

9396

I N   A S S E M B L Y

February 29, 2016

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

AN ACT to amend the highway law and the vehicle and traffic law, in  
relation to organized bicycle and running events on public highways

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

1     Section 1. Section 316 of the highway law, as amended by chapter 655  
2     of the laws of 1978, is amended to read as follows:  
3     S 316. Entitled to free use of highways. The authorities having charge  
4     or control of any highway, public street, park, parkway, driveway, or  
5     place, shall have no power or authority to pass, enforce or maintain any  
6     ordinance, rule or regulation by which any person using a bicycle or  
7     tricycle shall be excluded or prohibited from the free use of any high-  
8     way, public street, avenue, roadway, driveway, parkway, park, or place,  
9     at any time when the same is open to the free use of persons having and  
10    using other pleasure carriages, except upon such driveway, speedway or  
11    road as has been or may be expressly set apart by law for the exclusive  
12    use of horses and light carriages. But nothing herein shall prevent the  
13    passage, enforcement or maintenance of any regulation, ordinance or  
14    rule, regulating the use of bicycles or tricycles in highways, public  
15    streets, driveways, parks, parkways, and places, or the regulation of  
16    the speed of carriages, vehicles or engines, in public parks and upon  
17    parkways and driveways in the city of New York, under the exclusive  
18    jurisdiction and control of the department of parks and recreation of  
19    said city, nor prevent any such authorities in any other city from regu-  
20    lating the speed of any vehicles herein described in such manner as to  
21    limit and determine the proper rate of speed with which such vehicle may  
22    be propelled nor in such manner as to require, direct or prohibit the  
23    use of bells, lamps and other appurtenances nor to prohibit the use of  
24    any vehicle upon that part of the highway, street, park, or parkway,  
25    commonly known as the footpath or sidewalk. NO REGULATION, ORDINANCE OR  
26    RULE REGULATING THE USE OF BICYCLES, TRICYCLES OR RUNNERS MAY DENY ANY  
27    ORGANIZED BICYCLE OR RUNNING EVENTS, OR ANY ORGANIZED EVENTS THAT  
28    COMBINE BICYCLE AND RUNNING FROM ANY HIGHWAY, PUBLIC STREET, PARK, PARK-

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

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1 WAY, DRIVEWAY OR PLACE UNLESS SAID AUTHORITY CAN DEMONSTRATE AN UNREA-  
2 SONABLE HARDSHIP TO ITS INFRASTRUCTURE OR ITS RESIDENTS. FURTHER, NO  
3 SUCH REGULATION, ORDINANCE OR RULE SHALL IMPOSE AN UNREASONABLE FEE FOR  
4 SUCH USE OF ANY HIGHWAY, PUBLIC STREET, PARK, PARKWAY, DRIVEWAY OR  
5 PLACE. THE BURDEN OF PROVING THAT ANY SUCH FEE IS REASONABLE SHALL BE  
6 ON THE PERTINENT AUTHORITIES.

7 S 2. Section 1640 of the vehicle and traffic law is amended by adding  
8 a new subdivision (f) to read as follows:

9 (F) NO LEGISLATIVE BODY OF A CITY OR VILLAGE SHALL ENACT ANY LAW OR  
10 REGULATION THAT PROHIBITS THE USE OF ITS ROADS TO BICYCLES OR RUNNERS  
11 ENGAGED IN ORGANIZED EVENTS THAT COMBINE BICYCLE AND RUNNING, FROM ANY  
12 HIGHWAY, PUBLIC STREET, PARK, PARKWAY, DRIVEWAY OR PLACE UNLESS SAID  
13 CITY OR VILLAGE CAN DEMONSTRATE AN UNREASONABLE HARDSHIP TO ITS INFRAS-  
14 TRUCTURE OR ITS RESIDENTS. FURTHER, NO CITY OF VILLAGE SHALL IMPOSE AN  
15 UNREASONABLE FEE FOR SUCH USE OF ITS ROADS. THE BURDEN OF PROVING THAT  
16 ANY SUCH FEE IS REASONABLE SHALL BE ON THE CITY OR VILLAGE.

17 S 3. This act shall take effect immediately.