

2005 TRANSPORTATION MEMORANDUM OF UNDERSTANDING

SECTION I: INTENT

The Governor of the State of New York and the undersigned Legislative leaders enter into this Memorandum of Understanding for the following purposes:

1. Present information to the people of New York State on an agreed upon plan for the State Highway and Bridge, Rail and Ports, Aviation, Non-MTA Transit, and Canal portions of the \$35.8 Billion 2005-10 Transportation Plan.
2. To establish agreement on periodic reporting which will be required to keep the Governor and the Legislature fully informed on the progress of the State Highway and Bridge, Rail and Ports, Aviation, Non-MTA Transit, and Canal programs.
3. To establish agreement on the portion of the State Highway and Bridge, Rail and Ports, Aviation, MTA, Non-MTA Transit, and Canal programs to be funded through the Rebuild and Renew New York Transportation Bond Act of 2005, to be implemented through appropriations in current and future budgets.

The Governor and the undersigned Legislative leaders agree to the following:

1. The Governor and Legislature find that a sound transportation system is essential to the efficient movement of people and goods, is vitally important to commerce and industry, and ensures the protection of public safety. During the past decade, New York State has made substantial investments in its infrastructure. The State has invested approximately \$54 billion over the last decade to reduce bridge deficiencies, improve highway pavement conditions, improve highway safety, mitigate capacity problems which gridlock the highway and bridge infrastructure system, improve the State's rail passenger and freight infrastructure, upgrade aviation facilities, and to provide needed improvements to the MTA and Non-MTA transit systems, including the purchase of clean fuel vehicles. The Governor and Legislature find that further resources must be expended to sustain and enhance this program of investment.

The investments in the transportation program have economic benefits throughout New York State. The Metropolitan Transportation Authority's (MTA) impact on the economies of both New York City and New York State is immense. The MTA has calculated the following benefits for its proposed 2005–2009 capital program:

- 16,000 to 35,000 average annual jobs for the next 9 years
- \$25.3 billion in economic activity/sales
- \$10.2 billion in wages and salaries
- \$941 million in state and local personal income and sales taxes

The benefits of the MTA's capital investments are not limited to New York City. The MTA's continuing need to invest in railroad and transit equipment (over \$3.3 billion in the 2005-2009 program) has made upstate New York one of the key locations for passenger railcar manufacturing. Bombardier, Kawasaki, Alstom--all key worldwide manufacturers of commuter railroad and subway cars--have major facilities located in upstate New York. Each of these facilities likewise depends on many subcontractors and vendors to provide the materials and services needed to construct their products. For example, the current series of subway cars being manufactured jointly between Bombardier and Kawasaki requires components that are made in Long Island, the Southern Tier, Central New York, the Niagara Frontier, Northern New York, the Hudson Valley, the Capital District, and New York City. In short, the purchase of these subway cars has direct economic benefits to communities in every corner of New York State.

Similarly, the impact of the State Highway and Bridge, Rail and Ports, Aviation, Non-MTA Transit, and Canal programs is felt statewide. The capital investment results in employment in not only the construction industry, but in suppliers, bus manufacturers, trucking firms, and related businesses. The Federal Highway Administration projects that 42,100 jobs are created for every \$1 billion in construction spending.

2. The Governor and Legislature have authorized a five-year transportation program through March 31, 2010 to construct, reconstruct or replace, repair, recondition, restore, rehabilitate, preserve, enhance, and improve State highways, parkways, bridges, mass transportation facilities under the jurisdiction of the MTA, intercity and passenger freight facilities, port and marine facilities, Non-MTA transit facilities, aviation and canal infrastructure. This program will be funded with the proceeds from the Rebuild and Renew New York Transportation Bond Act of 2005, Federal sources, Dedicated Highway and Bridge Trust Fund revenues utilized on a pay-as-you-go basis, proceeds from the sale of bonds backed by Dedicated Highway and Bridge Trust Fund revenues, and any other monies which may be appropriated therefore.

All parties agree that in the event a future amendment to the 2005-2009 MTA Capital Program is proposed that utilizes additional funds to increase the MTA expansion projects, this Memorandum of Understanding shall be recertified or amended by the signatories in consideration of parity between the DOT and MTA capital programs.

Such amendment or recertification to this Memorandum of Understanding shall not be fully effective until the MTA Capital Program Review Board approves the aforementioned MTA Capital Program amendment.

3. The undersigned recognize that the New York State Department of Transportation (NYSDOT) will be releasing in 2005 a Statewide Master Plan for Transportation for 2025 in accordance with Section 15 of the State Transportation Law. The Master Plan will provide a policy vision for the State's transportation system and outline the strategies that must be adopted to meet the expectations of its customers and ensure further improvement in the performance of the transportation system. Performance will be measured in five Priority Result Areas (PRAs): Mobility & Reliability, Safety, Economic Sustainability, Security, and Environmental Conditions. The undersigned recognize that NYSDOT will begin to report progress against these PRAs and strategies. On February 1, 2006, and each year thereafter, NYSDOT will provide a report to the Governor and the Legislature on the performance measures that NYSDOT has adopted for the New York State transportation system. By December 31, 2009, NYSDOT shall issue a report outlining the performance measures that will be used to determine investment in transportation in New York State for the next five-year period.
4. The undersigned recognize that for each mode of transportation, a differing level of reporting on project selection criteria and enumeration of projects is required. Therefore, this Memorandum of Understanding is composed of the following sections:
 - II. State Highway and Bridges
 - III. Rail Freight, Ports and Intercity Passenger Rail
 - IV. Aviation
 - V. Non-MTA Transit Systems
 - VI. Canals
 - VII. MTA
 - VIII. Multimodal Program

SECTION II: STATE HIGHWAYS AND BRIDGES

1. The Department of Transportation's State Highway and Bridge Program is attached as Appendices A and B. Appendix B1 contains those projects that will be financed by funding anticipated from the Rebuild and Renew New York Transportation Bond Act of 2005. The project costs included in the Appendices are for the phases of work (pre-engineering and environmental analysis, scoping, preliminary engineering, right-of-way acquisition, final design, construction and construction inspection) that are expected to be obligated in the five-year period. These projects were selected in accordance with sound engineering practices to develop a program which would achieve certain conditions of the State highway and bridge system assets in 2010. The Statewide Master Plan for 2025 will emphasize asset management as a key strategy in managing the State's transportation system. The primary emphasis of this State Highway and Bridge Program continues to be on maintaining the condition of the infrastructure assets, preventive maintenance, improved operations and safety.

The objective of the State Highway and Bridge Program, including Appendices A (Federal Process Projects) and B (State Process Projects), is to improve the future condition of infrastructure assets by implementing a maintenance first strategy for State pavements and bridges. This strategy is necessary to address the massive buildup of pavements and bridges with conditions just above the deficiency range. The strategy is to apply preventive and corrective maintenance treatments to hold bridge conditions at 2004 levels and to focus resources to improve the conditions of interstate highways, the State's most important trade and travel corridors. In addition, the strategy will implement an appropriate paving cycle for State highways that will counteract the buildup of pavements currently rated just above the deficiency level. A paving cycle is defined as the time it takes (in years) to resurface an entire highway network. Since NYSDOT asphalt treatments last on the average of 12 years, a 12-year paving cycle is necessary to stabilize conditions over the short term. It should be noted that the service life of concrete pavements is longer than asphalt, so the paving cycle is longer in regions where concrete pavements comprise a significant portion of their system.

The combination of fiscal constraints and rapid expansion of the number of miles of pavements requiring resurfacing have resulted in paving cycles increasing to unacceptable levels in many areas of the State. Coupled with the Department's preventive maintenance strategy, which will slow the deterioration process, a 12-year paving cycle will be implemented to reverse the trend in declining conditions and lay the foundation for improving conditions over the long term. The following table describes the condition goals for 2010:

	<u>2004 State System Conditions</u>	<u>2005-2010 State System Goals</u>
<u>STATEWIDE</u>		
% Good and Excellent State Highway Bridges	73	71-75
% Good and Excellent Interstate Pavement	69	72-76
<u>UPSTATE</u>		
% Good and Excellent State Highway Bridges	74	72-76
% Good and Excellent Interstate Pavement	66	68-72
<u>HUDSON VALLEY</u>		
% Good and Excellent State Highway Bridges	72	70-74
% Good and Excellent Interstate Pavement	63	85-89
<u>LONG ISLAND</u>		
% Good and Excellent State Highway Bridges	81	79-83
% Good and Excellent Interstate Pavement	93	91-95
<u>NEW YORK CITY</u>		
% Good and Excellent State Highway Bridges	48	46-50
% Good and Excellent Interstate Pavement	81	82-86

If the Rebuild and Renew New York Transportation Bond Act of 2005 is not approved by the public, the Department will, within available funding, continue to implement projects in Appendices A and B. The parties to the Memorandum of Understanding recognize that the above system conditions cannot be met without funding from the Rebuild and Renew New York Transportation Bond Act of 2005.

2. Each of the parties recognizes that current conditions vary between geographic regions of the State. Based on local conditions, they further recognize that each geographic area requires different transportation investment strategies and levels of emphasis between the goal categories. The Governor and the Legislature considered the estimated availability of Federal aid in developing the geographic distribution of monies from the Dedicated Highway and Bridge Trust Fund and the Rebuild and Renew New York Transportation Bond Act of 2005. Such monies shall be distributed among four Memorandum of Understanding (MOU) regions defined as follows:

- Hudson Valley Region - \$1,739 million for the counties of Westchester, Rockland, Putnam, Dutchess, Columbia, Orange, and Ulster, of which \$765 million is subject to this MOU, and of which \$140 million is supported by the Rebuild and Renew New York Transportation Bond Act of 2005.
- Long Island Region - \$1,597 million for the counties of Nassau and Suffolk, of which \$1,079 million is subject to this MOU, and of which \$230 million is supported by the Rebuild and Renew New York Transportation Bond Act of 2005.
- New York City Region - \$3,251 million for the counties of Richmond, Kings, Queens, New York, and Bronx, of which \$1,178 million is subject to this MOU, and of which \$230 million is supported by the Rebuild and Renew New York Transportation Bond Act of 2005.
- Upstate Region - \$4,672 million for all counties of New York State not included in the Regions outlined in a, b, and c above, of which \$1,980 million is subject to this MOU, and of which \$400 million is supported by the Rebuild and Renew New York Transportation Bond Act of 2005.
- Projects of Statewide Significance - \$1,245 million for the payment of costs of key projects impacting corridors of statewide significance, including the conversion of Route 17 to Interstate I-86, the reconstruction or replacement of Route 219, the reconstruction of Interstate 278 in Brooklyn, construction of the Fort Drum connector, and improvement of border crossing infrastructure, including, but not limited to, the costs of construction, reconstruction, replacement, the acquisition of property, preparation of designs, plans, specifications and estimates, construction management and supervision, appraisals, surveys, environmental impact statements, and other costs necessary or desirable for such conversion or such reconstruction or replacement.

Each of the parties agree that \$50 million in projects will be incorporated into the State Highway and Bridge Program as follows:

- i. \$25 million in projects will be submitted by the Majority Leader of the Senate and will automatically become part of the State Highway and Bridge Program once the Commissioner of Transportation deems that such projects meet the eligibility criteria of such program.
- ii. \$25 million in projects will be submitted by the Speaker of the Assembly and will automatically become part of the State Highway and Bridge Program once the Commissioner of Transportation deems that such projects meet the eligibility criteria of such program.

If the Rebuild and Renew New York Transportation Bond Act of 2005 is not approved by the public, each of the above regional distributions shall be reduced by the identified amounts of Rebuild and Renew New York Transportation Bond Act of 2005 Funds.

3. Each of the parties agrees that no Rebuild and Renew New York Transportation Bond Act of 2005 monies subject to the MOU shall be transferred between the four MOU regions defined above.
4. Each of the parties recognizes that the selection of projects utilizing Federal funds must follow Federal procedures. In metropolitan areas, projects must be approved by the Metropolitan Planning Organization (MPO) to qualify for Federal funding. In non-metropolitan areas, projects must be selected in consultation with local officials.
5. It is the intent of the parties to this agreement to adhere to this program as closely as possible. However, the parties to this agreement understand that the Department may be required to adjust the program to meet emergencies, environmental approvals, Federal mandates, account for community input, achieve letting and condition goals, or to meet unforeseen conditions, design changes, and other engineering factors which may change project costs, scopes, and schedules during the development of projects. Cost and schedule estimates are based on project development activities to date, and the parties agree that changes in project schedules, scopes, and costs will be made within the parameters of the funding outlined above through March 31, 2010.

6. The Governor and the undersigned Legislative leaders recognize that the program outlined in Appendix A was developed taking into consideration community needs and the input of State and local elected officials. The Department will periodically, prior to updating the State Highway and Bridge Program, consult with appropriate MPOs and State and local officials concerning the projects planned in their respective jurisdictions. Such consultation will include identification of any construction projects listed in Appendix A which will be delayed beyond March 31, 2010.

7. Program Reporting

The Department will issue the following reports to keep the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature fully informed on the progress of delivering the State Highway and Bridge Program:

- a. Annual Program Report - The Department will annually provide, on or before March 1st, a report on the Department's five-year State Highway and Bridge Program. The report will provide the following information by MOU region:
 - i. The condition of State highway pavements.
 - ii. The condition of State bridges
 - iii. Condition goals for State highways and bridges at the end of the program period.
 - iv. An explanation of any change to such condition goals.
 - v. A summary of the proposed program by type of work and fund source.
 - vi. An update of Appendices A & B

This report will be supplemented by the annual reporting on preventive maintenance required under Section 10-d of the Highway Law.

- b. Quarterly Progress Report - The Department will provide quarterly updates on the five-year State Highway and Bridge Program by MOU region, including the status of the following:
 - i. The current letting program
 - ii. Obligation of Rebuild and Renew New York Transportation Bond Act of 2005 Funds and State Dedicated Funds
 - iii. Obligation of Federal funds
 - iv. Obligation of funds for engineering services

- c. Letting Report - The Department will issue a report semi-annually by May 1st and November 1st providing information on the projects, by MOU region, which are expected to be advertised for public bid in the subsequent six-month period. This report will include a project description, proposed month of letting, a project identification number, and an indicator of project size. The Department will issue by July 1st of each year a report providing actual letting dates and contract amounts for each project let in the prior State Fiscal Year.

- d. Comprehensive Project Report - The Department will provide bi-monthly electronic reports which detail, by DOT region, the status of each project in the five-year State Highway and Bridge Program until the award of a construction contract. The reports, which will begin April 1, 2006, will provide for each project:
 - i. Cost estimates and funding sources
 - ii. Schedule for phases of work including scoping, preliminary engineering, right-of-way, final design and construction
 - iii. The project location and description

- e. Major Cost and Schedule Change Report - For State Process Projects scheduled to obligate construction funds during the five-year program period ending March 31, 2010, the Department will provide semi-annually by MOU region, a list of those projects that have experienced “major schedule changes” or “major cost changes” in letting schedule and/or construction cost since execution of this MOU. The report will include for each project:
 - i. Project identification number/description.
 - ii. Original and revised construction cost estimates.
 - iii. Changes in construction cost after contract award.
 - iv. Original and revised letting dates.
 - v. A detailed explanation of why the changes occurred.

For the purposes of this section, the term “major schedule changes” is defined as a 12-month or more delay in the letting date, and the term “major cost changes” is defined as a greater than 25% change for projects in excess of \$15 million.

- f. On or before December 31, 2009, the Commissioner shall submit to the Governor, the Temporary President and Majority Leader of the Senate, and the Speaker of the Assembly a special additional assessment report of the condition of the State Highway and Bridge System and the goals for the five-year period following the date of such report. Such report will describe progress on the measurement of the State Highway System in terms of Mobility & Reliability, Safety, Environmental Conditions, Economic Sustainability, and Security. It shall include a discussion on

the efforts the Department has taken to improve the operation of the system. It shall identify corridors of Statewide significance and their condition. Such report shall describe the asset management system the Department is utilizing to manage the State Highway and Bridge System, and measurements for evaluating system performance. Such report shall also recognize the importance of addressing the most urgent regional needs as determined by such measurements and evaluation. Such report shall include a section on pedestrian and bicycle safety, including an assessment of the adequacy of data and recommendations on actions and investments that should be undertaken to improve the safety of pedestrians and bicyclists utilizing the transportation system in New York State. Nothing contained herein shall be deemed to supersede any other reporting requirements otherwise imposed upon the Department by law, rule or regulation.

8. All highway and bridge construction, reconstruction, alteration, demolition, rehabilitation, improvement or repair agreements for projects contained in Appendices A & B, both at the time of the execution of this memorandum and as such Appendices may be amended from time to time over the term of this memorandum, involving the employment of laborers, workmen or mechanics shall only be carried out as contracts to which the Department of Transportation, municipalities or other public entities are parties or sub-contracts entered into pursuant to such contracts. Such contracts shall be subject to and enforceable under all applicable State laws.

SECTION III: RAIL & PORTS PROGRAM

The Governor and the Legislative leaders find that Railroads and Ports play important roles in the economy of New York State. The movement of freight and passengers by rail and marine transportation provide economical choices to shippers and reduce highway congestion. Improvements to rail passenger and freight facilities along key trade and travel corridors can increase the use of rail services and improve the overall efficiency of the transportation system.

New York enjoys the geographic advantage of being a major international gateway for goods moving into the nation. However, a significant share of these goods is being moved by truck. While 25% of the nation's freight tonnage is shipped by rail, less than 3% of the New York City metropolitan area goods move by rail, and only 1% of Long Island goods move by rail due to inadequate clearances and weight restrictions. Limited freight transportation options create a disincentive for businesses to locate in this State and compromise security by restricting the ability to effectively move freight by multiple modes in the event of a public emergency.

Over the last 30 years, the U.S. rail industry has worked to improve productivity to better compete with the trucking industry. Railroads have adopted rail cars with larger volume and weight capacities--most modern rail cars are currently built to a 286,000 pound capacity and can be up to 20 feet 2 inches high. These modern rail cars carry the equivalent of many truckloads and offer a clean, cost-effective alternative to truck-dominated goods movement in New York State. The movement of rail freight to New York State's industries and to those industries lying beyond our borders is being constrained by a combination of capacity and weight restrictions and inadequate overhead clearances.

The Rebuild and Renew New York Transportation Bond Act of 2005 will provide investments to improve service in the State's major trade and passenger travel corridors. Key infrastructure improvements that increase the reliability of passenger rail service along key corridors in New York State, reduce travel time and improve safety will be advanced as part of this program. Funds will promote the development of rail-truck freight terminals in key upstate locations to reduce the distance that goods need to be moved to New York State businesses. Strategic infrastructure investments in Class I railroads that focus on increasing capacity along freight corridors will help to provide more timely rail service between rail-truck terminals throughout New York State. In the New York metropolitan area, the emphasis will be to implement projects that will help attain line capacity for 286,000 pound rail cars, raise clearances throughout New York City/Long Island to accommodate taller, modern rail car traffic, and provide needed rail yard capacity.

New York's ports are the point of entry for goods from all over the world, providing a cost-effective landing point at the center of the largest consumer market in the world. As trade at the Port of New York increases, container storage is becoming a more pressing issue, and as roadway congestion in the downstate area increases, New York State's inland ports (Albany, Buffalo, Ogdensburg, and Oswego) are becoming a viable alternative for distribution and storage. The Rebuild and Renew New York Transportation Bond Act of 2005 funds will be used to improve access to upstate port facilities and to improve their cargo handling capabilities.

The Governor and the undersigned Legislative leaders agree to the following pursuant to the Rail and Port Capital Program:

1. All projects must meet the program eligibility purposes established by subdivision 2 of section 480 of the Transportation Law.
2. Appendix C to this MOU details the programmatic purposes and criteria for project selection by the Commissioner of Transportation in programming projects for the Rail and Port Capital Program.
3. Appendix D to this MOU details the projects which to date have been identified as meeting the programmatic criteria established in Appendix C and are to be progressed under the program. Appendix D will be updated periodically by the Commissioner of Transportation as project applications are received and approved for inclusion in the program as outlined below.
4. Funding for the program is intended to be appropriated each year in the amount of \$27 million.
5. PROGRAM ADMINISTRATION - The Governor and the undersigned Legislative leaders agree to the following program administration for additional projects to be added to Appendix D:
 - a. Within 60 days of execution of this agreement, the Commissioner of Transportation will notify each eligible recipient of the criteria for participation in this program, develop program guidelines, and invite applications from eligible recipients for participation in the first two years of the program. Within 60 days of such notification, eligible recipients wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation, including phasing; any basis for urgency; and an identification of and proposed method to address any conditions/contingencies required for the completion of the project.

- b. Within 90 days of receipt of such information, the Commissioner will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of the projects proposed to be added to Appendix D. If no objections to a project are received within 30 days, the project will be added to Appendix D.
 - c. Beginning February 1, 2007, and for each subsequent year, the Commissioner shall invite applications for the following fiscal year's program. Within 60 days of such notification, eligible recipients wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation, including phasing; any basis for urgency; and an identification of and proposed method to address any conditions/contingencies required for the completion of the project.
 - d. Within 90 days of receipt of such information, the Commissioner will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of the projects proposed to be added to Appendix D. If no objections are received within 30 days, the project will be added to Appendix D.
 - e. Projects will be carried out in accordance with Article 22 of the Transportation Law.
 - f. No funding for any project listed in Appendix D shall be subject to reallocation by the Commissioner to other existing or newly-identified projects eligible for advancement under this program without the written notification 30 days in advance by the Commissioner to the President Pro Tem and Majority Leader of the Senate, and Speaker of the Assembly. If no objections to the reallocation are received within 30 days, the project funding will be reallocated.
6. PROGRAM REPORTING - By May 1, 2006, and each May 1 thereafter, the Commissioner shall issue a report to the Governor, the President Pro Tem and Majority Leader of the Senate, Speaker of the Assembly, and chairs of the transportation and fiscal committees detailing the progress that has been made in implementing the Rail and Port Capital Program. The report shall provide for each project contained in Appendix D: a status report on project implementation; issues that might impede successful implementation; any revisions that may be necessary in overall program scheduling; actual obligations and expenditures to date; and estimated future project obligations.

SECTION IV: AVIATION PROGRAM

The Governor and the Legislative leaders find that aviation plays an important role in the economy of New York State and its economic competitiveness. Scheduled airline service is the transportation mode of choice for long distance business travel. The State's tourism trade relies on scheduled air service to bring international and domestic tourists to the State. Further, the changing nature of commerce places increased reliance on air cargo to send and receive packages. Security for both general aviation and commercial service airports is a high priority for the State.

New York's system of airports must address several challenges to better service the State's economy. First, of utmost importance is ensuring that airports are safe and secure. Second, limited scheduled airline service and high fares make business travel from many upstate communities expensive and inconvenient. As a result, an important and growing method of travel for many businesses is the business jet, or high performance turbo prop plane. Many general aviation airports in the State do not have sufficient usable runway length (often due to off-airport obstructions), navigation equipment, or on-ground facilities to handle these aircraft. Third, basic infrastructure needs at the airports cannot be met with the Federal funding available.

The Governor and the undersigned Legislative leaders agree to the following pursuant to the Aviation Program:

1. All projects must meet the program eligibility purposes established by Subdivision 2 of Section 480 of the Transportation Law and be consistent with an Airport Layout Plan approved by the Federal Aviation Administration or the New York State Department of Transportation.
2. Appendix E to this MOU details the programmatic purposes and criteria for project selection by the Commissioner of Transportation in programming projects for the Aviation Program.
3. Appendix F to this MOU details the projects which to date have been identified as meeting the criteria established in Appendix E and are to be progressed under the program. Appendix F will be updated periodically by the Commissioner of Transportation as project applications are received and approved for inclusion in the program as outlined below.
4. Funding for the program is intended to be appropriated each year in the amount of \$15 million for SFYs 2005-06 through 2008-09, and \$16.4 million in 2009-10.
5. **PROGRAM ADMINISTRATION** - The Governor and the undersigned Legislative leaders agree to the following program administration for additional projects to be added to Appendix F:

- a. Within 60 days of execution of this agreement, the Commissioner of Transportation will notify each eligible airport of the criteria for participation in this program, develop program guidelines, and invite applications from eligible airports sponsors for participation in the first two years of the program. Within 60 days of such notification, eligible sponsors wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation, including phasing; any basis for urgency; and an identification of and proposed method to address any conditions/contingencies required for the completion of the project.
- b. Within 90 days of receipt of such information, the Commissioner will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of the projects proposed to be added to Appendix F. If no objections to a project are received within 30 days, the project will be added to Appendix F.
- c. Beginning February 1, 2007, and for each subsequent year, the Commissioner shall invite applications for the following fiscal year's program. Within 60 days of such notification, eligible sponsors wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation, including phasing; any basis for urgency; and an identification of and proposed method to address any conditions/contingencies required for the completion of the project.
- d. Within 90 days of receipt of such information, the Commissioner will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of the projects proposed to be added to Appendix F. If no objections to a project are received within 30 days, the project will be added to Appendix F.
- e. Projects will be carried out in accordance with Article 22 of the Transportation Law.
- f. No funding for any project listed in Appendix F shall be subject to reallocation by the Commissioner to other existing or newly identified projects eligible for advancement under this program without the written notification 30 days in advance by the Commissioner to the President Pro Tem and Majority Leader of the Senate, and Speaker of the Assembly. If no objections to the reallocation are received within 30 days, the project funding will be reallocated.

6. PROGRAM REPORTING - By May 1, 2006 and each May 1 thereafter, the Commissioner shall issue a report to the Governor, the President Pro Tem and Majority Leader of the Senate, Speaker of the Assembly, and chairs of the transportation and fiscal committees detailing the progress that has been made in implementing the Aviation Program. The report shall provide for each project contained in Appendix F: a status report on project implementation; issues that might impede successful implementation; any revisions that may be necessary in overall program scheduling; actual obligations and expenditures to date; and estimated future project obligations.

SECTION V: NON-MTA TRANSIT CAPITAL PROGRAM

The Governor and the Legislative leaders find that services supplied by Non-Metropolitan Transportation Authority (Non-MTA) transit providers play an important role in the State's multi-modal transportation system. New York's extensive publicly supported Non-MTA transit services provide mobility for citizens in the State's urban areas which is essential to a healthy economy. Public transit also provides mobility for rural and/or elderly residents in the State's small towns, cities, and villages who do not have access to other modes of transportation, and who, absent such services, would not have access to education, medical, social, or other necessary services.

In 2004, New York's Non-MTA transit systems provided approximately 260 million passenger trips. Additional investment in capital equipment and facilities is required to support increasing demand for these services. Investment in Non-MTA capital equipment and facilities also confers benefits to the users of the transportation system as a whole, as such services promote quality community initiatives, economic development, traffic congestion mitigation, technology innovation, and contribute to efforts to protect and improve the environment.

New York State has been widely recognized as a national leader in combining transportation improvements with environmental enhancements and new energy technologies. New York's support for the testing and deployment of alternative fuel vehicles dates back to 1991, when the State sponsored a Compressed Natural Gas consortium of transit systems interested in alternative fuel development. Building upon this success, the Governor and the Legislative leaders agreed to a transit clean fuel bus initiative that would lead to improvements in the reliability of transit service, reduce vehicle emissions, and support the State's economy.

The Governor and the undersigned Legislative leaders agree to the following for the Non-MTA Transit Capital Program:

1. All projects must meet the program eligibility purposes established by subdivision 2 of Section 480 of the Transportation Law.
2. Appendix G to this MOU details the programmatic purposes and criteria for project selection by the Commissioner of Transportation in programming projects for the Non-MTA Transit Capital Program.
3. Appendix H to this MOU details the projects which, to date, have been identified as meeting the criteria established in Appendix G and are to be progressed under the program. Appendix H will be updated periodically by the Commissioner of Transportation as project applications are received and approved for inclusion in the program as outlined below.
4. Funding for the program is intended to be appropriated each year in the amount of \$10 million.

5. PROGRAM ADMINISTRATION - The Governor and the undersigned Legislative leaders agree to the following program administration for additional projects to be added to Appendix H:
- a. Within 60 days of execution of this agreement, the Commissioner of Transportation will notify each eligible transit system or municipal sponsor of the criteria for participation in this program, develop program guidelines, and invite applications from eligible sponsors for participation in the first two years of the program. Within 60 days of such notification, eligible sponsors wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation, including phasing; any basis for urgency; and an identification of and proposed method to address any conditions/contingencies required for the completion of the project
 - b. Within 90 days of receipt of such information, the Commissioner will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of the projects proposed to be added to Appendix H. If no objections to a project are received within 30 days, the project will be added to Appendix H.
 - c. Beginning February 1, 2007, and for each subsequent year, the Commissioner shall invite applications for the following fiscal year's program. Within 60 days of such notification, eligible sponsors wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation, including phasing; any basis for urgency; and an identification of and proposed method to address any conditions/contingencies required for the completion of the project.
 - d. Within 90 days of receipt of such information, the Commissioner will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of the projects proposed to be added to Appendix H. If no objections to the project are received within 30 days, the project will be added to Appendix H.
 - e. Projects will be carried out in accordance with Article 22 of the Transportation Law.
 - f. No funding for any project listed in Appendix H shall be subject to reallocation by the Commissioner to other existing or newly identified projects eligible for advancement under this program without the written notification 30 days in advance by the Commissioner to the President Pro Tem and Majority Leader of the Senate, and Speaker of the Assembly. If no objections to the reallocation are received within 30 days, the project funding will be reallocated.

- 6) PROGRAM REPORTING - By May 1, 2006, and each May 1 thereafter, the Commissioner shall issue a report to the Governor, the President Pro Tem and Majority Leader of the Senate, Speaker of the Assembly, and chairs of the transportation and fiscal committees detailing the progress that has been made in implementing the Non-MTA Transit Capital Program. The report shall provide for each project contained in Appendix H: a status report on project implementation; issues that might impede successful implementation; any revisions that may be necessary in overall program scheduling; actual obligations and expenditures to date; and estimated future project obligations.

SECTION VI: CANAL PROGRAM

The Governor and the Legislative leaders find that the New York State Canal System plays a vital role in the economy of New York State. The Canal System provides significant recreational, tourism, and transportation opportunities to State residents, visitors, and businesses. The preservation and rehabilitation of the Canal System infrastructure, including the Canalway trail, is critical to the continued viability of this water-based resource and its role in the statewide network of trail connections, community revitalization, and tourism destinations.

The Governor and the Legislative leaders agree to the following pursuant to the Canals Program:

1. All projects must meet the criteria established by subdivision 2 of section 480 of the Transportation Law.
2. Funding for the program is intended to be appropriated each year in the amount of \$10 million.
3. Appendix I of this MOU details the programmatic purposes and criteria for project selection by the Commissioner of Transportation in consultation with the Executive Director of the Canal Corporation in programming projects for the Canals Program.
4. Appendix J of this MOU details the projects which, to date, have been identified as meeting the criteria established in Appendix I, and are to be progressed under the program. Appendix J will be updated periodically by the Commissioner of Transportation as project applications are received and approved for inclusion in the program as outlined below.
5. PROGRAM ADMINISTRATION - The Governor and the undersigned Legislative leaders agree to the following program administration for additional projects to be added to Appendix J:
 - a. Within 60 days of execution of this agreement, the Commissioner of Transportation will notify each eligible recipient of the criteria for participation in this program, develop program guidelines, and invite applications from eligible recipients for participation in the first two years of the program. Within 60 days of such notification, eligible recipients wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation including phasing; any basis for urgency; and an identification of and proposed method to address conditions/contingencies required for the completion of the project.

- b. Within 90 days of receipt of such information, the Commissioner of Transportation will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of projects proposed to be added to Appendix J. If no objections to a project are received within 30 days, the project will be added to Appendix J.
 - c. Beginning February 1, 2007, and for each subsequent year, the Commissioner of Transportation shall invite applications for the following fiscal year's program. Within 60 days of such notification, eligible sponsors wishing to participate shall provide the Commissioner of Transportation with: detailed information on project scope; the proposed method of project implementation; a proposed schedule for project implementation, including phasing; any basis for urgency; and an identification of and proposed method to address any conditions/contingencies required for the completion of the project.
 - d. Within 90 days of receipt of such information, the Commissioner will notify the Governor, the President Pro Tem and Majority Leader of the Senate, the Speaker of the Assembly, and the chairs of the transportation and fiscal committees of the Legislature of the proposed schedule for implementation of the projects proposed to be added to Appendix J. If no objections to the project are received within 30 days, the project will be added to Appendix J.
 - e. Projects will be carried out in accordance with Article 22 of the Transportation Law.
 - f. No funding for any project in Appendix J shall be subject to reallocation by the Commissioner to other existing or new projects eligible for advancement under this program without the written notification 30 days in advance by the Commissioner to the President Pro Tem and Majority Leader of the Senate, and the Speaker of the Assembly. If no objections to the reallocation are received within 30 days, the project funding will be reallocated.
6. PROGRAM REPORTING - By May 1, 2006, and each May 1 thereafter, the Commissioner shall issue a report to the Governor, the President Pro Tem and Majority Leader of the Senate, Speaker of the Assembly, and chairs of the transportation and fiscal committees of the Legislature detailing the progress that has been made in implementing the Canals Program. The report shall provide for each project contained in Appendix J: a status report on project implementation; issues that might impede successful implementation; any revisions that may be necessary in overall program scheduling; actual obligations and expenditures to date; and estimated future project obligations.

SECTION VII: MTA PROGRAM

The Governor and the Legislative leaders agree that public transportation plays an essential role for the economy of New York, and continuous investment in the State's transportation infrastructure is necessary to maintain the State's competitive edge in the in the global economy. The Governor and the Legislative leaders find that the MTA Capital Plan Review Board has approved the 2005-2009 MTA Capital Plan, subject to the July 13 CPRB resolution, which includes provision for a subsequent review of the LIRR Main Line project.

The Governor and the Legislative leaders find that proceeds from the Rebuild and Renew New York Transportation Bond Act of 2005 will finance critically needed improvements to the State's transportation infrastructure that enhance public transportation mobility in New York.

The Governor and the Legislature leaders agree to the following pursuant to the Rebuild and Renew New York Transportation Bond Act of 2005:

1. Appendix K of this MOU details the projects and purchases to be completed from the proceeds of the Rebuild and Renew New York Transportation Bond Act of 2005.
2. All projects financed by the proceeds from the Rebuild and Renew New York Transportation Bond Act of 2005 will improve public transportation in New York.
3. The purchase of new Long Island Rail Road (LIRR) and Metro-North Railroad (MNR) rail cars, and New York City Transit (NYC Transit) express buses, standard buses and subway cars will improve transit reliability, customer satisfaction and provide enormous benefits to the environment.
4. The installation of replacement track for NYC Transit, LIRR and MNR, as well as progressing NYC Transit's tunnel lighting program and Bridge rehabilitation program on Staten Island Railway, will ensure the continuing safety and reliability of these systems. The track work will minimize delays caused by outages to repair track not in a state of good repair. The lighting and bridge program represent critical safety investments.
5. Several investments promise significant improvements in customer convenience. These include projects to communicate to customers at their bus stops or train stations on the real time status of bus and rail service, projects to rehabilitate and add escalators on the NYC Transit system, and projects to improve parking at various MNR and LIRR stations.
6. The 2nd Avenue Subway Phase I, East Side Access and JFK rail link projects are crucial to the economic vitality of New York and must be completed in order to accommodate the future growth of the State.

7. Public transportation is vital to maintaining New York's position as a national and international economic leader, and necessary investments must be made to ensure New York's position as an attractive destination for business and development.

Capital investments begun in 1982 with the first five-year Metropolitan Transportation Authority Capital Plan have transformed the region's public transportation network. Over the course of twenty-three years, the State as enabled the MTA to invest over \$50 billion to maintain, repair and replace aging and obsolete equipment and install new, state-of-the-art technology on its subways, buses, trains, bridges and tunnels. These investments have improved safety, on-time performance, ridership levels and accessibility for New Yorkers who rely on public transportation for business or personal use.

The proceeds from the Rebuild and Renew New York Transportation Bond Act of 2005 will allow the MTA to continue the improvements it has made in recent years and progress ambitious expansion projects like the 2nd Avenue Subway and East Side Access.

SECTION VIII: MULTIMODAL PROGRAM

The Governor and the Legislative leaders find that a sound transportation system is essential to the health, safety, and economic well-being of the people of the State of New York because such a network provides the vital links to businesses, employment centers, and the sites of agricultural and manufacturing production. The Multimodal Program, authorized pursuant to §14-k of the Transportation Law, provides for the funding of new capital projects within or between modes consisting of rail freight facilities; intercity rail passenger facilities and equipment; state, municipal, or privately owned ports; municipal and privately owned airports (excluding airports operated by the State or a bi-state municipal corporate instrumentality); State and local roads, highways, parkways and bridges, and fixed ferry facilities of municipal; and privately owned ferry lines for transportation purposes.

Therefore, the Governor and the undersigned Legislative leaders agree as follows:

1. The Governor and Legislature have agreed upon an appropriation in the 2005-06 State Budget to provide a \$150 million Multimodal Program for State Fiscal Year 2005-06. This program will fund otherwise unfunded capital project costs eligible for reimbursement as administered by the NYS Department of Transportation (NYSDOT). Program funds shall be available as follows:

State Fiscal Year	Total Multimodal Funds	GOVERNOR	SENATE	ASSEMBLY
		Allocation	Allocation	Allocation
2005-2006	\$150,000,000	\$42,857,000	\$53,571,500	\$53,571,500

2. The Governor and Legislature have agreed upon an additional \$200 million to be provided for the Multimodal Program through March 31, 2010. This program will fund otherwise unfunded capital project costs eligible for reimbursement as administered by the NYS Department of Transportation. Program funds shall be available as follows, following annual appropriation:

State Fiscal Year	Total Multimodal Funds	GOVERNOR	SENATE	ASSEMBLY
		Allocation	Allocation	Allocation
2006-2007	\$50,000,000	\$14,286,000	\$17,857,000	\$17,857,000
2007-2008	\$50,000,000	\$14,286,000	\$17,857,000	\$17,857,000
2008-2009	\$50,000,000	\$14,286,000	\$17,857,000	\$17,857,000
2009-2010	\$50,000,000	\$14,285,000	\$17,857,500	\$17,857,500

3. Multimodal funding shall be made available for financing any of the following:

- a) project costs for construction, reconstruction, improvement, reconditioning and preservation of rail freight capital facilities and for the project costs of intercity rail passenger facilities and equipment;
- b) project costs for construction, reconstruction, improvement, reconditioning and preservation of state, municipal, or privately owned ports;
- c) project costs of construction, reconstruction, improvement, reconditioning and preservation of municipal airports, privately owned airports and aviation capital facilities, excluding airports operated by the State or operated by a bi-state municipal corporate instrumentality, for which federal funding is not available, provided the project is consistent with an approved airport layout plan;
- d) project costs of construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges;
- e) project costs for construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes.

4. Projects to be carried out pursuant to the Multimodal Program shall be provided by the Governor, President Pro Tem and Majority Leader of the Senate, and the Speaker of the Assembly, respectively.

The designation of projects will be supplemented as herein provided to include all information as may be deemed necessary by the Commissioner of Transportation to identify the nature of the project, funding amount and location of each project.

5. No funding for any designated project shall be subject to reallocation by the Department to other existing or newly identified projects eligible for advancement under this program without the written approval by the Governor, President Pro Tem and Majority Leader of the Senate, or Speaker of the Assembly.

6. The Commissioner shall issue an annual program report on or before March 1 of each year commencing in 2006 to the Governor, the Legislative leaders and the chairs of the Senate and Assembly transportation and fiscal committees detailing the progress that has been made in implementing the Multimodal Program. The report will provide a listing of projects funded pursuant to the amount of such funds available through the Multimodal Program.

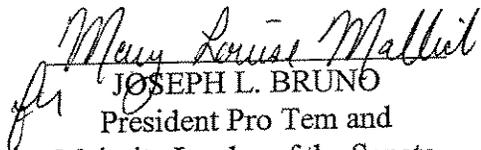
SECTION IX

All parties agree that full funding of this Memorandum of Understanding is subject to the public approval of the Rebuild and Renew New York Transportation Bond Act of 2005. If such Bond Act is not publicly approved, Sections III, IV, V, VI, VII, and VIII paragraph 2 of this Memorandum of Understanding shall be considered nullified.

This agreement is entered into this 13th day of July, 2005 by:


GEORGE E. PATAKI
Governor

by JOHN F. CAPE
Director of the Budget

for 
JOSEPH L. BRUNO
President Pro Tem and
Majority Leader of the Senate
by MARY LOUISE MALLICK
Secretary of Senate Finance


SHELDON SILVER
Speaker of the Assembly
for by DEAN FULEIHAN
Secretary of Ways and Means

APPENDIX C RAIL & PORT PROGRAM

I. RAIL & PORT PROJECT CRITERIA:

Improved safety, efficiency and capacity of the State's rail freight mainline system and ports and, where appropriate, improved rail passenger service, in key statewide trade and travel corridors.

Stimulated economic development through improved rail service or port facilities.

Increased intermodal transportation options within the State.

Retained and improved competitive rail service to shippers on small rail lines, primarily in rural areas.

Reduced levels of highway congestion and increased safety at rail/highway interfaces.

Improved environmental conditions.

Expanded funding availability, with an emphasis on project types that are not funded through existing Federal or State programs.

II. RAIL PROJECTS, PRIORITIZED PROJECT TYPES:

A. RAILROAD PROJECTS ALONG KEY CORRIDORS

Strategic projects which are required to preserve and/or improve rail mainline service along key trade and travel corridors, and which have potential statewide impacts.

Projects which enable or improve intermodal transportation through increased rail clearances, and which will primarily benefit New York State shippers.

Projects involving rail capacity improvements that will primarily benefit New York State rail freight users and rail passengers.

Projects that establish or improve intermodal transportation facilities, reduce local highway congestion, and benefit the local economy.

Projects that improve service on particular rail lines to the benefit of both the railroad and the line's rail users.

B. SHORTLINE/BRANCHLINE RAILROAD PROJECTS

Projects that enable railroads to accommodate 286,000 lb. rail cars where estimated future use of the larger cars is envisioned.

Projects that improve intermodal options for local shippers and benefit the local economy.

Projects that improve track infrastructure which is below minimum Federal Railroad Administration safety standards and subject to service restrictions to at least minimum standards, especially on lines where hazardous materials are handled or passenger excursion service is provided.

Projects that improve operations in yards through improvements to track and equipment.

C. PORT PROJECTS

Strategic projects which enhance port competitiveness and economic development.

Projects to increase capacity and preserve existing facilities of marine terminals and ports.

Projects that improve intermodal transportation and reduce movement of heavy freight from the State's roadway system.

Projects relating to storage and specialized freight handling.

II. PROJECT FUNDING

- 90% State, 10% local

APPENDIX D

Initial Rail & Ports Capital
Upstate Freight Railroads

PROJECT NUMBER	OWNER	TYPE	LOCATION - BEGINNING	LOCATION - ENDING	LOCATION - COUNTY(IES)	CORRIDOR	PROJECT DESCRIPTION & JUSTIFICATION	TOTAL EST. COST (\$M)
1	Southern Tier Extension Railroad Authority (STERA)	Track Rehabilitation	Falconer (near Jamestown)	NYS-PA Border, Niobe	Chautauqua	I86a	Replace ties and ballast on the western-most 18+/- mile corridor to safely accommodate the increased number of unit coal and intermodal trains	2.00
2	Central NY Railroad	Track Rehabilitation	Binghamton	Port Jervis	Broome, Delaware, Sullivan, Orange	I86a	Perform bridge and track repairs to support 286k traffic.	2.00
3	Genesee & Wyoming Railroad	Track Rehabilitation	Mount Morris	Retsoff	Livingston	I86c	Replace the most essential and deteriorated sections of the 10.2 miles of jointed rail with continuous welded rail of heavier weight for transport of rock salt from the American Rock Salt Mine in Mount Morris. This rail upgrade will allow additional movement of salt by rail, reducing congestion and maintenance cost on area highways.	2.00
4	Canadian Pacific Railroad	Capacity Improvements	Saratoga	Saratoga	Saratoga	I87a	Construct New Main Track to Bypass Saratoga Yard	1.50

APPENDIX D

**Initial Rail & Ports Capital
Upstate Freight Railroads (con't)**

PROJECT NUMBER	OWNER	TYPE	LOCATION - BEGINNING	LOCATION - ENDING	LOCATION - COUNTY(IES)	CORRIDOR	PROJECT DESCRIPTION & JUSTIFICATION	TOTAL EST. COST (\$M)
5	Canadian Pacific Railroad	Intermodal Facility(ies)	Albany	Schenectady	Albany, Schenectady	I87a	Preliminary engineering necessary to create new and/or enhance existing intermodal facilities to support the Capital Region and the I-87 Corridor which will expand capacity and competition to provide rail-truck intermodal service for the Capital Region.	1.00
6	Albany Port Railroad	Track Rehabilitation	Albany	Albany	Albany	I87b	Perform highest priority rail, tie, ballast, and bridge repairs to sustain current traffic.	0.50
7	South Buffalo Railroad	Track & Bridge Rehabilitation	Lackawanna	Buffalo Line	Erie	I90a	Complete the most essential bridge rehabilitations, installations of crossties, rail replacement, surfacing and switch replacements to sustain the 100 miles of track the South Buffalo operates on to serve its 13 customers which include the Ford stamping plant and Republic Engineering.	1.70

APPENDIX D
Initial Rail & Ports Capital
Upstate Freight Railroads (con't)

PROJECT NUMBER	OWNER	TYPE	LOCATION - BEGINNING	LOCATION - ENDING	LOCATION - COUNTY(IES)	CORRIDOR	PROJECT DESCRIPTION & JUSTIFICATION	TOTAL EST. COST (\$M)
8	Livonia, Avon & Lakeville Railroad	Track Rehabilitation	Lakeville	Avon	Livingston	I90b	Complete continuous welded rail installation to accommodate 286K cars.	2.20
9	Ontario Midland Railroad	Bridge Rehabilitation	Wolcott (East -West Branch); Wallington (North-South Branch)	Webster (East -West Branch); Newark (North-South Branch)	Wayne	I90b	Replace bridge deck timbers and/or other structural repairs on several bridges to continue service and accommodate 286K cars and along the railroad's East-West (Webster) and North-South (Newark) branches.	1.25
10	Rochester & Southern Railroad	Yard Configuration	Caledonia	Caledonia	Livingston	I90b	Build a freight fueling facility at the rail yard in Caledonia which will allow sustained and improved service to Commodity Resource Corporation (CRC), Empire Transload and Jones Chemical.	1.10
	Total BA Projects - First Two Years Funding	10						15.25

APPENDIX D

Initial Rail & Ports Capital Program
Downstate Freight Railroads

PROJECT NUMBER	OWNER	TYPE	LOCATION - BEGINNING	LOCATION - ENDING	LOCATION - COUNTY(IES)	CORRIDOR	PROJECT DESCRIPTION & JUSTIFICATION	TOTAL ESTIMATED COST (\$M)
11	LIRR Main Line	Capacity Improvements	Pine Aire	Pine Aire	Suffolk	NYC	Main Line, Upgrade turnouts to remote operation, Pine Aire Siding Deer Park	2.25
12	Long Island Railroad	Bridge Upgrades	Queens	Queens	Queens, Nassau	NYC	Upgrade bridges for 286k along the Montauk Branch & Main Line to improve access for modern rail cars to Metro NYC east of the Hudson River. Benefits LIRR commuter rail service as well	11.25
13	Hunts Point Market	Intermodal Capacity Improvements	Hunts Point	Hunts Point	Bronx	NYC	Perform intermodal capacity improvements.	6.00
14	Long Island Railroad	Track Rehabilitation	Queens	Queens	Queens	NYC	Track improvements on the Montauk Branch to improve access for modern rail cars to Metro NYC east of the Hudson River.	4.50
15	Long Island Railroad	Bridge Upgrades	Queens	Queens	Queens, Bronx	NYC	Upgrade bridges for 286k along the Bayridge / Montauk Lines for modern rail cars to Metro NYC east of the Hudson River.	9.75
	Total BA Projects - First Two Years Funding	5						33.75

APPENDIX D

Initial Rail & Ports Capital Program
Ports

PROJECT NUMBER	OWNER	TYPE	LOCATION - BEGINNING	LOCATION - ENDING	LOCATION - COUNTY(IES)	CORRIDOR	PROJECT DESCRIPTION & JUSTIFICATION	TOTAL ESTIMATED COST (\$M)
16	Port of Oswego Authority	Dock Improvement	Oswego	Oswego	Oswego	I81a	Improve East Side Dock for Short-Sea Shipping	2.00
	Total BA Projects - First Two Years Funding	1						2.00

Initial Passenger Rail Program

PROJECT NUMBER	OWNER	TYPE	LOCATION - BEGINNING	LOCATION - ENDING	LOCATION - COUNTY(IES)	CORRIDOR	PROJECT DESCRIPTION & JUSTIFICATION	TOTAL ESTIMATED COST (\$M)
17	Amtrak	Capacity Improvements (high level platforms and expand parking)	Rhinecliff	Rhinecliff	Dutchess	I87b	Preliminary engineering for improvements at Rhinecliff Station including construction of high level platforms (reducing passenger loading times and train running times) and expanded parking (increasing station capacity and decreasing spillover onto adjacent streets).	1.00
18	CSXT (Amtrak)	Capacity Improvements (Construct second main line and signal improvements)	Rensselaer MP 142	Schenectady MP 159	Albany, Rensselaer, Schenectady	I90c	Preliminary engineering to install additional sidings and signals on the Hudson Subdivision from	2.00

							Rensselaer to Schenectady	
	Total BA Projects - First Two Years Funding	2						3.00

APPENDIX E

AVIATION PROGRAM

The funding provided by the Rebuild and Renew New York Transportation Bond Act of 2005 will be utilized for three programmatic purposes:

General Aviation Security

While the U.S. Transportation Security Administration (TSA) regulates and funds security at commercial service airports, it is the State that has asserted regulatory authority over security at general aviation airports through the Anti-Terrorism Preparedness Act of 2004 (Chapter 1 of the Laws of 2004, Section 14-m of the Transportation Law). This Act, however, did not provide any funding for general aviation airport security. The State will program funds totaling \$30 million, in consultation with the New York State Office of Homeland Security, for capital security projects (i.e., those projects with a minimum 10-year service life) at general aviation airports. Examples of eligible capital projects for public-use airports include perimeter control (fencing and barriers), lighting, and police substations for general aviation airports used by aircraft of over 12,500 pounds. Applications will be evaluated based upon a prioritization that favors the highest risk airport categories using the TSA Security Guidelines for General Aviation Airports Airport Characteristics Measurement Tool. In addition, project types will be scored as follows:

GENERAL AVIATION SECURITY RECOMMENDED PROJECT SELECTION CRITERIA AND WEIGHTS

Projects will be prioritized within risk categories (i.e., category III before category II), and a score assigned by project type as follows:

- | | | |
|----|---------------------------------|--|
| 1. | Perimeter Control | 5 points |
| 2. | Police Substation | 4 points (only airports with >12,500 lb. aircraft) |
| 3. | Lighting | 3 points |
| 4. | Other Capital Security Projects | Scored based upon cost effectiveness |

Business Airport Development

Business airport development, by improving business aviation services at general aviation airports, supports economic development. Companies are using general aviation business aircraft in increasing numbers due to the inconveniences of post-September 11 commercial airport security; the efficiencies of using closer, less congested airports; and the problems arising from the difficulties of legacy carriers, including fewer flights and reduced services and reliability. For some airports, business aircraft bring in a considerable share of all revenues, and activity at accessible general aviation airports will likely increase. Availability of airport infrastructure is often cited by corporations as one of the main factors they use in determining the location of new plants, offices, or distribution centers. Further, personal business jets costing approximately \$1 million are being certified by the Federal Aviation Administration. These jets will greatly increase the affordability of such aircraft and will put further pressure on states to upgrade business aviation airports. The investments from the funds provided for business airport development will not only improve safety margins at business general

aviation airports, but will make New York airports more attractive for recreational and business users. Business airport development projects eligible for funding include: obstruction removal, strengthening pavement for heavier aircraft, aircraft parking apron pavement, instrument approach studies, automated weather systems, aircraft storage, and maintenance hangars and fueling facilities. Funding is limited to airports that serve business aircraft and have 3,000 foot or longer runways, and to projects associated with business aircraft use. The proposed projects were selected based upon an analysis of the best available economic data of business growth in the areas around general aviation airports. Both historical and projected data were used.

Additional projects will be evaluated for future funding based on the following criteria:

Airport must currently serve business aviation.

Existing physical runway must be 3,000 feet or more in length to accommodate business aircraft.

Projects must enhance business aviation service.

Historical and projected business activity growth in the area based on available economic data.

Funds totaling \$26 million will be programmed for this purpose. The program will require a 10% local share.

AIR '99

The one-time appropriation of \$2.5 million for AIR '99 was extremely well received by New York's airport industry. AIR '99 provides funding of up to \$300,000 per project for capital projects, equipment, navigational aids, and promotional initiatives. Additional funding will greatly assist many general aviation airports. The prioritization of project applications will be established by applying specific factor weights to the project evaluation committee scores for each project, as described below. An allocation of \$20.4 million is made for this purpose. A minimum local match of 10% is required.

AIR '99
RECOMMENDED PROJECT SELECTION CRITERIA AND WEIGHTS

Each factor or sub-factor will be scored on a scale of 0 – 5. Then each score will be multiplied by the appropriate weights below. Factor 4 will then be further multiplied by the sub-factor weight (based upon type of project). Weighted scores will be summed for the project score.

1. Benefit versus Cost	20%	
2. Business User Impacts	40%	
3. Managing Grants	10%	
4. Purpose	30%	
Safety		x 100%
Air Service		x 50%
Equipment		x 50%
Adverse Weather/Night Use		x 90%
Economic Viability		x 70%
Pavement		x 80%

APPENDIX F
Security Fencing for Category III Airports
BUSINESS AVIATION AIRPORTS - PROJECT LIST

PRIMARY PROJECTS								
RANK	FACILITY NAME PROJECT COMPONENTS	COMMUNITY	COUNTY	DOT REGION	SENATE DISTRICT	ASSEMBLY DISTRICT	COST	TOTAL COST (Millions)
1	FRANCIS S GABRESKI AIRPORT	WESTHAMPTON BEACH	SUFFOLK	10	1	2		
	Vertical Guidance Approaches						\$ 0.15	\$ 0.15
2	LAKE PLACID AIRPORT	LAKE PLACID	ESSEX	1	45	113		
	Automated Weather Reporting						\$ 0.18	
	Obstruction Removal						\$ 0.30	
	Transient Aircraft Storage Hangar						\$ 0.40	
	Jet Fuel Facility						\$ 0.20	\$ 1.08
3	SARATOGA COUNTY AIRPORT	SARATOGA SPRINGS	SARATOGA	1	43	110		
	Obstruction Removal						\$ 0.60	
	Taxiway Pavement Rehabilitation						\$ 1.40	
	Vertical Guidance Approaches						\$ 0.15	
	Transient Aircraft Storage Hangar						\$ 0.40	\$ 2.55
4	HAMILTON MUNICIPAL AIRPORT	HAMILTON	MADISON	2	49	111		
	Automated Weather Reporting						\$ 0.18	
	Obstruction Removal						\$ 0.20	
	Transient Aircraft Storage Hangar						\$ 0.40	\$ 0.78
5	KINGSTON-ULSTER AIRPORT	KINGSTON	ULSTER	8	42	101		
	Automated Weather Reporting						\$ 0.19	
	Obstruction Removal						\$ 0.35	\$ 0.54
6	ONEONTA MUNICIPAL AIRPORT	ONEONTA	OTSEGO	9	51	111		
	Obstruction Removal						\$ 0.50	
	Vertical Guidance Approach						\$ 0.10	
	Transient Aircraft Storage Hangar						\$ 0.40	\$ 1.00
7	WELLSVILLE MUNICIPAL AIRPORT	WELLSVILLE	ALLEGANY	6	57	149		
	Obstruction Removal						\$ 0.25	
	Vertical Guidance Approach						\$ 0.05	\$ 0.30
8	OGDENSBURG INT'L AIRPORT	OGDENSBURG	ST LAWRENCE	7	48	118		
	Obstruction Removal						\$ 0.20	
	Transient Aircraft Storage Hangar						\$ 0.40	\$ 0.60
9	LANCASTER AIRPORT	LANCASTER	ERIE	5	59	143		
	Obstruction Removal						\$ 1.00	
	Vertical Guidance Approach						\$ 0.10	
	Automated Weather Reporting						\$ 0.20	
	Transient Aircraft Storage Hangar						\$ 0.40	
	Jet Fuel Facility						\$ 0.20	\$ 1.90
10	CATTARAUGUS CO-OLEAN AIRPORT	OLEAN	CATTARAUGUS	5	57	149		
	Obstruction Removal						\$ 0.20	
	Vertical Guidance Approach						\$ 0.10	\$ 0.30
11	TRI-CITIES AIRPORT	ENDICOTT	BROOME	9	52	126		
	Obstruction Removal						\$ 0.50	
	Vertical Guidance Approach						\$ 0.10	
	Transient Aircraft Storage Hangar						\$ 0.40	\$ 1.00
Group Total							\$	10.20

APPENDIX G NON-MTA PROGRAM

Program Description

This agreement provides for a five-year \$50 million capital program for systems other than the Metropolitan Transportation Authority (MTA) to address the incremental cost associated with mainstreaming hybrid-electric buses into public fleets as well as continuing to support the implementation of Compressed Natural Gas (CNG) buses for those systems that have committed to CNG. Funding provided pursuant to the Rebuild and Renew New York Transportation Bond Act of 2005 will be used to cover the incremental costs of a hybrid-electric or CNG vehicle over the purchase of a diesel vehicle. Leveraging the Rebuild and Renew New York Transportation Bond Act of 2005 funds with existing/programmed Federal and local funds will provide for the purchase of approximately 250 clean fuel vehicles. Program funding will be allocated proportionally on a needs-based formula that takes into account the local EPA air-quality attainment designations, the availability of “base” vehicle funding, and the portion of the existing fleet that is eligible for replacement. In administering the clean fuel vehicle initiative, NYSDOT is looking to facilitate and expand upon the initial work of an industry consortium looking into the procurement of 32 hybrid-electric buses statewide. The consortium currently includes:

- Broome County Department of Transportation
- Capital District Transportation Authority
- Central New York Regional Transportation Authority
- Niagara Frontier Transportation Authority
- Rochester-Genesee Regional Transportation Authority
- Tompkins Consolidated Area Transit

Other systems that have expressed interest in participating in the consortium, pending available resources, include:

- Nassau County-MTA/Long Island Bus
- Westchester County (has already ordered four hybrid-electric buses independent of the consortium)
- Greater Glens Falls Transit
- Suffolk County Transit

Program Benefits of Hybrid-Electric Buses

- Smaller engine, which operates at a more constant speed
- Requires less fuel/better overall fuel economy
- Significantly reduces overall bus emissions when compared to a standard diesel engine
- Powered by low-sulfur fuel

- An electric motor drives the wheels
- Powered by regenerative braking

Clean Fuel Initiative Program Goals

- Reduced bus emissions
- Significantly increased bus fuel economy
- Mainstreamed alternative fuel vehicles into revenue service for systems other than the MTA
- Increased bus component life
- Position bus manufacturing industry in New York State to build/sell hybrid buses nationwide
- Improved statewide coordinated training and technical transfer.

APPENDIX H

Transit Clean Fuel Vehicle Initiative

Initial Program Distribution		
Sponsor	Bond Funding (1) SFY 2005-06 & SFY 2008-09	Incremental Alternative Fuel Buses
New York City – Bus	\$11.000	55
Westchester	\$8.694	43
Nassau	\$5.363	27
CDTA	\$2.072	10
CNYRTA	\$3.819	19
RGRTA	\$2.763	14
NFTA	\$3.981	20
Broome	\$0.813	4
Poughkeepsie	\$0.366	2
Chemung	\$0.200	1
Utica	\$0.200	1
Ithaca/Tompkins	\$0.730	4
Total	\$40.000	200

Includes systems other than the MTA that have buses eligible for replacement during SFY 2005-06 and SFY 2008-09.
 As additional systems become eligible for bus replacement, system bus needs will be included in the apportionment formula.
 Assumes maximum annual apportionment of \$2.75 million; consistent with distribution of core program funding.

**APPENDIX I
PROJECT SELECTION CRITERIA**

**NYS Canal Corporation
Goals & Objectives for Capital Spending**

CANAL INFRASTRUCTURE

Canal infrastructure projects are selected based on structural condition and engineering judgment.

Condition Rating: Canal infrastructure is rated based on structural condition with each structure being inspected regularly using established guidelines. Through a combination of component ratings, structure type weightings and structural importance ratings, a weighted average condition and priority (CAP) score for each structure is calculated to provide an overall measure of the condition and establish a ranking with non-similar structure types.

Condition Inventory System: All of the structures along the Canal System have been assigned Structure Identification Numbers (STRINs). The Canal Corporation uses a database, the Canal Structure Information System (CSIS), to store structural condition data.

Condition Standards: Canal infrastructure projects are prioritized based on CAP scores and engineering judgment. These have been grouped into three classifications: needs major rehabilitation, acceptable (candidate for future work) and good.

Alternatives Evaluation: A combination of factors is taken into account to determine which capital projects will be progressed. These include the initial numerical prioritization provided by the CAP scores; knowledge of maintenance schedules and deterioration rates; environmental conditions; extenuating circumstances and available funding. Complex structures require a significant level of funding for a capital contract and usually require multiple years to complete. This allows the Canal Corporation to fund smaller projects, programmed around the larger projects, to efficiently and fully use all available funding.

CANALWAY TRAIL

Canalway Trail projects are selected based on a service gap analysis, completed in conjunction with the goals and priorities of the Canal Recreationway Plan.

Condition Rating: Since the majority of the existing Canalway Trail has been recently constructed, a condition

rating system has not been completed. The future condition rating will include components such as wearing surface, drainage, aesthetics, overhead and lateral clearance, signs and railing.

Condition Inventory System: All Canalway Trail segments are inventoried in a Geographic Information System (GIS), which is maintained by the New York State Canal Corporation. The system contains information regarding location, alignment and year of construction. This system is also used for planning future segments.

Condition Standards: Rehabilitation of Canalway Trail segments will be prioritized based on the future condition rating system and engineering judgment. New Canalway Trail segments will be prioritized based on service gap analysis.

Alternatives Evaluation: Trails have been established consistent with the Canal Recreationway Plan, chapter 7, which includes trail specifications for the Canalway Trail, the recommended trail support facilities, signage, trail marking, parking facilities, management and maintenance.

SERVICE PORTS & HARBORS

Canal service ports and harbor projects are selected based on a service gap analysis, completed consistent with the goals and objectives of the Canal Recreationway Plan. Municipal input is also considered.

Condition Rating: Service ports and harbors are rated as Canal infrastructure.

Condition Inventory System: Service ports and harbors are inventoried as Canal infrastructure.

Condition Standards: Service port and harbor projects are prioritized based on service gap analysis in conjunction with the goals and objectives of the Canal Recreationway Plan. Municipal input is also considered.

Alternatives Evaluation: Service Ports and Harbor locations were selected to provide regularly spaced sites for visitor services between Canal Harbors. The Canal Recreationway Plan, chapter 7, includes various service packages for Canal service ports and harbors.

LIFT BRIDGES

Lift bridge projects are jointly selected with the New York State Department of Transportation (NYSDOT) based on structural condition, mechanical/electrical condition, life-cycle analysis and engineering judgment.

Condition Rating: Lift bridge structural components are inspected and rated for condition, by NYSDOT, in accordance with NYSDOT standards and criteria. Mechanical/electrical components are inspected and rated for condition, by the Canal Corporation, in accordance with guidelines contained in the CSIM.

Condition Inventory System: The NYSDOT maintains an inventory system for all bridges, including lift bridges. The New York State Canal Corporation maintains lift bridge mechanical/electrical condition data in the CSIS database mentioned previously. Lift bridges are also assigned STRINs for inventory purposes.

Condition Standards: Lift bridge projects are prioritized based on structural condition and standard life-cycle analysis. Maintenance, rehabilitation and replacement schedules have been completed.

Alternatives Evaluation: The decision making for lift bridge maintenance is similar to the decision making for Canal infrastructure maintenance.

**APPENDIX J
2005 Transportation Bond Act
Canal Projects**

Description, Location	Amount Requested (Million)
Fabricate Container Transport Barges, Statewide	\$3.0
Scour Repairs Lock E-17 Lower Approach Wall, Little Falls, Herkimer County	\$1.3
Fabricate Miter Gates, Lock C-6, Fort Miller, Washington County	\$1.9
Fabricate Miter Gates, Lock E-8, Scotia, Schenectady County	\$1.7
Bank Repairs, Herkimer County	\$1.3
Bank Repairs, Washington County	\$0.6
Bank Repairs, Orleans County	\$0.6
Culvert Repairs, Orleans County	\$1.3
Electrical Repairs, Waterford Dry Dock, Saratoga County	\$0.6
Trail Rehab Pittsford to Fairport, Monroe County	\$3.0
Mohawk River Erie Canal Pedestrian Bridge, City of Amsterdam, Bridge Street	\$16.5
City of Rome Trail Realignment	\$2.6
Rehab Movable Dam 4 at Lock E-8, Scotia, Schenectady County	\$10.1
Trail Fort Edward to Fort Ann, Washington County	\$5.0
Monroe County Canal Projects	\$0.5
TOTAL	\$50 Million

APPENDIX K

MTA BOND ACT PROJECTS

Core Program	Year in Plan	Amount (\$ millions)
New York City Transit		
Purchase B Division Cars	2008	\$ 60.0
Hi-Capacity Express Buses	2009	\$ 50.0
Standard Buses	2009	\$ 40.0
Mainline Track Replacement	2009	\$ 78.0
Tunnel Lighting	2008	\$ 54.0
Bus Locator System	2006	\$ 30.0
SI Railway Bridges	2007	\$ 14.0
Subtotal NYCT		\$326.0
Long Island Rail Road		
Purchase M7 Cars	2006	\$ 25.0
Parking Improvements	2006-09	\$ 10.0
Passenger Communication	2007-2009	\$ 10.0
Annual Track Program	2009	\$ 28.0
Subtotal LIRR		\$ 73.0
Metro-North Railroad		
Purchase M8 Cars	2006	\$ 30.0
Parking Improvements	2007	\$ 10.0
MNR Track	2009	\$ 11.0
Subtotal MNR		\$ 51.0
Subtotal Commuter Rail		\$124.0
Total MTA Core Program		\$450.0
East Side Access		\$450.0
Second Avenue Subway Phase 1		\$450.0
JFK Rail Link		\$100.0