

STATE OF NEW YORK

9837--A

IN ASSEMBLY

February 20, 2020

Introduced by M. of A. BRAUNSTEIN, EICHENSTEIN, WRIGHT, TAYLOR, CARROLL, REILLY -- read once and referred to the Committee on Cities -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the administrative code of the city of New York and the public authorities law, in relation to requiring notice to members of the legislature and certain local officials relating to certain construction and other projects affecting such members' and officials' districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. It is hereby declared to be a substan-
2 tial interest of this state to monitor the implementation of New York
3 City's legislative authority related to traffic on or pedestrian use of
4 highways within the city. In addition, the legislature finds that there
5 is a need to notify the public concerning major transportation projects
6 and other projects which result in street closures and can affect traf-
7 fic and local business operation. Further, sufficient notice of these
8 projects will allow elected officials to solicit public input and thus
9 ensure that policy decisions are made in the interest of the community.
10 § 2. Section 19-101.2 of the administrative code of the city of New
11 York, as added by local law number 90 of the city of New York for the
12 year 2009 and subdivision c as amended and subdivision j as added by
13 local law number 64 of the city of New York for the year 2011, is
14 amended to read as follows:
15 § 19-101.2 Review of major transportation projects. a. For the
16 purposes of this section, the following terms shall be defined as
17 follows:
18 1. "Affected council member(s), senator(s), member(s) of assembly and
19 community board(s)" shall mean the council member(s), senator(s),
20 member(s) of assembly and community board(s) in whose districts a
21 proposed major transportation project is to be located, in whole or in
22 part.

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

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1 2. "Major transportation project" shall mean any project that, after
2 construction will alter four or more consecutive blocks, or 1,000
3 consecutive feet of street, whichever is less, involving a major
4 realignment of the roadway, including either removal of a vehicular
5 lane(s) or full time removal of a parking lane(s) or addition of vehicu-
6 lar travel lane(s).

7 b. If an agency of the city other than the department implements a
8 major transportation project, such agency, in lieu of the department,
9 shall provide the notice required by this section.

10 c. Prior to the implementation of a major transportation project, the
11 department shall forward notice of such project, including a description
12 of such project, to affected council member(s), senator(s), member(s) of
13 assembly and community board(s) by electronic mail.

14 d. Within ten business days after receipt of such notice: (i) the
15 affected council member(s), senator(s) and member(s) of assembly may
16 submit recommendations and/or comments on such notice to the department;
17 and (ii) the affected community board(s) may either submit recommenda-
18 tions and/or comments on such notice to the department and/or request a
19 presentation of the major transportation project plan by the department,
20 which shall be made to the community board within thirty days of such
21 community board's request.

22 e. Each presentation shall include, at a minimum, the project limits,
23 a description, and a justification of such plan, and a map showing the
24 streets affected by such plan and, within three days of such presenta-
25 tion, shall be forwarded to the affected council member(s), senator(s)
26 and member(s) of assembly.

27 f. The department shall consider recommendations and/or comments, if
28 any, made under the provisions of subdivision d of this section and/or
29 within seven days of the presentation to the community board, from the
30 affected council member(s), senator(s), member(s) of assembly and
31 affected community board(s), and may incorporate changes, where appro-
32 priate, into the plan.

33 g. The department may implement its plan fourteen or more days after
34 it sends an amended plan or notice that it will proceed with its
35 original plan to the affected council member(s), senator(s), member(s)
36 of assembly and community board(s).

37 h. Nothing in this section shall be construed to prohibit the depart-
38 ment from providing notice of its major transportation projects on its
39 website and to affected council member(s), senator(s), member(s) of
40 assembly and community board(s) and other interested parties by other
41 means in addition to those specified in this section.

42 i. Nothing in this section shall be construed to require the depart-
43 ment to provide notification of major transportation projects requiring
44 immediate implementation to preserve public safety.

45 j. Prior to the implementation of a major transportation project, the
46 department shall consult with the police department, the fire depart-
47 ment, the department of small business services and the mayor's office
48 for people with disabilities. The department shall include a certifi-
49 cation of such consultations in the notice required by subdivision c of
50 this section.

51 § 3. Section 19-101.3 of the administrative code of the city of New
52 York, as added by local law number 66 of the city of New York for the
53 year 2011, is amended to read as follows:

54 § 19-101.3 Reporting requirement following the completion of major
55 transportation projects. a. For purposes of this section, "affected
56 council member(s), senator(s), member(s) of assembly and community

1 board(s)" and "major transportation project" shall have the same meanings as in section 19-101.2 of this chapter.

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3 b. Not more than eighteen months following the completion of a major transportation project, the department shall submit to the affected council member(s), senator(s), member(s) of assembly and community board(s) and shall post on the department's website the average number of crashes for the three years prior to the commencement of the major transportation project and the year subsequent to the completion of the major transportation project, disaggregated by the streets affected by the major transportation project, and disaggregated further by the number of motorists and/or injured or killed passengers, bicyclists and pedestrians involved.

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12 c. Simultaneous to providing the information required by subdivision b of this section, the department shall provide to the affected council member(s), senator(s), member(s) of assembly and community board(s) and shall post on the department's website other data related to the project including but not limited to speed data, vehicular volume data and vehicular level of service data to the extent such data is relevant to the project. Accompanying such data shall be an explanation of the data, along with the dates and times of the collection of such data, and similar data from prior to the commencement of the major transportation project.

23 d. The department shall consult with the fire department and the police department regarding the effect a major transportation project has had on emergency vehicles, and shall report the results of such consultations with the information required by subdivisions b and c of this section.

28 § 4. Section 19-107 of the administrative code of the city of New York, as amended by local law number 24 of the city of New York for the year 2005, is amended to read as follows:

31 § 19-107 Temporary closing of streets. a. (i) Except as otherwise provided by law, it shall be unlawful for any person to close any street, or a portion thereof, within the jurisdiction of the commissioner, to pedestrian or vehicular traffic without a permit from the commissioner.

36 (ii) The commissioner may temporarily close or may issue a permit to temporarily close to pedestrian or vehicular traffic any street, or a portion thereof, within his or her jurisdiction, when, in his or her judgment, travel therein is deemed to be dangerous to life, in consequences of there being carried on in such street activities such as building operations, repairs to street pavements, sewer connections, or blasting for the purpose of removing rock from abutting property, or upon advice from the police commissioner, fire commissioner or commissioner of the office of emergency management that such closure will promote or protect safety or life, or when such closure may be necessary for a public purpose. In such event, the commissioner shall make available to the community board and the council member, senator, and member of assembly in whose district such street is located information regarding any such closure which continues beyond five business days, state the reason or reasons for such closure and the estimated date for the street, or any portion thereof, to reopen.

52 b. In the event that a publicly mapped street that is used for vehicular or vehicular and pedestrian access, for which vehicular access is fully closed for more than one hundred eighty consecutive days, the commissioner shall issue or cause to be issued a community reassessment, impact and amelioration (CRIA) statement that has been approved by the

1 commissioner or other government entity initiating the street closure
2 which shall be delivered to both the community board and the council
3 member, senator, and member of assembly in whose district the street is
4 located on or before the two hundred tenth day of the closure. Such CRIA
5 statement shall contain the following: the objectives of the closure and
6 the reasons why the continued street closure is necessary to attain
7 those objectives, which in the case of a closure initiated by a local
8 law enforcement agency for security reasons shall be satisfied by a
9 statement from the local law enforcement agency that the street has been
10 closed and will remain closed for security reasons; identification of
11 the least expensive alternative means of attaining those objectives and
12 the costs of such alternatives, or a statement and explanation as to the
13 unavailability of such alternatives, which in the case of a closure
14 initiated by a local law enforcement agency for security reasons shall
15 be satisfied by a statement from the law enforcement agency that there
16 are no alternative means available; how the continued street closure
17 will impact access and traffic flow to and within the surrounding commu-
18 nity, including but not limited to, access to emergency vehicles, resi-
19 dences, businesses, facilities, paratransit transportation and school
20 bus services; and any recommendations to mitigate adverse impact and
21 increase access to and within the area. In the case of a closure initi-
22 ated for security reasons, the police department shall ensure that the
23 CRIA statement does not reveal non-routine investigative techniques or
24 confidential information or potentially compromises the safety of the
25 public or police officers or otherwise potentially compromise law
26 enforcement investigations or operations, provided that the issuance of
27 the CRIA statement shall not be delayed beyond the required time period.
28 The requirement for the issuance of a CRIA statement as described in
29 this subdivision may be satisfied by delivery of an environmental
30 assessment statement, environmental impact statement, or similar docu-
31 ment required by law to be prepared in relation to the street closure.
32 Prior to the issuance of a CRIA statement, the commissioner, in the case
33 of a closure for which a permit issued by the department is required,
34 shall hold at least one public forum, publicized in advance, in any
35 affected community at which the community may register its input
36 concerning any potential adverse impacts of the street closure, includ-
37 ing but not limited to concerns regarding timeliness of emergency vehi-
38 cle response and traffic congestion resulting in a potential increase in
39 noise and any other adverse conditions caused by the closure. In the
40 case of a street closure effectuated for security reasons by a local law
41 enforcement agency, such law enforcement agency shall hold the public
42 forum provided herein. Following the public forum(s), the council
43 member, senator, and member of assembly in whose district the street
44 closure is located may forward to the government entity which held the
45 public forum(s) issues raised at the public forum(s) by the partic-
46 ipants. The government entity which held the public forum(s) shall make
47 its best efforts to respond to the issues raised, utilizing the exper-
48 tise of other city agencies if appropriate, and shall provide such
49 response to be appended to the CRIA statement. In the case that an envi-
50 ronmental assessment statement, environmental impact statement, or simi-
51 lar document is substituted in lieu of the CRIA statement, as provided
52 for above, the public forum provisions provided herein shall still
53 apply.

54 c. For purposes of this section, a "street closure" shall not include
55 a street closure undertaken by a federal or state governmental entity.

§ 5. Subdivision b of section 19-157 of the administrative code of the city of New York, as added by local law number 53 of the city of New York for the year 2016, is amended to read as follows:

b. Pedestrian plaza designation. 1. The department may designate an area as a pedestrian plaza. In making such designation, the department shall consider factors, including but not limited to, the following: (i) availability of and need for open space in the surrounding areas; (ii) ability of the department or any pedestrian plaza partner to properly maintain such pedestrian plaza and develop programming; and (iii) relationship of such pedestrian plaza to surrounding land uses, traffic, and pedestrian activity and safety.

2. No less than 60 days before designating a pedestrian plaza, the department shall forward notice of its intent to any affected council members, community boards, ~~[and]~~ borough presidents, senators, and members of assembly. Within 45 days of receipt of such notice, such council members, community boards, ~~[and]~~ borough presidents, senators, and members of assembly may submit comments regarding such proposed pedestrian plaza. The department shall consider such comments before making a determination in regard to such proposed pedestrian plaza.

3. Proposals for the designation of an area as a pedestrian plaza may be submitted by a council member, community board, borough president, senator, member of assembly or non-profit organization pursuant to rules of the department. Within 90 days of the receipt of such application, the department shall issue a response to such a proposal.

4. All pedestrian plazas identified on the department's website pursuant to section 19-101.4 prior to June 1, 2016 shall be deemed designated pedestrian plazas pursuant to this section.

5. At least 90 days before the department rescinds the designation of a pedestrian plaza, the department shall notify the affected council members, community boards, borough presidents, senators, members of assembly and any pedestrian plaza partner. If any such council member, community board, borough president, senator, member of assembly or pedestrian plaza partner so requests, the department shall hold a public hearing on the proposed designation rescission no more than 45 days after sending such notice. The department shall consider any comments from such public hearing or any comments submitted to the department before rescinding such designation.

§ 6. Subdivision a of section 19-158 of the administrative code of the city of New York, as added by local law number 195 of the city of New York for the year 2017, is amended to read as follows:

a. Upon approving an application for a permit to open a street segment or intersection that has been reconstructed or resurfaced within five years prior to the date of such approval, the department shall provide notice, through electronic means, to the affected borough president, the council member(s) of the affected council district(s), the senator(s) of the affected senate district(s), the member(s) of assembly of the affected assembly district(s), and the district manager(s) of the affected community board(s).

§ 7. Subdivision c of section 19-159.3 of the administrative code of the city of New York, as added by local law number 124 of the city of New York for the year 2019, is amended to read as follows:

c. Notice requirement for work affecting a street segment or intersection that has a bicycle lane. Upon approving an application for a permit authorizing work affecting a street segment or intersection that has a bicycle lane, the department shall provide notice, through electronic means, to the affected borough president, the council member of

1 the affected council district, the senator of the affected senate
2 district, the member of assembly of the affected assembly district, and
3 the district manager of the affected community board. Such notice shall
4 include the following information:

- 5 1. The name and contact information of the applicant;
- 6 2. The anticipated start and end dates of the work;
- 7 3. The location, nature and extent of the work to be performed;
- 8 4. The permit type;
- 9 5. Any permit stipulations related to the maintenance of a temporary
10 bicycle lane; and
- 11 6. Contact information for a department office where questions may be
12 directed.

13 § 8. The administrative code of the city of New York is amended by
14 adding a new section 19-159.4 to read as follows:

15 § 19-159.4 Notice requirement for public utility companies. a. A
16 public utility company, as defined in section two of the public service
17 law, issued a permit valid for more than seven days by the commissioner
18 pursuant to this subchapter shall provide notice to the affected borough
19 president, the council member or members of the affected council
20 district or districts, the senator or senators of the affected senate
21 district or districts, the member or members of assembly of the affected
22 assembly district or districts and the district managers of the affected
23 community board or boards.

24 b. Such notice shall include the following information:

- 25 1. The name and contact information of the permittee;
- 26 2. The anticipated start and end dates of the work;
- 27 3. The location, nature and extent of the work to be performed; and
- 28 4. The permit type.

29 § 9. The administrative code of the city of New York is amended by
30 adding a new section 3-119.3 to read as follows:

31 § 3-119.3 Notice requirement for filming permits. a. Upon issuance of
32 a permit granting privileges pursuant to subdivision seven of paragraph
33 c of section 9-02 of title forty-three of the rules of the city of New
34 York, the mayor's office of media and entertainment shall provide notice
35 to the affected borough president, the council member or council members
36 of the affected council district or districts, the senator or senators
37 of the affected senate district or districts, the member or members of
38 assembly of the affected assembly district or districts and the district
39 managers of the affected community board or community boards.

40 b. Such notice shall include the following information:

- 41 1. The name and contact information of the permittee;
- 42 2. The anticipated start and end dates of the permit; and
- 43 3. The location, description of the filming activity, date of the
44 permit, and description of parking requests.

45 § 10. Subdivisions c and e of section 24-503 of the administrative
46 code of the city of New York, as amended by local law number 22 of the
47 city of New York for the year 2002, are amended to read as follows:

48 c. The commissioner of environmental protection shall submit such map
49 or plan simultaneously to the department of health and mental hygiene,
50 the director of city planning, each affected community board ~~[and]~~, the
51 office of the appropriate borough president, the appropriate council
52 member, and the appropriate senator and member of assembly. The depart-
53 ment of health and mental hygiene shall review such map or plan with
54 respect to the creation or abatement of any health hazard. Such depart-
55 ment shall file a statement with the commissioner of environmental
56 protection and the director of city planning, in relation to such map or

1 plan, within fifteen days subsequent to such submission either approving
2 or disapproving such map or plan.

3 e. Copies of such map or plan as approved in accordance with the
4 provisions of this section shall be filed by the commissioner of envi-
5 ronmental protection in each county office of record, the community
6 board for the community in which any portion of such map or plan is
7 situated ~~[and]~~, the office of the borough president in which any portion
8 of such map or plan is situated within the city of New York, the offices
9 of the council member, senator and member of assembly representing a
10 district in which any portion of such map or plan is situated within the
11 city of New York, and in the offices of the department of transportation
12 and department of health and mental hygiene of such city.

13 § 11. Section 24-505 of the administrative code of the city of New
14 York is amended to read as follows:

15 § 24-505 Raising of grade for drainage. Whenever the commissioner of
16 environmental protection shall determine that it is necessary to raise
17 the grade of any street or streets for the proper sewage of the sewer
18 district in which such street or streets, or parts of streets, are situ-
19 ated, he or she shall prepare a plan showing such proposed change of
20 grade, and shall present the same to the board of estimate and notify
21 the community board for the community district in which the land is
22 located ~~[and]~~, the office of the appropriate borough president, and the
23 council member, senator and member of assembly representing the district
24 in which the land is located. The board of estimate shall refer such
25 plan to the commissioner of transportation for report. Such board may
26 change the grade of such street or streets, or parts of streets, so far
27 as shall be necessary for the proper drainage thereof, in accordance
28 with such plan, in the manner provided by section one hundred ninety-
29 nine of the charter.

30 § 12. Subdivision b of section 24-508 of the administrative code of
31 the city of New York is amended to read as follows:

32 b. The commissioner of environmental protection thereupon shall file
33 copies of the documents listed in subdivision a with the department of
34 city planning, which shall forward a copy within five days to the commu-
35 nity board for the community district in which the property is located,
36 ~~[and]~~ to the appropriate borough board if the plans involve land located
37 in two or more community districts, and to the council member, senator
38 and member of assembly representing the district in which the property
39 is located. Such commissioner shall apportion the cost of construction,
40 according to actual benefit, between the several parcels of property
41 abutting on each side of that part of the street through which the sewer
42 is to be constructed.

43 § 13. Section 24-905 of the administrative code of the city of New
44 York, as added by local law number 27 of the city of New York for the
45 year 2009, is amended to read as follows:

46 § 24-905 Citizen Participation.

47 (a) The borough president ~~[and]~~, council member, senator, and member
48 of assembly representing the area in which the local brownfield site is
49 located, community board for the district in which the local brownfield
50 site is located, residents living on or immediately adjacent to the
51 local brownfield site, community based organizations, and other appro-
52 priate community groups shall be notified upon receipt by the office of
53 the application to participate in the local brownfield cleanup program;
54 before the office finalizes a remedial action work plan or approves a
55 report on remedial action; and before the enrollee commences
56 construction at the local brownfield site.

1 (b) The office shall provide opportunities for public comment and
2 shall prescribe a procedure for enrollees to make documents available to
3 the public.

4 § 14. Subdivision 1 of section 1731 of the public authorities law, as
5 amended by chapter 285 of the laws of 2014, is amended to read as
6 follows:

7 1. Prior to the commencing of new construction or building additions
8 of an educational facility, or the acquisition of real property or any
9 interest therein for such purpose, the authority shall file a copy of
10 the site plan of such facility in its offices and shall provide a copy
11 thereof to the city board, the city planning commission and the communi-
12 ty school district education council and the community board of the
13 district in which the facility will be located. The authority shall

14 also provide a copy of such plan to the council member, senator and
15 member of assembly representing the district in which the facility will
16 be located. Such plan shall include data on projected student population

17 for the community school district or districts and the community board
18 or boards affected, the source of that data and the reason the proposed
19 action is necessary and how such plan factors and accounts for student
20 population projections. Upon request, any other person shall be
21 furnished with such plan or a summary thereof. The authority shall
22 publish in a newspaper of general circulation in the city a notice of
23 the filing of such plan and the availability of the plan and a summary
24 thereof. Such plan shall include, in the case of any project for which
25 the acquisition of real property or interest therein is proposed, the
26 recommended site, any alternate sites considered, and any rationale as
27 to why the alternate sites were not selected.

28 § 15. This act shall take effect immediately.