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

1332

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. DILAN, DIAZ, HASSELL-THOMPSON, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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:

Section 1. Section 10 of the highway law is amended by adding a new subdivision 47 to read as follows:

47. (A) PROVIDE FOR THE CONSIDERATION OF SAFE TRAVEL BY ALL USERS OF THE ROAD NETWORK, INCLUDING MOTORISTS, PEDESTRIANS, BICYCLISTS, AND PUBLIC TRANSPORTATION USERS, REGARDLESS OF AGE OR ABILITY, THROUGH THE USE OF COMPLETE STREET DESIGN FEATURES FOR SAFE TRAVEL IN THE PLANNING, DESIGN, CONSTRUCTION, RECONSTRUCTION, AND REHABILITATION NOT INCLUDING RESURFACING, MAINTENANCE OR PAVEMENT RECYCLING OF ALL STATE, COUNTY AND LOCAL TRANSPORTATION FACILITIES THAT ARE ELIGIBLE FOR BOTH FEDERAL AND STATE FUNDING AND ARE SUBJECT TO DEPARTMENT OF TRANSPORTATION OVERSIGHT.

(B) COMPLETE STREET DESIGN FEATURES THAT FACILITATE SAFE TRAVEL BY ALL USERS MEANS A ROADWAY THAT EXPANDS UPON CURRENTLY ACCEPTED STATE AND FEDERAL DESIGN REQUIREMENTS TO ACCOMMODATE ALL USERS, INCLUDING CURRENT AND PROJECTED USERS, PARTICULARLY PEDESTRIANS, BICYCLISTS AND INDIVIDUALS OF ALL AGES AND MOBILITY CAPABILITIES. THESE FEATURES SHALL INCLUDE, BUT NOT BE LIMITED TO, SIDEWALKS, PAVED SHOULDERS SUITABLE FOR USE BY BICYCLISTS, LANE STRIPING, BICYCLE LANES, SHARE THE ROAD SIGNAGE, CROSSWALKS, PEDESTRIAN CONTROL SIGNALIZATION, BUS PULL OUTS, CURB CUTS, RAISED CROSSWALKS AND RAMPS AND TRAFFIC CALMING MEASURES.

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

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

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

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

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

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

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

(i) Counties, cities and towns;

(ii) Metropolitan planning organizations;

(iii) Public transit operators;

(iv) Relevant state agencies; and

(v) Other relevant stakeholders, including, but not limited to, representatives from disability rights groups, aging groups, bicycle and pedestrian advocates, and developers.

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