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

S. 1395 A. 3957

2009-2010 Regular Sessions

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

January 29, 2009

IN SENATE -- Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

AN ACT to amend the vehicle and traffic law, in relation to authorizing a residential parking permit system in the city of New York

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 the city of New York 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 residential parking system will reduce such hazards and will reduce pollution levels as well. The legislature, therefore, declares the necessity of this act to authorize the city of New York to adopt a residential parking 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. RESIDENTIAL PARKING SYSTEM IN THE CITY OF NEW YORK. 1. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE CITY OF NEW YORK 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 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

2. NO PERMIT SHALL BE REQUIRED ON STREETS WHERE THE ADJACENT PROPERTIES ARE ZONED FOR COMMERCIAL OR RETAIL USE.

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

LBD01562-05-9

3. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THOSE SPACES IN THE PERMIT AREAS WHICH, AS OF THE EFFECTIVE DATE OF THIS SECTION, HAVE METERED OR HIGHLY RESTRICTED PARKING REGULATIONS.

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

(A) SET FORTH THE FACTORS WHICH NECESSITATE THE ENACTMENT OF SUCH PARKING SYSTEM;

(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 AND SHALL PROVIDE FOR SHORT-TERM PARKING OF NOT LESS THAN NINETY MINUTES IN DURATION IN SUCH AREA OR AREAS;

(E) PROVIDE THE SCHEDULE OF FEES TO BE PAID FOR RESIDENTIAL PERMITS; AND

(F) PROVIDE THAT SUCH FEES SHALL BE CREDITED AS FOLLOWS:

(1) MONIES GENERATED BY THE SALE OF RESIDENTIAL PARKING PERMITS SHALL BE CREDITED TO NEW YORK CITY TRANSIT, AN AGENCY OF THE METROPOLITAN TRANSPORTATION AGENCY, STATE OF NEW YORK, AND SHALL BE UTILIZED FOR THE PURPOSE OF UPGRADING AND IMPROVING THE NEW YORK CITY SUBWAY AND BUS SYSTEM; AND

(2) MONIES GENERATED FROM FINES PAID IN CONNECTION WITH TICKETS ISSUED TO VEHICLES WITHOUT A PERMIT STICKER FOR PARKING IN A RESIDENTIAL ZONE WITHOUT A PERMIT STICKER SHALL BE CREDITED TO THE NEW YORK CITY GENERAL FUND.

5. NO LOCAL LAW OR ORDINANCE SHALL BE ADOPTED PURSUANT TO THIS SECTION UNTIL A PUBLIC HEARING THEREON HAS BEEN HAD IN THE SAME MANNER AS REQUIRED FOR PUBLIC HEARINGS ON A LOCAL LAW PURSUANT TO THE MUNICIPAL HOME RULE LAW.

6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY STATE HIGHWAY MAINTAINED BY THE STATE.

S 3. This act shall take effect immediately.