

S T A T E   O F   N E W   Y O R K

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5711--B

Cal. No. 459

2009-2010 Regular Sessions

I N   S E N A T E

May 29, 2009

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Introduced by Sens. DILAN, ADDABBO, BRESLIN, DIAZ, FOLEY, HASSELL-THOMPSON, C. JOHNSON, KRUEGER, MONTGOMERY, OPPENHEIMER, PADAVAN, PARKER, ROBACH, SCHNEIDERMAN, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the highway law, in relation to enabling safe access to public roads for all users by utilizing complete street design principles

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 47 to read as follows:  
3     47. (A) PROVIDE FOR THE CONSIDERATION OF SAFE TRAVEL BY ALL USERS OF  
4     THE ROAD NETWORK, INCLUDING MOTORISTS, PEDESTRIANS, BICYCLISTS, AND  
5     PUBLIC TRANSPORTATION USERS, REGARDLESS OF AGE OR ABILITY, THROUGH THE  
6     USE OF COMPLETE STREET DESIGN FEATURES FOR SAFE TRAVEL IN THE PLANNING,  
7     DESIGN, CONSTRUCTION, RECONSTRUCTION, AND REHABILITATION NOT INCLUDING  
8     RESURFACING, MAINTENANCE OR PAVEMENT RECYCLING OF ALL STATE, COUNTY AND  
9     LOCAL TRANSPORTATION FACILITIES THAT ARE ELIGIBLE FOR BOTH FEDERAL AND  
10    STATE FUNDING AND ARE SUBJECT TO DEPARTMENT OF TRANSPORTATION OVERSIGHT.  
11    (B) COMPLETE STREET DESIGN FEATURES THAT FACILITATE SAFE TRAVEL BY ALL  
12    USERS MEANS A ROADWAY THAT EXPANDS UPON CURRENTLY ACCEPTED STATE AND  
13    FEDERAL DESIGN REQUIREMENTS TO ACCOMMODATE ALL USERS, INCLUDING CURRENT  
14    AND PROJECTED USERS, PARTICULARLY PEDESTRIANS, BICYCLISTS AND INDIVID-  
15    UALS OF ALL AGES AND MOBILITY CAPABILITIES. THESE FEATURES SHALL  
16    INCLUDE, BUT NOT BE LIMITED TO, SIDEWALKS, PAVED SHOULDERS SUITABLE FOR

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

LBD14056-13-0

1 USE BY BICYCLISTS, LANE STRIPING, BICYCLE LANES, SHARE THE ROAD SIGNAGE,  
2 CROSSWALKS, PEDESTRIAN CONTROL SIGNALIZATION, BUS PULL OUTS, CURB CUTS,  
3 RAISED CROSSWALKS AND RAMPS AND TRAFFIC CALMING MEASURES.

4 (C) EXCEPTIONS TO PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE PERMISSI-  
5 BLE ONLY AFTER THE COMMISSIONER AND AGENCY WITH JURISDICTION OVER THE  
6 PROJECT, FULLY DEMONSTRATES, WITH SUPPORTING DOCUMENTATION WHICH SHALL  
7 BE AVAILABLE TO THE PUBLIC, THAT ONE OF THE FOLLOWING EXISTS:

8 (I) USE BY BICYCLISTS AND PEDESTRIANS IS PROHIBITED BY LAW, SUCH AS  
9 WITHIN INTERSTATE HIGHWAY CORRIDORS; OR

10 (II) THE COST WOULD BE DISPROPORTIONATE TO THE NEED AS DETERMINED BY  
11 FACTORS INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING: LAND USE CONTEXT;  
12 CURRENT AND PROJECTED TRAFFIC VOLUMES INCLUDING NON-MOTORIZED TRAFFIC;  
13 AND POPULATION DENSITY; OR

14 (III) DEMONSTRATED LACK OF NEED AS DETERMINED BY FACTORS, INCLUDING,  
15 BUT NOT LIMITED TO, LAND USE, CURRENT AND PROJECTED TRAFFIC VOLUMES,  
16 INCLUDING NON-MOTORIZED TRAFFIC, AND POPULATION DENSITY.

17 S 2. (a) No later than two years after the effective date of this act,  
18 the department of transportation shall publish a report showing how  
19 transportation agencies have complied with subdivision 47 of section 10  
20 of the highway law and changed their procedures to institutionalize  
21 complete streets design features into planning, project scoping, design  
22 and implementation of highway and road projects. The report shall  
23 include, but not be limited to a discussion of the review of and  
24 revisions to various guidance documents regarding lane width, design  
25 speed, average daily traffic thresholds, level of service and roadway  
26 classification. The report shall also show any best practices that  
27 transportation agencies utilized in complying with subdivision 47 of  
28 section 10 of the highway law.

29 (b) In establishing such best practices, consideration shall be given  
30 to the procedures for identifying the needs of the mix of users, includ-  
31 ing primary and secondary users and the identification of barriers, and  
32 summary of the documentation required by paragraph (c) of subdivision 47  
33 of section 10 of the highway law regarding why transportation agencies  
34 could not comply with paragraph (a) of subdivision 47 of section 10 of  
35 the highway law. The department of transportation shall consult with  
36 transportation, land-use and environmental officials, including repre-  
37 sentatives from:

38 (i) Counties, cities and towns;

39 (ii) Metropolitan planning organizations;

40 (iii) Public transit operators;

41 (iv) Relevant state agencies; and

42 (v) Other relevant stakeholders, including, but not limited to, repre-  
43 sentatives from disability rights groups, aging groups, bicycle and  
44 pedestrian advocates, and developers.

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