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

8011

2009-2010 Regular Sessions

I N  A S S E M B L Y

May 1, 2009

Introduced by M. of A. HOYT, PAULIN, CLARK, BRADLEY, ENGLEBRIGHT, FIELDS, CAHILL, PEOPLES, SCHROEDER, MILLMAN, COOK, COLTON, JAFFEE, KOON, PERALTA -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CHRISTENSEN, CONTE, ERRIGO, GALEF, GOTTFRIED, GREENE, JOHN, KAVANAGH, LAVINE, LIFTON, LUPARDO, MAGEE, MAGNARELLI, MARKEY, McDONOUGH, McENENY, MOLINARO, ROSENTHAL, SPANO, SWEENEY, THIELE, TOWNS, WALKER, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a state smart growth public infrastructure policy act

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

Section 1. The environmental conservation law is amended by adding a new article 6 to read as follows:

ARTICLE 6

STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

SECTION 6-0101. SHORT TITLE.
6-0103. DEFINITIONS.
6-0105. STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY.
6-0107. STATE SMART GROWTH PUBLIC INFRASTRUCTURE CRITERIA.
6-0109. SMART GROWTH ADVISORY COMMITTEES.

S 6-0101. SHORT TITLE.

THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT".

S 6-0103. DEFINITIONS.

AS USED IN THIS ARTICLE:

1. "CRITERIA" SHALL MEAN THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE CRITERIA PROVIDED IN SECTION 6-0107 OF THIS ARTICLE.

2. "STATE INFRASTRUCTURE AGENCY" SHALL MEAN THE DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF EDUCATION, THE DEPART-

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

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MENT OF HEALTH, THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, THE NEW YORK STATE HOUSING FINANCE AGENCY, THE HOUSING TRUST FUND CORPORATION, THE DORMITORY AUTHORITY, THE THRUWAY AUTHORITY, THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, THE EMPIRE STATE DEVELOPMENT CORPORATION, THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION AND ALL OTHER NEW YORK AUTHORITIES. ANY SUBSIDIARY OF, OR CORPORATION WITH THE SAME MEMBERS OR DIRECTORS AS, A PUBLIC BENEFIT CORPORATION IDENTIFIED IN THIS SUBDIVISION SHALL ALSO BE DEEMED TO BE WITHIN THE DEFINITION OF STATE INFRASTRUCTURE AGENCY UNDER THIS ARTICLE.

S 6-0105. STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY.

IT IS THE PURPOSE OF THIS ARTICLE TO AUGMENT THE STATE'S ENVIRONMENTAL POLICY BY DECLARING A FISCALLY PRUDENT STATE POLICY OF MAXIMIZING THE SOCIAL, ECONOMIC AND ENVIRONMENTAL BENEFITS FROM PUBLIC INFRASTRUCTURE DEVELOPMENT THROUGH MINIMIZING UNNECESSARY COSTS OF SPRAWL DEVELOPMENT INCLUDING ENVIRONMENTAL DEGRADATION, DISINVESTMENT IN URBAN AND SUBURBAN COMMUNITIES AND LOSS OF OPEN SPACE INDUCED BY SPRAWL FACILITATED BY THE FUNDING OR DEVELOPMENT OF NEW OR EXPANDED TRANSPORTATION, SEWER AND WASTE WATER TREATMENT, WATER, EDUCATION, HOUSING AND OTHER PUBLICLY SUPPORTED INFRASTRUCTURE INCONSISTENT WITH SMART GROWTH PUBLIC INFRASTRUCTURE CRITERIA.

S 6-0107. STATE SMART GROWTH PUBLIC INFRASTRUCTURE CRITERIA.

1. IN ADDITION TO MEETING OTHER CRITERIA AND REQUIREMENTS OF LAW GOVERNING APPROVAL, DEVELOPMENT, FINANCING AND STATE AID FOR THE CONSTRUCTION OF NEW OR EXPANDED PUBLIC INFRASTRUCTURE OR THE RECONSTRUCTION THEREOF, NO STATE INFRASTRUCTURE AGENCY SHALL APPROVE, UNDERTAKE, SUPPORT OR FINANCE A PUBLIC INFRASTRUCTURE PROJECT UNLESS, TO THE FULLEST EXTENT PRACTICABLE, IT IS CONSISTENT WITH THE RELEVANT CRITERIA SPECIFIED IN SUBDIVISION TWO OF THIS SECTION.

2. THE FOLLOWING ARE THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE CRITERIA:

A. TO GIVE PRIORITY TO (I) PROJECTS FOR THE USE, MAINTENANCE OR IMPROVEMENT OF EXISTING INFRASTRUCTURE AND (II) PROJECTS LOCATED IN OR RELATED TO DEVELOPED AREAS OR AREAS DESIGNATED FOR DEVELOPMENT IN A MUNICIPALLY APPROVED COMPREHENSIVE LAND USE PLAN;

B. TO PROTECT, PRESERVE AND ENHANCE THE STATE'S RESOURCES, INCLUDING AGRICULTURAL LAND, FORESTS, SURFACE AND GROUNDWATER, AIR QUALITY, RECREATION AND OPEN SPACE, SCENIC AREAS, AND SIGNIFICANT HISTORIC AND ARCHEOLOGICAL RESOURCES;

C. TO FOSTER MIXED LAND USES AND COMPACT DEVELOPMENT, DOWNTOWN REVITALIZATION, BROWNFIELD REDEVELOPMENT, THE ENHANCEMENT OF BEAUTY IN PUBLIC SPACES, THE DIVERSITY AND AFFORDABILITY OF HOUSING IN PROXIMITY TO PLACES OF EMPLOYMENT, RECREATION AND COMMERCIAL DEVELOPMENT AND THE INTEGRATION OF ALL INCOME AND AGE GROUPS;

D. TO PROVIDE MOBILITY THROUGH TRANSPORTATION CHOICES INCLUDING IMPROVED PUBLIC TRANSPORTATION AND REDUCED AUTOMOBILE DEPENDENCY;

E. TO COORDINATE BETWEEN STATE AND LOCAL GOVERNMENT AND INTERMUNICIPAL AND REGIONAL PLANNING; AND

F. TO PARTICIPATE IN COMMUNITY BASED PLANNING AND COLLABORATION.

3. BEFORE MAKING ANY COMMITMENT INCLUDING ENTERING INTO AN AGREEMENT OR INCURRING ANY INDEBTEDNESS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, OR FINANCING ANY PROJECT COVERED BY THE PROVISIONS OF THIS ARTICLE, THE CHIEF EXECUTIVE OFFICER OF A STATE INFRASTRUCTURE AGENCY SHALL SIGN A FINDING THAT THE PROJECT, TO THE FULLEST EXTENT PRACTICABLE, IS CONSISTENT WITH THE RELEVANT CRITERIA IN SUBDIVISION TWO OF THIS SECTION. IF IN ANY RESPECT THE PROJECT DOES NOT MEET ALL OF THE CRITERIA

BECAUSE CONSISTENCY IS CONSIDERED TO BE IMPRACTICABLE, SUCH FINDING SHALL INCLUDE A STATEMENT OF JUSTIFICATION.

S 6-0109. SMART GROWTH ADVISORY COMMITTEES.

THE CHIEF EXECUTIVE OFFICER OF EACH STATE INFRASTRUCTURE AGENCY SHALL CREATE A SMART GROWTH ADVISORY COMMITTEE TO ADVISE THE AGENCY REGARDING THE AGENCIES' POLICIES, PROGRAMS AND PROJECTS WITH REGARD TO THEIR CONSISTENCY WITH THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE CRITERIA. SUCH COMMITTEES SHALL CONSIST OF MEMBERS REPRESENTATIVE OF COMMUNITY AND ENVIRONMENTAL INTERESTS AFFECTED BY THE RESPECTIVE AGENCY AND OTHER INTERESTS SERVED OR AFFECTED BY THE ACTIVITIES OF THE AGENCY. SUCH COMMITTEES SHALL MEET NOT LESS THAN FOUR TIMES A YEAR AND A RECORD SHALL BE MAINTAINED OF THEIR MEETINGS AND RECOMMENDATIONS GIVEN BY THE COMMITTEES AND INDIVIDUALLY BY MEMBERS THEREOF.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that this act shall not apply to infrastructure projects undertaken or approved by the infrastructure agencies prior to the date on which this act shall have become a law.