

Highway Services

Five levels of government – state, county, town, village and city – play integral roles in building and maintaining New York’s expansive road and bridge system. Although the manner in which these governments function and interact varies across the state, the expected outcome is the same – a safe, functional, efficient, and well-maintained highway system. This brief provides an overview of the delivery of highway services in New York. It presents the size of the system, government spending for roads and bridges, and the organizational structure of service delivery. It also includes background information on and obstacles to regionalizing service delivery. Key points include:

- Towns are responsible for the majority of the centerline miles¹ of roads owned by local governments; counties are responsible for most of the bridges.
- Towns were responsible for approximately 50 percent of the \$2.9 billion spent by local governments in 2005 for highway services.
- Highway expenditures comprise a larger share of town spending (23 percent) than county (5 percent), village (13 percent), or city (9 percent).
- There are approximately 1,500 county, town, village, and city highway superintendents in New York State. The majority of these are directly elected.
- The responsibilities and organizational structure of local highway departments, and the manner and extent that they interact, vary across the state. Counties are generally characterized as working more closely with the state and towns; towns are characterized as working more closely with counties and villages.
- Many characterize the culture of local highway departments as cooperative with “handshake” agreements between governments commonplace. Local government interest in formalizing and expanding these cooperative arrangements is widespread, although obstacles exist.

What are highway services?

Highway services generally include:

- Construction, repair and reconstruction of roads, bridges and culverts;
- Maintenance of road signs and markings, as well as traffic signals;
- Snow plowing and ice control;
- Maintenance of shoulders and roadside areas;
- Maintenance of department vehicles and equipment; and
- Project planning and design (new construction and maintenance of existing infrastructure).



Work on the state’s roads and bridges is seasonal – snow plowing/ice control in the cold months, and construction, repair, and maintenance work in the warmer months. Inputs to the system include personnel, vehicles, equipment, facilities, and raw material.

New York’s Road and Bridge System

There are over 113,000 centerline miles of roads under state or local government control in New York, with over 107,000 outside of New York City. Towns have jurisdiction over the majority of this system – 57,970 miles, or 51 percent, followed by counties, with 20,736 miles, or 18 percent.² State government, cities and villages own 15, 11 and 6 percent respectively.

The 57 counties outside of New York City vary in total centerline miles within their borders and the percentage owned by each level of government. Total miles range from 461 in Hamilton County to 4,553 in Erie and 7,460 in Suffolk. As noted in Table One, New York State has jurisdiction over 39 percent of the roads in Hamilton County compared to only 8 percent in Suffolk. Towns own a higher percentage of centerline miles in Suffolk – 78 percent, compared to 38 percent in Hamilton.

Table One: 2004 Centerline Miles of Roads

	Total Miles	State		Counties		Towns		Cities		Villages	
		Miles	% of Total	Miles	% of Total	Miles	% of Total	Miles	% of Total	Miles	% of Total
NYS	113,343	16,500	15	20,376	18	57,970	51	12,160	11	6,337	6
NYC	6,074	265	4	0	0	0	0	5,808	96	0	0
Rest of State	107,269	16,235	15	20,376	19	57,970	54	6,352	6	6,337	6
Hamilton County	461	179	39	94	21	176	38	0	0	11	2
Suffolk County	7,460	609	8	421	6	5,785	78	0	0	645	9

Source: NYS DOT, <https://www.nysdot.gov/portal/page/portal/divisions/engineering/technical-services/highway-data-services/highway-mileage-summary>

Outside of New York City, city-owned roads and streets represent only a small proportion of centerline miles (6%). While some cities have significant centerline mileage, others do not, and it should also be noted that more than a third of counties do not have cities.

The cost of maintaining a single mile of centerline highway differs depending on a number of factors including, but not limited to, number of lanes, traffic, level of service, and bridges. Level and type of traffic greatly influence the cost of maintenance; high-traffic segments with increased truck travel can cost three to four times more to maintain per mile than a low-volume road. The level of service expected by local travelers and officials is also a factor. Public expectation may go beyond what is necessary from an engineering standpoint in terms of how smooth a road should be or whether a road should or should not be paved. The number and type of bridges in the segment makes a difference as well. The long-term cost of construction and maintenance of a small bridge (50 to 70 feet long) can, at times, equal the long-term cost of construction and maintenance of a single mile of road.



More than one third of New York's over 17,000 bridges are "deficient" as defined by state standards.³ Slightly more than 50 percent of these deficient bridges are owned by local governments. Counties have jurisdiction over the majority of locally-owned bridges (defined as greater than 20 feet in length) at 6,092, far more than towns (1,315), cities (1,061 including NYC) and villages (144).

Local Government Spending for Highway Services

Counties, towns, villages, and cities (excluding New York City) spent over \$2.9 billion from all sources (including federal and state funds) to maintain roads and bridges in 2005 (see Table Two).⁴ Towns were responsible for approximately 50 percent of these expenditures. This makes sense since, as noted earlier, towns are responsible for far more centerline miles of roads than the other local governments. Towns also spent more of their total budget on highway services (23 percent), compared to counties (5 percent), villages (13 percent) and cities (9 percent).⁵

	Total Highway Expenditures	% of Statewide Highway Expenditures	Total Spending	Highway Expenditures as a % of Total Spending
County	\$852	29	\$18,724	5
Town	1,425	49	6,291	23
Village	309	11	2,312	13
City	328	11	3,786	9
	<u>2,914</u>		<u>31,113</u>	9

Source: NYS OSC

Notes: Data includes spending of revenue from other local governments and may overrepresent total spending. City and Village expenditures include author's estimates of highway-related employee benefits.

New York State provides a number of funding streams to local governments for highway services. Two include:

- **Consolidated Local Street and Highway Program (CHIPS) - approximately \$313 M:** CHIPS provides state funds to county, town, village and city capital projects including the construction and repair of highways, bridges, highway-railroad crossings, and other facilities not on the state highway system.⁶



CHIPS includes two funding streams (Transportation Improvement Fund – TIF and Local Assistance Fund – LAF) that are allocated to local governments using formulas specified in statute.

- TIF funding is distributed two ways: First, approximately 40 percent of total funding is allocated to counties and NYC based on their relative shares of motor vehicle registrations and centerline highway mileage, except interstate and state highways. Second, the balance of the funding is divided by municipal class based on relative vehicle miles of travel (42.7% for cities, 28.1% for towns, 18.5% for counties, and 10.7% for villages). Amounts are then apportioned within that class on the basis of the relative number of lane-miles, exclusive of parking lanes, under the maintenance jurisdiction of each municipality. Those amounts are adjusted so that they will not be less than the average amount that the municipality received in State Fiscal Years (SFY) 1980-81 and 1981-82 from the four programs that preceded CHIPS.
- LAF is allocated using the following percentages established by the 1979 Safer Roads and Streets Program (SLRSP): towns – 38%, counties – 30%, NYC 14%, other cities – 9%, and villages – 9%. Amounts are then apportioned within each class using each municipality's historical SLRSP figure.⁷

Common criticisms of CHIPS are that the funding level is too low given needs and the manner in which funds are allocated is not transparent. The later point is partly due to an allocation formula that is somewhat complex. Local officials have argued for a simplified formula that relies more heavily on the size the system in each municipality (e.g., lane miles and bridges). Additionally, local officials have argued for more flexibility in the types of projects eligible for funding, which is currently restricted to capital projects with a service life of 10 years.⁸

- ***Municipal Streets and Highway (Marchiselli) Program - approximately \$40M:*** The Marchiselli Program provides municipalities with state funds to draw down federal match grants for local highway and bridge capital projects. The federal program requires nonfederal matching funds in the amount of 20 to 25 percent depending on the project category. The Marchiselli Program funding provides 75 percent of the nonfederal match.

Organizational Structure of Service Delivery

The roads and bridges in each county outside of NYC typically fall under the jurisdiction of three to five different levels of government, including state (agencies and authorities), county, town, village and city. These governments are responsible for segments of the system that share borders, as well as roads and bridges that cross the boundaries of several governments. The extent the governments contract with each other and private firms; share equipment, facilities, and expertise; and communicate on a regular basis



varies within each county and across the state. This section describes commonalities and attempts to characterize the variation across the system.

State Government

The Department of Transportation (DOT) is responsible for the majority of the state-owned roads (over 15,000 centerline miles) and bridges (approximately 7,600) in New York. This includes construction, preventative maintenance (e.g., resurfacing, filling pot holes, sealing cracks, etc.) and routine maintenance (e.g., line painting, signage, roadside/ditch maintenance, snow removal, ice control, etc.). Additionally, the agency is responsible for ensuring the inspection of all bridges in the state, regardless of ownership, every two years through use of agency inspectors and consultants.

DOT contracts out the construction of most highways and bridges, and approximately 40 percent of its preventative and corrective maintenance projects to private firms to cover shortages in state labor and equipment and/or to take advantage of specialized expertise and capability. DOT also contracts with over 35 cities for the maintenance of state-owned arterials within city borders. Finally, DOT has 166 contracts with municipalities for snow/ice removal for approximately 8,000 miles of state-owned roads.

DOT's 11 Regional Offices provide technical assistance to local highway departments, particularly county departments. Many regional directors have regular meetings with the local officials in their area and provide technical assistance when a municipality requests help.⁹ In addition to efforts by its regional offices, the Department, in collaboration with statewide associations, Cornell University and the federal government, provides technical assistance to local highway officials through its participation in annual conferences. The Department also supports the Cornell Local Roads Program.¹⁰

There are a number of agencies, authorities, and institutions in addition to the Department of Transportation that are responsible for small segments of state-owned roads and bridges. Of these, the New York State Thruway Authority maintains the largest segment – 641 centerline miles of the New York State Thruway. The Authority is an independent public corporation established to “build, operate, and maintain” the Thruway. It employs its own maintenance staff with the cost of operating and maintaining the system funded by user fees.¹¹

Counties

State statute requires the appointment of a county highway superintendent.¹² Beyond the superintendent position, the organizational structure and responsibilities of county highway departments vary across the state. For example, some counties have a highway department whose only responsibility is building and maintaining the county's roads and bridges; other counties have a single department responsible for roads and bridges, and other functional areas such as parks, airports, water, public works, solid waste collection and disposal, etc.



The manner and extent that each county government works on highway-related issues with the towns, villages and cities within its borders is also different across the state. The more traditional approach is the county highway department that is somewhat self-contained; it has a wide range of in-house expertise (regular employees and/or consultants) and types of equipment, and performs most aspects of maintaining its roads and bridges. This department does very little contracting with other governments beyond snow removal and ice control.

Monroe County's Department of Transportation is widely regarded as having an atypical approach to sharing work with other governments with Department employees taking on more technical tasks and the county contracting out selected, operations-level work. This includes two types of standing intermunicipal agreements: one for winter maintenance and a second for "all seasons" work. The bulk of the Department's staff have technical/engineering backgrounds and their work includes, but is not limited to, signage, maintaining traffic signals/flashers, engineering studies, and managing work performed on county roads and bridges. The Department contracts with towns for routine maintenance of roads including snow removal and ice control, mowing, highway rehabilitation (paving, sealing, and shoulder installations), etc. The county provides technical services to towns, without reimbursement, and is responsible for all traffic engineering functions (e.g., studies, maintaining signs and traffic signals, etc.) for the City of Rochester, with most of this work at no cost to the City.

The NYS County Highway Superintendents Association (NYSCHSA) is a statewide membership organization for county highway superintendents and commissioners of public works. The Association provides opportunities for its members to share information on technology, methods, and management. It also works with the State Legislature and Governor on issues of importance to county roads and bridges.¹³

Towns

State statute requires that all towns have a superintendent of highways, either elected or appointed.¹⁴ The term of office of the elected highway superintendent is two years, but can be set at four years locally.¹⁵ A town can abolish the office of elected town highway superintendent and make it an appointive one by local law.¹⁶ Both actions are subject to approval by mandatory referendum. Out of 932 town highway superintendents, only 59 are appointive rather than elected.

It is the responsibility of the highway superintendent, whether elective or appointive, to prepare an annual budget for his department, subject to modification and approval by the town board. Once agreed to by the highway superintendent and the town board, funds intended for highways may not be diverted for other projects. In addition, the highway superintendent may not incur debts or expenses in excess of the amount budgeted except in an emergency. Finally, payment for work is made in accordance with the aforementioned agreement with the superintendent's overspending possibly resulting in personal liability.¹⁷



State statute provides specific authority to the town board to oversee the work of the town highway superintendent, and to prescribe additional duties to the superintendent that are reasonably related to those listed in statute.¹⁸ For example, collecting non-highway related refuse, construction of storm sewers and drains, and construction and maintenance of a park. Although the town board can influence the repairs and improvements of roads through a statutorily required agreement between the board and the highway superintendent detailing the place and manner of such work, the highway superintendent has control over who is hired and how many employees there are in the highway department within the budgetary appropriation for the department, which includes an appropriation for employee wages.¹⁹ The board may use its auditing powers to ensure compliance with such agreement.

Much like counties, the organizational structure and responsibilities of town highway departments vary across the state. Some towns have a stand-alone department responsible for roads and bridges while others have merged this function into a larger department of public works headed by an appointed official. Even where a DPW has been created with the highway department as one of its divisions, the town must still have an appointed highway superintendent.²⁰ The exception is that towns with a contract with another municipality to provide highway maintenance and repair that is in effect for five years may adopt a local law subject to permissive referendum to abolish the office of town highway superintendent.²¹

Although interactions between governments vary across the state, town highway departments are generally characterized as working more closely with county and village officials rather than with state and city. Indeed, several town highway superintendents serve as village highway superintendents.²² Towns may also provide highway equipment for a village within a town for a nominal amount.²³ It appears to be somewhat common for county governments to contract with towns for snow removal and ice control and, as described earlier, counties may also contract with towns for other maintenance work.²⁴ Highway Law also specifically grants counties the right to lease their equipment to towns in the county to be used on town highways under the direction of the town superintendent.²⁵

The New York State Association of Town Superintendents of Highways (NYSAOTSOH), Inc., is a statewide membership organization for town highway superintendents that provides opportunities for exchanging information and receiving instruction.²⁶ NYSAOTSOH, Inc. promotes ideas and legislation that further town efforts to maintain their highways. It works closely with NYSCHSA, the statewide organization for county highway officials described earlier, on many initiatives.

Villages and Cities

State statute does not specifically require villages and cities to have a highway superintendent. Village streets are under the control of the village's board of trustees.²⁷ Cornell University reports that, of the information for 507 villages on file, a highway



superintendent is responsible for the roads and bridges in 461 villages, the mayor in 44 and the board of trustees in two.²⁸ City charters establish personnel requirements and may require a highway superintendent. As of May 2007, each of the 62 cities in the state had an appointed highway superintendent.

Village and city highway superintendents do not have statewide associations that provide opportunities to exchange information and lobby on their behalf.²⁹ There is not a single source of information on how these governments organize and manage their highway departments. In general, village and city highway superintendents are described as the “jack of all trades” in localities. Their responsibilities may include public works, emergency management, water, sewage, and other functions. Anecdotal information suggests that some superintendents are civil service employees and others are appointed officials.

Regional Transportation Planning

Federal laws and regulations require that highway and transportation projects supported by federal funds complete metropolitan and statewide planning processes. In New York, this has translated into planning that is somewhat different depending on whether an area is designated as urban by the U.S. Census Bureau and, therefore, under the purview of a metropolitan planning organization. Planning for rural areas is conducted, to a certain extent, by the DOT’s Regional Offices working with regional planning and development boards.³⁰

Metropolitan Planning Organizations (MPOs). Per federal requirements, transportation planning for metropolitan areas over 50,000 in population is the responsibility of MPOs. The boundaries, membership and voting structure of each MPO are established by an agreement between local officials and the governor.³¹ The policy-setting body of an MPO is typically comprised of locally-elected officials as well as state and federal officials. Non-profit organizations, community organizations, and other interested parties may also serve in policy-making or advisory roles.

There are 13 MPOs operating in New York that develop long-range regional transportation plans as well as short-range programs, also known as Transportation Improvement Programs (TIPs).³² TIPs are developed on a two or three-year cycle. DOT uses the TIPs to develop the Statewide Transportation Improvement Program (STIP).

All highway projects using federal funds must be listed on the STIP.³³ DOT allocates federal transportation funding to its regional offices who then allocate the dollars to the MPOs in their area. The MPOs award federal funding to state, county, town, village, city, and transit authority projects using a competitive process and include selected projects in their TIPs.

Rural Areas. The DOT Regional Offices, to a certain extent, have taken on transportation planning for rural areas of the state not represented by one of the 13 MPOs, and more so for those without a regional planning and development board. The Regional Offices collect data, identify needs and develop potential projects.³⁴ The Offices rely on county



highway superintendents (and possibly regional planning boards where they exist) to work with towns, cities, and villages to develop highway projects. The Regional Offices select state and local projects for rural areas for federal funding (similar to the MPOS for urban areas) with selected projects included in the STIP.

Mergers, Consolidations, and Shared Services Agreements

Regionalizing highway services is currently at local discretion and can take many forms, including sharing equipment, facilities, and personnel; combining specific highway-related functions across two or more governments; or merging/consolidating entire highway departments (see nearby textbox for a description of a proposed consolidation of town/village highway services). Many officials have characterized the culture of local highway departments as cooperative with formal and “handshake” agreements between governments in place. NYS Office of State Comptroller data shows that, in 2005, counties, towns, villages and cities received approximately \$89 million in revenue from the state and municipalities as payments for winter maintenance and other

Consolidating Highway Services in Delhi

The Town and Village of Delhi in Delaware County have been exploring consolidating highway services since June of 2006 and recently appointed an advisory committee of three citizens to identify options and make recommendations.

Roads under the jurisdiction of the Town of Delhi are currently maintained by the Town Highway Department with nine employees including an elected commissioner. Roadwork is funded through two property taxes: 1) a town-wide highway tax assessed on all real property in the town, and 2) a town outside of village tax assessed on real property outside of the Village of Delhi. The Street Group within the Village of Delhi’s Department of Public Works (DPW) is responsible for village roads and employs five people. Highway services are supported by the village’s general fund.

The current proposal creates a unified Town Highway Department that would maintain the Town and Village of Delhi roads. In the short term, a highway commissioner would supervise two highway divisions: one primarily responsible for highway activities outside of the village that would employ current town highway personnel and one responsible for activities within the village that would employ current village personnel. As employees retire or resign it is expected that the “outside village” and “inside village” distinction would disappear.

Equipment owned by the two governments would be combined into a single pool with duplicate equipment not replaced or sold. The current town highway garage would serve as the primary facility with the village highway garage phased out and returned to private ownership. The unified Town Highway Department would be financed by a town-wide highway tax. CHIPS funding to the town would fund rural highways and funding to the village would support street capital improvements in the village.

To move forward with this proposal, the town and village officers need to develop data that quantifies the costs and benefits of consolidating highway services. If the data shows positive net benefit, local officials will also need to develop necessary legal agreements and a detailed implementation plan. The plan should address the establishment of tax rates for village property and town property outside the village, as well as personnel issues.

Source: Fifth Highway District Proposal submitted by Mayor David Truscott, Village of Delhi, to the LGEC.

highway services. This is a lower-end estimate of the value of formal intergovernmental agreements for highway services as the data does not capture all cooperative arrangements.

Local government interest in formalizing and expanding cooperative arrangements is widespread. This is evidenced by the applications for the Department of State's (DOS) Shared Municipal Services Initiative (SMSI). Thirty-five percent of total applications to the 2006-07 SMSI Grant Program were for highway services. Fifteen awards were made to local governments to support joint equipment purchases and construction of facilities with several applications noting the SMSI project as part of a larger effort to merge highway departments.

Two observations can be made from progress to date on the SMSI initiatives and other efforts to share highway services:

- *One approach may not be the best for all governments.* For example, two counties are working toward divesting some or all responsibility for road maintenance to towns/villages, whereas other efforts include creating countywide service areas for specific highway functions.
- *Type and level of assistance needed varies across governments and most likely is a reflection of the level of in-house expertise and other indigenous factors.* Many local governments have requested assistance in identifying/evaluating options for merging, consolidating or sharing arrangements, and planning for implementation. Other governments are deeper into the process in that they have a plan in place and 1) need financial assistance to purchase the equipment or build the facility that will be shared or 2) have requested technical assistance with implementation including selling the planned change to the public; developing and finalizing legal agreements; addressing personnel issues; overcoming turf issues, etc.

There is assistance currently available and under development for local governments interested in merging, consolidating, or entering into a sharing agreement for highway services, although it may fall short of meeting all needs:

- Statewide associations, the Cornell Local Roads Program, and NYS DOT have organized technical assistance conferences for local government personnel that have included workshops on developing and implementing shared service arrangements.
- As noted earlier, the SMSI program has financially supported highway-related efforts and will continue to do so in 2007-08. Additionally, as part of the 2006-07 SMSI program, DOS contracted with the Government Law Center of Albany Law School to develop technical assistance documents for local governments interested in mergers, consolidations, and sharing agreements, although these documents are not specific to highway services.³⁵

- The New York State Commission on Local Government Efficiency and Competitiveness is developing a highway services tool kit to assist officials in 1) identifying potential areas for shared services arrangements; 2) assessing the costs and benefits of such arrangements; and 3) developing and implementing formal agreements.³⁶

Although highway officials have a long history of formally and informally sharing equipment, material, and expertise, opportunities to increase efficiency and the quality of services through shared service agreements still exist.

- There appears to be interest in and opportunities for DOT to contract with local highway departments for services beyond arterial maintenance and snow/ice removal, and for municipalities to contract with DOT for services, equipment, fuel, and other supplies. More progress could be made if standing general contracts between DOT and municipalities were in place alleviating the need to enter into a new agreement every time a sharing opportunity arises. The current system discourages ongoing cooperative arrangements. In addition, revenues received by DOT from agreements with municipalities are deposited in the state's general fund, potentially diminishing DOT's resources when it rents equipment or provides other services to local governments by diverting revenue away from the agency. Currently, General Municipal Law, Section 99-r does not include specific language authorizing state agencies to enter into a contract with local governments for renting equipment and supplying fuel, supplies, etc.³⁷
- Many local governments lack the expertise and resources to determine and track costs of particular highway services, projects, and equipment. They would benefit from assistance with identifying opportunities for mergers, consolidations and sharing agreements, and help planning, negotiating and implementing sharing agreements. Although guides and toolkits are useful, many local governments require more hands on assistance such as access to an expert who can walk them through identifying opportunities, assessing benefits, and developing/implementing a plan.

Endnotes

¹ Centerline miles are calculated by measuring down the center of all lanes of traffic. The number of lanes is not taken into consideration.

² Towns also own the majority of unpaved roads (gravel or dirt) in the state; 11,921 miles, or 21 percent of all town roads are unpaved, far exceeding counties (132 miles), villages (150 miles) and cities (98 miles).



³ In this case, deficient is used to denote some deterioration for purposes of allocating resources. It does not suggest a safety concern in all cases. Source: NYS DOT. Data reflect status as of April 2007.

⁴ This reflects a \$622 million, or 27 percent, increase in nominal spending when compared to 2000. Part of this increase is due to the cost of key industry-related commodities (diesel fuel, etc.) whose growth outpaced inflation.

⁵ These estimates are somewhat different than the fiscal fact sheets on the NYS Commission on Local Government Efficiency and Competitiveness (LGEC) website. The transportation spending presented in the LGEC fact sheets includes expenditures for highway services and other service categories such as mass transit.

⁶ Early information from the author's analysis of NYS OSC local government revenue and expenditure data suggest that CHIPS funding supported less than 10 percent of total local government highway expenditures in 2005.

⁷ See <https://www.nysdot.gov/portal/page/portal/programs/chips/apportionment>.

⁸ CHIPS Operation and Maintenance funds were discontinued and converted to CHIPS Capital funds by the SFY 2002-03 State Budget. See <https://www.nysdot.gov/portal/page/portal/programs/chips>.

⁹ DOT officials emphasized that their regional offices currently do not have the in-house expertise to assist municipalities with merging or consolidating highway functions or whole departments.

¹⁰ The Cornell Local Roads Program provides training and technical assistance to municipal employees responsible for roads and bridges in New York State. It is a center under the Federal Highway Administration's Local Technical Assistance Program. See <http://www.clrp.cornell.edu/>.

¹¹ NYS Thruway Authority, <http://www.nysthruway.gov/about/factbook/index.html#Introduction>.

¹² Highway Law, Section 100 and County Law Section 400(4)(a).

¹³ See <http://www.countyhwys.org/index.html>.

¹⁴ Town Law, Section 20.1(a)

¹⁵ Town Law, §24-a or Municipal Home Rule Law §10(1)(ii)(d)(3). The superintendent serves a fixed term of office and may only be removed from office during his term pursuant to section 36 of the Public Officers Law or section 160 of the Highway Law. 1977 N.Y. Op. Atty. Gen. (Inf.) 1966.



¹⁶ Municipal Home Rule Law §10 and §23(2)(e).

¹⁷ See NYS OSC Opinion 98-14 and 91-45.

¹⁸ Town Law, §32; and NYS OSC Opinion 82-294, p 373.

¹⁹ Highway Law, §140(4).

²⁰ NYS OSC Opinion 53-6157.

²¹ Town Law §20.1(k).

²² Highway Law, Section 277. Although the repair and improvement of town highways must be charged to town-outside-village taxpayers alone, a town board has the authority to determine the cost of purchasing and repairing machinery, and the removal of obstructions caused by snow and for other miscellaneous purposes (widening the road) a town-wide expense thus requiring village residents to support this spending.

²³ Highway Law §142-c.

²⁴ Highway Law §135-a grants counties the power to contract with any city, town or village for snow removal and sanding of county roads.

²⁵ Highway Law §135.

²⁶ See <http://www.nystownhwys.org/index.asp>.

²⁷ Village Law, Section 6-602.

²⁸ As of May 2007, there were 556 villages in New York.

²⁹ The New York Conference of Mayors (NYCOM) does provide some services, although limited, to this group.

³⁰ Regional planning and development boards are public agencies established under General Municipal Law, Article 12-B. Also known as regional planning councils, the boards are established by municipal legislative bodies and may conduct surveys, studies and research regarding regional needs and prepare a regional comprehensive plan. State statute specifically notes that the boards shall “assist with transportation planning in areas of the region not served by metropolitan planning organizations...” if the collaborating municipalities provide such authority.

³¹ See <http://www.fhwa.dot.gov/planning/metro>.

³² For a map with the 13 MPOs noted see <http://www.nysmpos.org/about/>.



³³ Examples of federal funding streams include Interstate Maintenance, National Highway System, Highway Bridge Rehabilitation and Replacement, Surface Transportation Program, Congestion Mitigation/Air Quality, and Transit Capital, as well as federal discretionary funds and Congressional earmarks.

³⁴ Regional planning and development boards will sometimes develop separate transportation plans that inform DOT decision making.

³⁵ The Government Law Center's documents include case studies that describe in detail efforts made and obstacles encountered by local governments who have pursued a sharing arrangement; a User Manual that not only guides the reader through development of an SMSI proposal, but also provides helpful information on factors to consider when developing and implementing a consolidation or shared services plan; and spreadsheets detailing technical assistance currently offered by the academic institutions represented on the Center's Technical Assistance Group for the SMSI program.

³⁶ This tool kit will borrow from and build upon resources currently available including the Legislative Commission on Rural Resources shared highway services guide entitled, *Promoting Intermunicipal Cooperation for Shared Highway Services* available at <http://www.dos.state.ny.us/lqss/pdfs/SharedHighway1.pdf>

³⁷ According to DOT staff, provision of authority for DOT to contract with locals could enable parties to "ease into" shared services and thus make progress in this area with minimal risk. Shared service agreements between DOT and local governments would also greatly facilitate assistance to municipalities during emergencies that do not rise to the level of statewide significance (there are currently legal restrictions to DOT working off the state system absent statutory or contractual permission).