

5711--A

2009-2010 Regular Sessions

I N S E N A T E

May 29, 2009

Introduced by Sens. DILAN, DIAZ, FOLEY, HASSELL-THOMPSON, MONTGOMERY, OPPENHEIMER, PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommended to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law, in relation to enabling safe access to public roads for all users by utilizing complete street design principles

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

1 Section 1. Section 10 of the highway law is amended by adding a new
2 subdivision 47 to read as follows:
3 47. (A) PROVIDE FOR SAFE TRAVEL BY ALL USERS OF THE ROAD NETWORK,
4 INCLUDING MOTORISTS, PEDESTRIANS, BICYCLISTS, AND PUBLIC TRANSPORTATION
5 USERS, REGARDLESS OF AGE OR ABILITY, THROUGH THE USE OF COMPLETE STREET
6 DESIGN FEATURES FOR SAFE TRAVEL IN THE PLANNING, DESIGN, CONSTRUCTION,
7 RECONSTRUCTION, REHABILITATION, RESURFACING AND MAINTENANCE OF ALL
8 STATE, COUNTY AND LOCAL TRANSPORTATION FACILITIES.
9 (B) COMPLETE STREET DESIGN FEATURES THAT FACILITATE SAFE TRAVEL BY ALL
10 USERS MEANS A ROADWAY THAT EXPANDS UPON CURRENTLY ACCEPTED STATE AND
11 FEDERAL DESIGN REQUIREMENTS TO ACCOMMODATE ALL USERS, PARTICULARLY
12 PEDESTRIANS, BICYCLISTS AND INDIVIDUALS OF ALL AGES AND MOBILITY CAPA-
13 BILITIES. THESE FEATURES SHALL INCLUDE, BUT NOT BE LIMITED TO, SIDE-
14 WALKS, PAVED SHOULDERS SUITABLE FOR USE BY BICYCLISTS, LANE STRIPING,
15 BICYCLE LANES, SHARE THE ROAD SIGNAGE, CROSSWALKS, PEDESTRIAN CONTROL
16 SIGNALIZATION, BUS PULL OUTS, CURB CUTS, RAISED CROSSWALKS AND RAMPS AND
17 TRAFFIC CALMING MEASURES.
18 (C) EXCEPTIONS TO PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE PERMISSI-
19 BLE ONLY AFTER THE COMMISSIONER AND AGENCY WITH JURISDICTION OVER THE
20 PROJECT, FULLY DEMONSTRATES, WITH SUPPORTING DOCUMENTATION WHICH SHALL

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

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1 BE AVAILABLE FOR PUBLIC REVIEW AND COMMENT FOR NINETY DAYS BEFORE FINAL
2 DETERMINATION, THAT ONE OF THE FOLLOWING EXISTS:

3 (I) USE BY BICYCLISTS AND PEDESTRIANS IS PROHIBITED BY LAW, SUCH AS
4 WITHIN INTERSTATE HIGHWAY CORRIDORS; OR

5 (II) THE COST WOULD BE EXCESSIVELY DISPROPORTIONATE TO THE NEED AS
6 DETERMINED BY THE FOLLOWING FACTORS: LAND USE CONTEXT; CURRENT AND
7 PROJECTED TRAFFIC VOLUMES INCLUDING NON-MOTORIZED TRAFFIC; AND POPU-
8 LATION DENSITY.

9 S 2. (a) No later than two years after the effective date of this act,
10 the department of transportation shall publish a report showing how
11 transportation agencies have complied with subdivision 47 of section 10
12 of the highway law and changed their procedures to institutionalize
13 complete streets design features into planning, project scoping, design
14 and implementation of highway and road projects. The report shall
15 include, but not be limited to a discussion of the review of and
16 revisions to various guidance documents regarding lane width, design
17 speed, average daily traffic thresholds, level of service and roadway
18 classification. The report shall also show any best practices that
19 transportation agencies utilized in complying with subdivision 47 of
20 section 10 of the highway law.

21 (b) In establishing such best practices, consideration shall be given
22 to the procedures for identifying the needs of the mix of users, includ-
23 ing primary and secondary users and the identification of barriers, and
24 summary of the documentation required by paragraph (c) of subdivision 47
25 of section 10 of the highway law regarding why transportation agencies
26 could not comply with paragraph (a) of subdivision 47 of section 10 of
27 the highway law. The department shall consult with transportation, land-
28 use and environmental officials, including representatives from:

29 (i) Counties, cities and towns;

30 (ii) Metropolitan planning organizations;

31 (iii) Public transit operators;

32 (iv) Relevant state agencies; and

33 (v) Other relevant stakeholders, including, but not limited to, repre-
34 sentatives from disability rights groups, aging groups, bicycle and
35 pedestrian advocates, and developers.

36 S 3. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law.