

8587

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

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

AN ACT to amend the highway law, in relation to enabling safe access to
public roads for all users

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

1 Section 1. Section 10 of the highway law is amended by adding a new
2 subdivision 46 to read as follows:
3 46. (A) PROVIDE BICYCLE AND PEDESTRIAN WAYS AND SAFE ACCESS TO EXIST-
4 ING AND PLANNED PUBLIC TRANSPORTATION IN THE PLANNING AND DEVELOPMENT OF
5 STATE, COUNTY, AND LOCAL TRANSPORTATION FACILITIES, PLANS, AND PROGRAMS.
6 ALL TRANSPORTATION IMPROVEMENTS SHALL IMPROVE SAFETY, ACCESS, AND MOBIL-
7 ITY FOR ALL TRAVELERS, REGARDLESS OF AGE OR ABILITY, IN NEW YORK AND
8 SHALL RECOGNIZE BICYCLE, PEDESTRIAN, AND TRANSIT MODES AS INTEGRAL TO
9 THE TRANSPORTATION SYSTEM. BICYCLE AND PEDESTRIAN WAYS AND SAFE ACCESS
10 TO EXISTING AND PLANNED PUBLIC TRANSPORTATION SHALL BE ESTABLISHED IN
11 CONJUNCTION WITH THE CONSTRUCTION, RECONSTRUCTION, OR OTHER CHANGE OF
12 ANY STATE, COUNTY, OR LOCAL TRANSPORTATION FACILITY, WITH SPECIAL EMPHA-
13 SIS GIVEN TO PROJECTS IN OR WITHIN THREE MILES OF AN URBAN AREA, AND
14 SHALL INCLUDE, BUT NOT BE LIMITED TO, PAVED SHOULDERS SUITABLE FOR USE
15 BY BICYCLISTS, LANE STRIPING, SHARE THE ROAD SIGNAGE, CROSSWALKS, PEDES-
16 TRIAN CONTROL SIGNALS, BUS SHELTERS, CURB CUTS AND RAMPS.
17 (B) EXCEPTIONS TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE PERMISSI-
18 BLE ONLY AFTER THE TRANSPORTATION AGENCY OR AGENCY WITH JURISDICTION OF
19 THE PROJECT FULLY DEMONSTRATES, WITH SUPPORTING DOCUMENTATION WHICH
20 SHALL BE AVAILABLE TO THE PUBLIC, THAT ONE OF THE FOLLOWING EXISTS:
21 (I) USE BY BICYCLISTS AND PEDESTRIANS IS PROHIBITED BY LAW, SUCH AS
22 WITHIN INTERSTATE HIGHWAY CORRIDORS;
23 (II) ESTABLISHMENT OF SUCH ACCOMMODATIONS WOULD BE CONTRARY TO PUBLIC
24 SAFETY;

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

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1 (III) THE COST WOULD BE EXCESSIVELY DISPROPORTIONATE TO THE NEED OR
2 PROBABLE USE; OR

3 (IV) SCARCITY OF POPULATION OR OTHER AVAILABLE MEANS OR FACTORS INDI-
4 CATE AN ABSENCE OF FUTURE NEED.

5 S 2. No later than two years after the effective date of this act, the
6 department of transportation shall publish a best practices report show-
7 ing how transportation agencies have changed their procedures to
8 routinely design safe, effective multi-modal facilities for travelers of
9 all ages and abilities. In establishing such best practices, consider-
10 ation shall be give to the procedures for identifying the needs of the
11 mix of users, including primary and secondary users and the identifica-
12 tion of barriers, and summary of the documentation required by paragraph
13 (b) of subdivision 46 of section 10 of the highway law regarding why
14 transportation agencies could not comply with paragraph (a) of subdivi-
15 sion 46 of section 10 of the highway law.

16 S 3. This act shall take effect on the one hundred eightieth day after
17 it shall have become a law.