

S. 396

A. 1039

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

---

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

IN ASSEMBLY -- Introduced by M. of A. McENENY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing a pilot residential parking permit system in the city of Albany and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings and intent. The legislature finds that  
2     a lack of parking for residents of certain areas of the city of Albany  
3     has resulted in traffic hazards, congestion and air and noise pollution.  
4     In addition, such lack of parking poses a hazard to residents and other  
5     pedestrians in such areas.  
6     The legislature further finds that a pilot residential parking permit  
7     system will reduce such hazards and will reduce pollution levels as  
8     well. The legislature, therefore, recognizing that alternate, off-street  
9     parking spaces have become available for workers commuting to the down-  
10    town area, hereby declares the necessity of this act to authorize the  
11    city of Albany to adopt a pilot residential parking permit system in  
12    accordance with the provisions of this act.  
13    S 2. The vehicle and traffic law is amended by adding a new section  
14    1640-m to read as follows:  
15    S 1640-M. PILOT RESIDENTIAL PARKING PERMIT SYSTEM IN THE CITY OF ALBA-  
16    NY. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE  
17    CITY OF ALBANY MAY, BY ADOPTION OF A LOCAL LAW OR ORDINANCE, PROVIDE FOR  
18    A RESIDENTIAL PARKING PERMIT SYSTEM AND FIX AND REQUIRE THE PAYMENT OF  
19    FEES APPLICABLE TO PARKING WITHIN CERTAIN AREAS OF THE CITY OR AS DELIN-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD00950-02-9

1 EATED BY THE COMMON COUNCIL OF THE CITY OF ALBANY IN ACCORDANCE WITH THE  
2 PROVISIONS OF THIS SECTION.

3 2. SUCH RESIDENTIAL PARKING PERMIT SYSTEM MAY ONLY BE ESTABLISHED  
4 WITHIN THE AREAS OF THE CITY OF ALBANY DESCRIBED AS FOLLOWS: AN AREA  
5 WITHIN A ONE MILE RADIUS OF THE NELSON A. ROCKEFELLER EMPIRE STATE  
6 PLAZA. THE PERMITTED STREETS WITHIN THIS AREA SHALL BE DESCRIBED IN A  
7 LOCAL LAW OR ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
8 ALBANY PURSUANT TO THIS SECTION.

9 3. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO PERMIT SHALL BE  
10 REQUIRED ON STREETS WHERE THE ADJACENT PROPERTIES ARE ZONED FOR COMMER-  
11 CIAL, OFFICE AND/OR RETAIL USE.

12 4. THE LOCAL LAW PROVIDING FOR SUCH RESIDENTIAL PARKING PERMIT SYSTEM  
13 SHALL:

14 A. SET FORTH THE SPECIFIC FACTORS WHICH NECESSITATE THE IMPLEMENTATION  
15 OF SAID SYSTEM AND SHALL INCLUDE, BUT NOT BE LIMITED TO, FINDINGS OF  
16 FACTS AS TO THE EXISTENCE OF SUCH TRAFFIC HAZARDS, CONGESTION AND AIR  
17 AND NOISE POLLUTION WITHIN ANY SUCH AREAS;

18 B. PROVIDE THAT MOTOR VEHICLES REGISTERED PURSUANT TO SECTION FOUR  
19 HUNDRED FOUR-A OF THIS CHAPTER SHALL BE EXEMPT FROM ANY PERMIT REQUIRE-  
20 MENT;

21 C. PROVIDE THE TIMES OF THE DAY AND THE DAYS OF THE WEEK DURING WHICH  
22 PERMIT REQUIREMENTS SHALL BE IN EFFECT;

23 D. MAKE NOT LESS THAN TWENTY PERCENT OF ALL SPACES WITHIN THE PERMIT  
24 AREA OR AREAS AVAILABLE TO NONRESIDENTS WHICH SHALL PROVIDE SHORT-TERM  
25 PARKING OF NOT LESS THAN NINETY MINUTES IN DURATION IN SUCH AREA OR  
26 AREAS;

27 E. MAKE NOT MORE THAN TWO THOUSAND SEVEN HUNDRED FIFTY OF THE APPROXI-  
28 MATELY NINE THOUSAND SPACES WITHIN THE PERMIT AREA OR AREAS AVAILABLE  
29 FOR RESIDENTIAL PARKING BY PERMIT;

30 F. PROVIDE THE SCHEDULE OF FEES TO BE PAID FOR RESIDENTIAL PERMITS;  
31 AND

32 G. PROVIDE THAT SUCH FEES SHALL BE CREDITED TO THE GENERAL FUND OF THE  
33 CITY OF ALBANY.

34 5. NO LOCAL LAW OR ORDINANCE SHALL BE ADOPTED PURSUANT TO THIS SECTION  
35 UNTIL A PUBLIC HEARING THEREON HAS BEEN HELD BY THE COMMON COUNCIL OF  
36 THE CITY OF ALBANY CONCERNING THE DESIGNATION OF THE CERTAIN AREA OR  
37 AREAS IN WHICH SAID PARKING PERMIT SYSTEM IS TO BE IMPLEMENTED.

38 S 3. This act shall take effect immediately and shall remain in full  
39 force and effect for a period of 730 days after the implementation of  
40 the local law or ordinance adopted by the city of Albany pursuant to  
41 section 1640-m of the vehicle and traffic law as added by section two of  
42 this act at which time this act shall expire and be deemed repealed.