

May 2, 2024

Tug Hill Commission's 33rd Local Government Conference

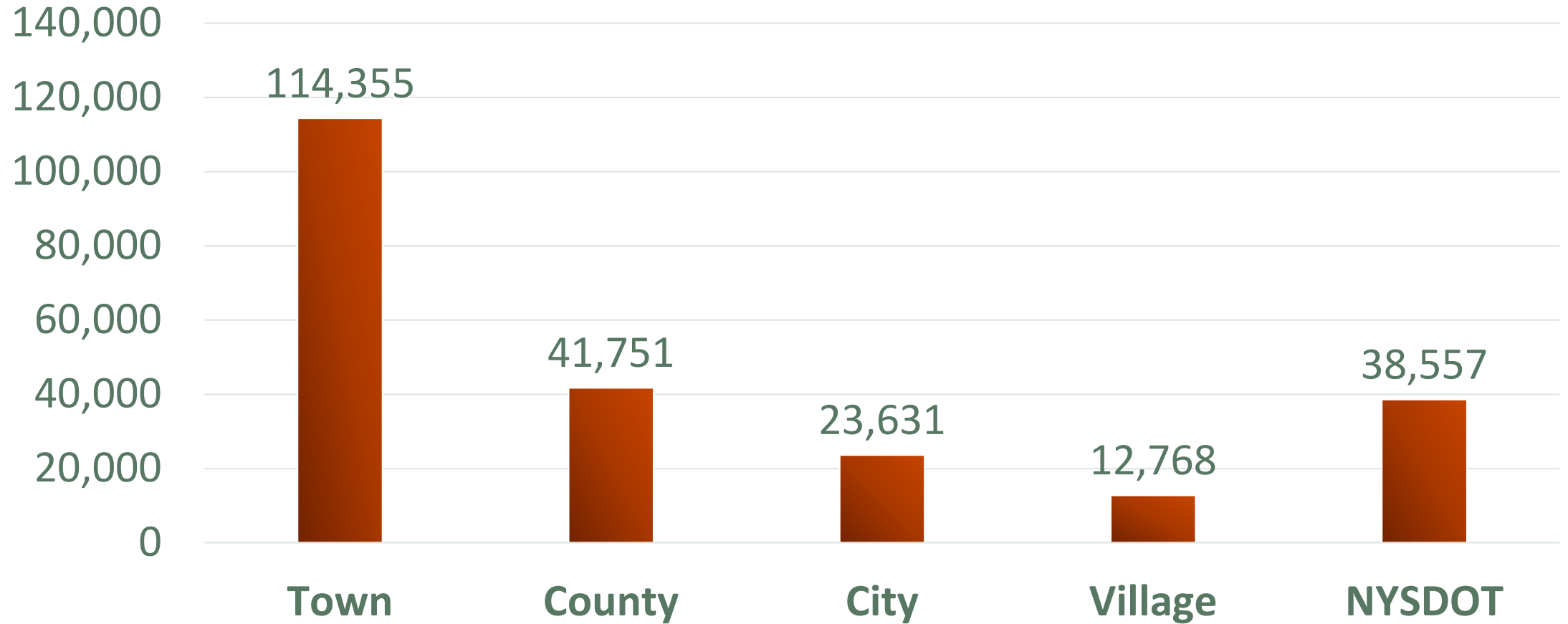
What's Coming Down the Road (Or is Already Here)?

Megan Osika



Background/Finances

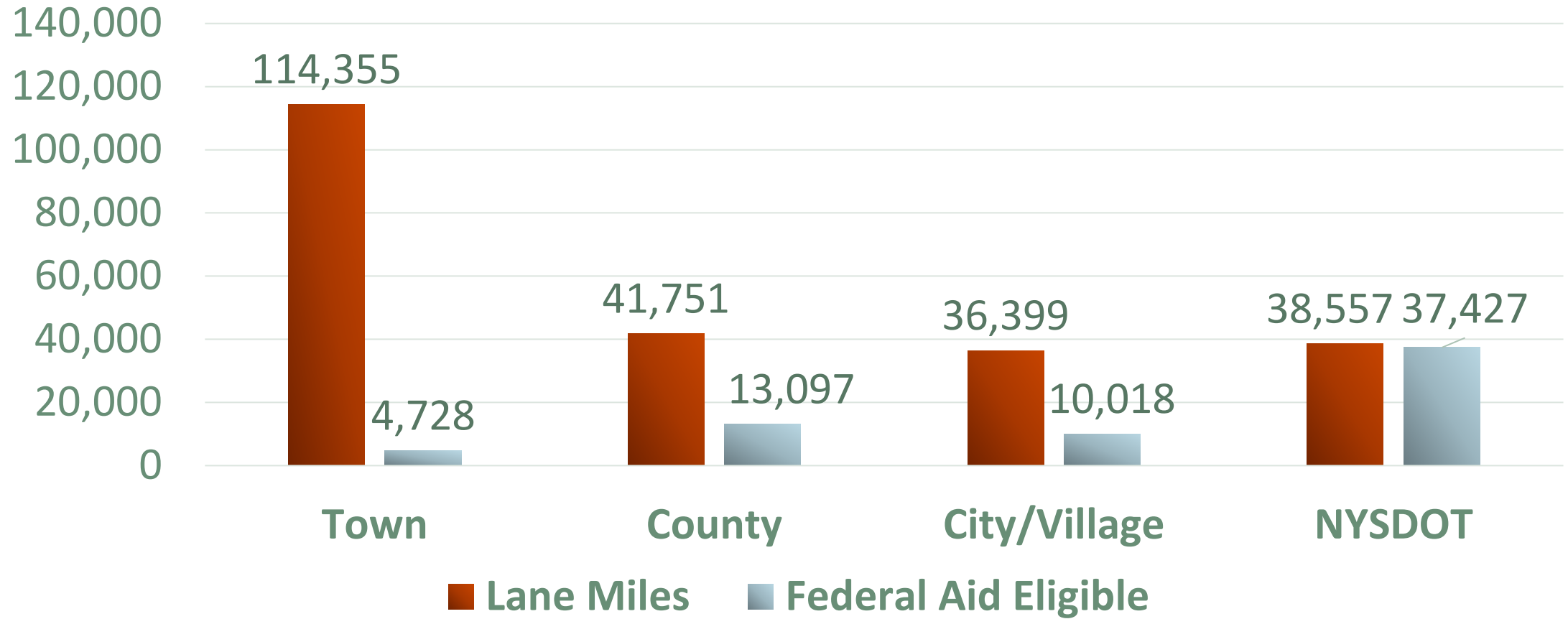
Lane Miles Owned by Class of Government



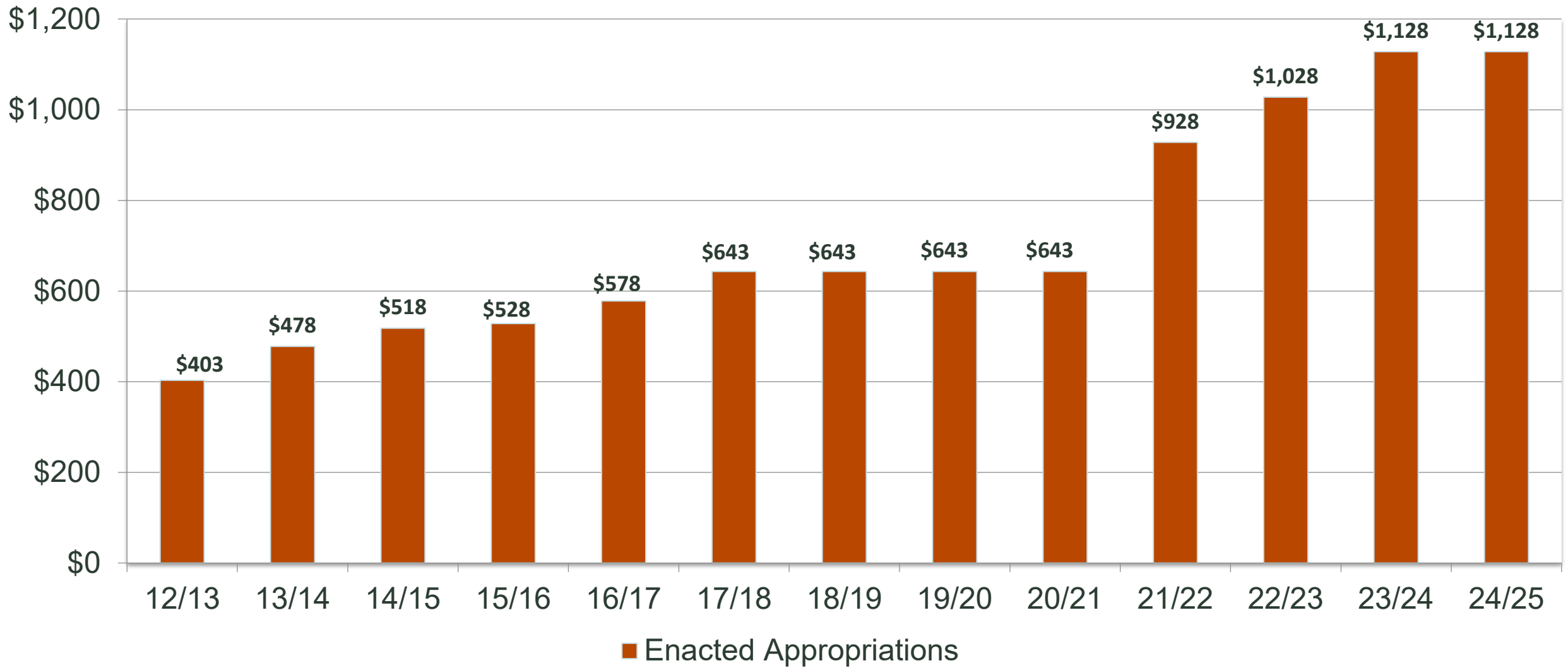
Lane Miles Federal Aid Eligible

NYSDOT 97%

Local 14%



CHIPS/Marchiselli/EWR/PAVE-NY/STR/POP (\$millions)



NYSDOT Local Transportation Funding (in Million \$s)	SFY Enacted 2023-24	SFY Enacted 2024-25
CHIPS	\$598.1	\$598.1
Marchiselli	\$39.7	\$39.7
Local PAVE-NY	\$150	\$150
Local Pave our Potholes	\$100	\$100
Extreme Winter Recovery	\$100	\$100
Local BRIDGE-NY	\$200	\$200
Local State Touring Routes	\$140	\$140
Total	\$1,327.8	\$1,327.8

Legislation/Regulations






Climate Leadership and Community Protection Act (CLCPA) - 2019

New York to achieve:

- 70% renewable electricity by 2030
- 100% zero-emission electricity by 2040
- 40% reduction in statewide GHG emissions from 1990 levels by 2030
- 85% reduction in statewide GHG emissions from 1990 levels by 2050
- Net zero emissions statewide by 2050

Governor Kathy Hochul's 2023-24 Executive Budget

ECONOMY-WIDE CAP AND INVEST PROGRAM

-  Establishes cap on GHG emissions
-  Invests proceeds in programs that drive lower emissions
-  Creates Climate Action Fund
-  Limits costs to vulnerable households
-  Maintains competitiveness of New York industries

#NYActsOnClimate

Complete Streets

- A Complete Street is a roadway planned and designed to consider the safe, convenient access and mobility of all roadway users of all ages and abilities. This includes pedestrians, bicyclists, public transportation riders, and motorists; it includes children, the elderly, and persons with disabilities.
- Complete Street roadway design features include sidewalks, lane striping, bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks, pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, ramps and traffic calming measures.



Advanced Clean Trucks

- In late 2021, the New York State Department of Environmental Conservation (DEC) issued the Advanced Clean Trucks (ACT) rule.
- Under this rule, manufacturers will be required to transition to the production of zero-emission medium- and heavy-duty vehicles.



Fleet Reporting (GVWR greater than 8,500 lbs.)

Entities subject to the one-time reporting requirement are those that, in 2019, met at least one of the following criteria:

1. Earned gross annual revenues greater than \$50 million in the U.S.; including revenues associated with all subsidiaries, subdivisions, and branches for the 2019 tax year, operated a facility in New York State, and operated 1 or more M/HDV in New York State; or

2. Had a fleet of 50 or more M/HDVs, or were brokers or organizations that dispatched 50 or more M/HDVs, and operated a facility in New York State; or

3. Are Federal or New York State government agencies and entities which operated 1 or more M/HDV within New York State; or Are County or Municipal government agencies and/or public entities within New York State (except K-12 school districts), which operated 1 or more M/HDV.

Reporting was due to DEC by December 1, 2023.

Clean Water, Clean Air and Green Jobs Environmental Bond Act - 2022

- \$4.2B
- Funding Eligible Now
 - Electric School Bus Infrastructure
 - Clean Green School Projects
- Public Comment Period Recently Closed for Guidelines:
 - Flood Control Projects, Removal/Repair of Municipal Dams, Flood Risk Reduction

Adirondack Road Salt Reduction Task Force

3/24 – Salt Storage Building Recommendations

- Best Management Practices
- Training for Snow and Ice Removal
- FUNDING
- Public Outreach, Education and Transparency
- Rapid Response to Contamination

- https://dec.ny.gov/sites/default/files/2024-03/factsheet%202023.salt%20storage-draft_AJS-DET-rev.pdf

Buy Clean Concrete – Mandate for NYS Agencies

- Effective:
 - 2024 - Voluntary
 - 2025 - Contractors and subcontractors will be required to certify that the GWP of concrete mixes utilized in a State-funded contract is lower than the mandatory thresholds using Environmental Product Declarations (EPDs).
 - 2027, the State will begin to lower the mandatory GWP threshold.
- Applies to:
 - State agency contracts exceeding \$1 million that involve the use of more than 50 cubic yards of concrete
 - NYSDOT contracts exceeding \$3 million that include at least 200 cubic yards of concrete.
- Exemptions: designated emergency activities, projects requiring high-strength concrete and projects requiring quick-cure concrete.

White/Cream/Beige Aboveground PBS Tanks

- Effective 1/1/24
- Aboveground Petroleum Bulk Storage Tanks shall have a shell and roof color of either white/beige/cream
 - Does not apply to asphalt tanks
 - Applies to 1,100-399,999 gallon tanks (and smaller combination systems that in aggregate are more than 1,100 gallons)

Hauling of Aggregate Supply Construction Materials

Paragraph f of Section 220(3-a) of the NYS Labor Law has been amended as follows:

- **f. Prevailing wage shall be paid for work performed on a public works worksite pursuant to this section for any work involving the delivery to and hauling from such worksites of aggregate supply construction materials, as well as any return hauls, whether empty or loaded and any time spent loading/unloading.**

For the purposes of Section 220 of the Labor Law:

- (a) "Worksite" means the area in which the improvements associated with a specific project, as defined in the construction contract, and any surrounding areas supporting that specific project.
- (b) "Central stockpile" means a location of centrally stockpiled materials solely dedicated for use on a public work project that is not part of a worksite but intended to support the worksite.
- (c) "Aggregate supply construction materials" means sand, gravel, stone, crushed stone, dirt, soil, millings, and fill.

Hauling of Aggregate Supply Construction Materials Con't.

§ 222.2 Application

For the purposes of Section 220 of the Labor Law:

(a) Prevailing wage shall be paid for work performed at a worksite involving the delivery of aggregate supply construction materials to such worksite.

(b) Prevailing wage shall be paid for work performed involving the hauling of aggregate supply construction materials from a worksite to a central stockpile, as well as any return hauls, empty or loaded, time spent loading or unloading at a worksite, and time spent loading or unloading at a central stockpile related to hauls from or to a worksite.

(c) Prevailing wage shall be paid for work performed within a 50-mile radius of a worksite involving the delivery of aggregate supply construction materials from a vendor of aggregate supply construction materials, such as a plant or quarry, to a worksite, except prevailing wage shall not be paid to direct employees of a supplier of aggregate supply construction materials, when making a single delivery in a given day.

Roadway Excavation Quality Assurance Act

- Effective on September 15, 2023
- Covered work, defined as a “covered excavation project,” means construction work for which a permit may be issued to a contractor or subcontractor of a utility company by the state, a county, or a municipality to use, excavate, or open a street.
- Municipalities must include a copy of the law with its permits.
- Permits should not be issued until an agreement confirming the payment of prevailing wages has been contractually mandated and filed with the department of jurisdiction.
- Enforcement Guidance: <https://dol.ny.gov/system/files/documents/2023/12/enforcement-guidance-roadway-excavation-quality-assurance-act-update-3.pdf>

Thank You

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**Future of Highway
Departments & Local
Municipalities**

Tim Hunt, Lewis County

Challenges

- Procurement of equipment remains difficult
- Inflationary cost increases
- Cost Increases due to regulatory changes
- Total cost of ownership has increased
- CHIPS(and other local transportation funding programs)

Procurement of Equipment

- Equipment lead times are often 1 year
- Trucks and upfitters can be 3 to 4 years
- Cost is difficult to predict so far into the future
- Existing equipment failures can lead to unnecessary spending and often an unplanned crisis

Inflationary Cost Increases

- According to the FHWA construction materials have increased 58% over the past 30 months.
- Plow trucks are \$325,000
- Economies of scale are changing for small municipalities
 - Can your tax base handle it?

Regulatory Cost Increases

- Culvert sizing
- Bridge sizing
- Push for carbon reduction
 - CLCPA – cap and invest
 - Dealers will have to sell certain amount of electric

Cost Increases as a Result of Regulatory Changes

- Stream Permits 4 months
 - Drives prices higher
 - Often requires professional services
- Bridge-NY process takes 2 to 3 years
 - Bridge-NY follows the federal aid process and is administratively burdensome
 - It is a reimbursement process and requires capital upfront

Total Cost of Ownership

- These goals hav
 - Shortened useful life
 - Decreased reliability
 - Increased repair costs
 - Dramatically increase cost of ownership
 - Are you planning for this and can you financially adapt

CHIPS(and other local funding programs)

- Reimbursement program
 - Municipalities must maintain a fund balance to be able to use this money
- 10-year life span
 - Careful thought must go into project selection
- Equipment must be purchased not leased and be kept 10 years
- Careful thought must be used when choosing projects
- Try not to roll over monies
- Be Familiar with the CHIPS guidelines

Things to Consider

- Rate of change is accelerating
- Planning is more important than ever
- Municipalities should be always looking at least five years into the future
 - Equipment
 - Infrastructure
 - Funding
- Municipalities should try and keep fund balance healthy enough to ensure continuity



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