S T A T E O F N E W Y O R K

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:

Section 1. Legislative findings and intent. The legislature finds that a lack of parking for residents of certain areas of the city of Albany has resulted in traffic hazards, congestion and air and noise pollution. In addition, such lack of parking poses a hazard to residents and other pedestrians in such areas.

The legislature further finds that a pilot residential parking permit system will reduce such hazards and will reduce pollution levels as well. The legislature, therefore, recognizing that alternate, off-street parking spaces have become available for workers commuting to the downtown area, hereby declares the necessity of this act to authorize the city of Albany to adopt a pilot residential parking permit system in accordance with the provisions of this act.

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

S 1640-M. PILOT RESIDENTIAL PARKING PERMIT SYSTEM IN THE CITY OF ALBANY. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE CITY OF ALBANY MAY, BY ADOPTION OF A LOCAL LAW OR ORDINANCE, PROVIDE FOR A RESIDENTIAL PARKING PERMIT SYSTEM AND FIX AND REQUIRE THE PAYMENT OF 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

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

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

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

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

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

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

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

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

E. MAKE NOT MORE THAN TWO THOUSAND SEVEN HUNDRED FIFTY OF THE APPROXIMATELY NINE THOUSAND SPACES WITHIN THE PERMIT AREA OR AREAS AVAILABLE FOR RESIDENTIAL PARKING BY PERMIT;

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

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

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

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