissioner is hereby authorized and empowered, subject to the approval of the division of the budget, to retain and employ private engineers, architects and consultants, or firms practicing such professions for purposes of (1) preparing designs, plans and estimates of structures of any type and character, (2) rendering assistance and advice in connection with any project, whether defined or proposed, and under the supervision of the department of transportation,

(3) preparing surveys, studies and plans, including the negotiating for and securing of reservation easements necessary to such plans, for joint development of transportation corridors and provision for multiple use outside the counties of Kings and Queens of rights of way appurtenant thereto, and (4) performing such other and necessary services as the commissioner may deem necessary in the administration of the department.

18. To make and prescribe rules and regulations in relation to the discharge of the commissioner's functions, powers and duties and those of the department of transportation.

19. The commissioner shall exercise the powers and perform the duties of the commission on boundary waters between the United States and Canada, created by chapter eight hundred six of the laws of nineteen hundred twenty.

20. The commissioner shall exercise all powers and duties vested in terms in the commissioner or commission of highways since July first, nineteen hundred twenty-three, and also shall exercise the powers and perform the duties of the interstate bridge commission as prescribed by article two-A of this chapter.

21. The commissioner shall continue to

(a) Keep in his office a map of the state and cause to be delineated thereon all changes in the bounds thereof or of the counties therein.

(b) Collect and preserve all maps, plans, drawings, field notes, levels and surveys of every description made for the use of the state and all engineering instruments belonging to the state. The maps, drawings and other documents deposited in the department shall be open for inspection of the public at all reasonable hours, but shall not be removed or taken therefrom.

22. The commissioner may establish a schedule of fees to be collected by him for (a) the filing in his office or department of any map or written instrument required by law to be so filed; (b) the preparation of any copy of a map or written instrument filed in his office or department; (c) for certifying any such map or written instrument; and (d) for any other service rendered in

connection with the work of his department and for which he deems it necessary to charge and to collect a fee therefor.

23. When moneys shall have been appropriated therefor, to conduct systematic gaging of rainfall and stream flow in the state in connection with the barge canal system.

24. It shall be the duty of officers and employees of the department of transportation to report to the commissioner, on blanks to be furnished by the state industrial commissioner, any and all violations

any such officer or employee may personally observe or have brought to his attention relating to any of the provisions of articles eight and eight-a of the labor law. The industrial commissioner may investigate, or hold a hearing to determine if such acts or omissions so reported constitute a violation of any of the provisions of said articles. The commissioner upon notification of such violation and determination by the industrial commissioner shall thereupon take proceedings to enforce the provisions of such articles.

25. Moneys heretofore received by the department of transportation pursuant to any law or to an order, rule or regulation made and prescribed by the commissioner regulating the discharge of his functions, powers and duties and those of the department and moneys heretofore or hereafter received pursuant to rules and regulations of the divisions or bureaus in said department regulating the discharge of their function, powers and duties, respectively, may be refunded to the party for whose account same were received, on proof satisfactory to the commissioner that such moneys were in excess of the amount required by such law, order, rule or regulation. Such refunds shall, upon approval by the commissioner and after audit by the comptroller, be paid from any moneys in the custody of the department of transportation received as fees, charges, rentals or to insure the performance of conditions imposed under permits pursuant to such orders, rules or regulations.

26. To exercise and perform such other functions, powers and duties as shall have been or may be from time to time conferred or imposed by law, including all the functions, powers and duties assigned and transferred to the department from the department of commerce, the department of motor vehicles, the department of public works and the office of transportation in the executive department by several chapters of the laws of nineteen hundred sixty-seven and from the public services commission of the department of public service by chapter two hundred sixty-seven of the laws of nineteen hundred seventy.

27. Within amounts appropriated to the department, to contract, outside the city of New York, with federally-funded nonprofit organizations that are organized for the purpose of beautification of highways, parks and recreation areas and employ persons sixty years of age or older whose net annual income does not exceed one thousand dollars to carry out such activities. The contract shall name the organization, the amount and manner of payment for the service to be rendered, nature of such service, the rendering of a verified account of the disbursements with verified or certified vouchers therefor attached,

a refund of any unused amount, and such other conditions upon the use thereof as may be deemed proper.

28. Within amounts appropriated therefor to engage in a program of improvements to omnibus terminals, and services attendant thereto, such improvements and services to include, but not be limited

to, rehabilitation of existing facilities, supplying information on available transportation services to the traveling public, and the provision of connecting services between transportation modes.

29. (a) The commissioner shall develop and implement an Adopt-a-Highway Program, the purpose of which shall be to reduce and remove litter from the state highways. Such program shall include but not be limited to:

(i) providing and coordinating services by volunteers or groups to reduce the amount of litter on the highways of the state including safety briefings, reflective safety gear, trash bags, and trashbag pick up on state highways.

(ii) providing and installing highway signs identifying those volunteers or groups adopting particular segments of such highways.

(b) Notwithstanding any inconsistent provision of law, the state and its employees shall not be liable for damages suffered by any person resulting from the actions or activities of such volunteers or groups.

(c) The commissioner shall promulgate rules and regulations necessary to implement and carry out the provisions of this subdivision.

30. To establish regulations for the determination of hazardous zones pursuant to the provisions of section thirty-six hundred thirty-five-b of the education law.

31. To develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this subdivision, the department shall submit a report to the governor and the legislature on the impact of such plan to include, but not be

Limited to, energy conservation, air quality, workforce acceptance, Office costs and potential cost savings.

32. To cooperate with the department of environmental conservation,

the department of economic development, and the department of motor vehicles to assist employers who seek such assistance and who are located in a severe non-attainment area for ozone, as designated by the administrator of the United States environmental protection agency, to increase average passenger occupancy per vehicle in commuting trips of employees between home and workplace during peak travel periods.

33. (a) To promulgate, in consultation with the department of environmental conservation, rules and regulations to implement a heavy duty vehicle inspection program pursuant to section 19-0320 of the environmental conservation law, including, but not limited to, requirements for the roadside inspection of heavy duty vehicles.

(b) To examine, in a manner and at locations deemed appropriate by the commissioner in consultation with the commissioner of the department of environmental conservation, heavy duty vehicles, as such vehicles are defined in section 19-0320 of the environmental conservation law, to ascertain whether such vehicles are in compliance with the program for the inspection of emissions and emissions control equipment established pursuant to such section 19-0320.

34. To issue certifications with respect to the transportation improvement credit, as provided for by section twenty of the tax law.

35. Within amounts appropriated therefor, to establish and administer a safe routes to school program, the purpose of which is to eliminate or reduce physical impediments to primary and secondary school-aged children walking or bicycling to school.

(a) The commissioner is hereby vested with the authority and responsibility to approve funding for projects authorized in paragraph

(b) of this subdivision. The funding of projects will be made upon application, in a format prescribed by the commissioner, by the project sponsor for funding of prior expenditures. Provided, however, that nothing contained in this subdivision shall prohibit any project sponsor from submitting any project authorized by such paragraph (b) for consideration for federal funding within the process by which federal funds are obtained, and obtaining such funds.

(b) Safe routes to school projects shall be limited to project costs for the construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of crosswalks, sidewalks, bicycle lanes, and traffic calming measures where the service life of the project is at least ten years. Funding of project expenditures for an approved project shall require certification from the project sponsor that:

(i) the project has a service life of ten or more years;

(ii) the project is located within two miles of a primary school or within three miles of a secondary school;

(iii) the amount of funds requested is no greater than prior unreimbursed municipal project expenditures for work completed or materials incorporated in qualifying projects; and

(iv) the amount of municipal funds appropriated for transportation capital projects by municipalities shall not be reduced because of the availability of these funds.

(c) The commissioner shall request the project sponsors to furnish such information in writing as may be necessary. By written agreement between them, a county may act for one or more cities, towns or villages in the implementation of projects eligible for funding pursuant to this subdivision. A copy of such agreement shall be filed with the commissioner.

(d) Consideration also shall be given to the demonstrated need of an applicant, the potential of the project to reduce child injuries and fatalities, and the potential of the project to reduce or eliminate hazardous conditions for pedestrians and/or bicyclists.

(e) For the purposes of this subdivision, "traffic calming measures" shall mean any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists.