

S. 396--A

A. 1039--A

2009-2010 Regular Sessions

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

(PREFILED)

January 7, 2009

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IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McENENY -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

LBD00950-03-0

1 S 2. The vehicle and traffic law is amended by adding a new section  
2 1640-m to read as follows:

3 S 1640-M. PILOT RESIDENTIAL PARKING PERMIT SYSTEM IN THE CITY OF ALBA-  
4 NY. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE  
5 CITY OF ALBANY MAY, BY ADOPTION OF A LOCAL LAW OR ORDINANCE, PROVIDE FOR  
6 A RESIDENTIAL PARKING PERMIT SYSTEM AND FIX AND REQUIRE THE PAYMENT OF  
7 FEES APPLICABLE TO PARKING WITHIN CERTAIN AREAS OF THE CITY OR AS DELIN-  
8 EATED BY THE COMMON COUNCIL OF THE CITY OF ALBANY IN ACCORDANCE WITH THE  
9 PROVISIONS OF THIS SECTION.

10 2. SUCH RESIDENTIAL PARKING PERMIT SYSTEM MAY ONLY BE ESTABLISHED  
11 WITHIN THE AREAS OF THE CITY OF ALBANY DESCRIBED AS FOLLOWS: AN AREA  
12 WITHIN THREE-QUARTERS OF A MILE RADIUS OF THE NELSON A. ROCKEFELLER  
13 EMPIRE STATE PLAZA. THE PERMITTED STREETS WITHIN THIS AREA SHALL BE  
14 DESCRIBED IN A LOCAL LAW OR ORDINANCE ADOPTED BY THE COMMON COUNCIL OF  
15 THE CITY OF ALBANY PURSUANT TO THIS SECTION.

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

19 4. THE LOCAL LAW PROVIDING FOR SUCH RESIDENTIAL PARKING PERMIT SYSTEM  
20 SHALL:

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

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

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

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

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

37 F. PROVIDE THE SCHEDULE OF FEES TO BE PAID FOR RESIDENTIAL PERMITS;  
38 AND

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

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

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