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

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2011-2012 Regular Sessions

I N S E N A T E

May 18, 2011

Introduced by Sens. FUSCHILLO, DILAN, DIAZ, GRISANTI, LARKIN, LITTLE, OPPENHEIMER, PERKINS, SAMPSON, VALESKY -- 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. The highway law is amended by adding a new section 331 to read as follows:

S 331. CONSIDERATION OF COMPLETE STREET DESIGN. (A) FOR ALL STATE, COUNTY AND LOCAL TRANSPORTATION FACILITIES THAT RECEIVE BOTH FEDERAL AND STATE FUNDING AND ARE SUBJECT TO DEPARTMENT OF TRANSPORTATION OVERSIGHT, THE DEPARTMENT OR AGENCY WITH JURISDICTION OVER SUCH FACILITIES SHALL CONSIDER THE SAFE TRAVEL ON THE ROAD NETWORK BY ALL USERS OF ALL AGES, INCLUDING MOTORISTS, PEDESTRIANS, BICYCLISTS, AND PUBLIC TRANSPORTATION USERS THROUGH THE USE OF COMPLETE STREET DESIGN FEATURES IN THE PLANNING, DESIGN, CONSTRUCTION, RECONSTRUCTION, RESTRIPING AND REHABILITATION, BUT NOT INCLUDING RESURFACING, MAINTENANCE OR PAVEMENT RECYCLING, OF SUCH FACILITIES.

(B) COMPLETE STREET DESIGN FEATURES ARE ROADWAY DESIGN FEATURES THAT ACCOMMODATE AND FACILITATE SAFE TRAVEL BY ALL USERS, INCLUDING CURRENT AND PROJECTED USERS, PARTICULARLY PEDESTRIANS, BICYCLISTS AND INDIVIDUALS OF ALL AGES AND ABILITIES. 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, ROAD DIETS, PEDESTRIAN CONTROL SIGNALIZATION, BUS PULL OUTS, CURB CUTS, RAISED CROSSWALKS AND RAMPS AND TRAFFIC CALMING MEASURES; AND RECOGNIZE THAT THE NEEDS OF USERS OF THE ROAD NETWORK VARY ACCORDING TO A RURAL, URBAN AND SUBURBAN CONTEXT.

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

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

(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; 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 POPULATION DENSITY, OR DEMONSTRATES LACK OF COMMUNITY SUPPORT.

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 section 331 of the highway law and changed their procedures to institutionalize complete streets design features into planning, project scoping, design and implementation of the required 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 section 331 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 section 331 of the highway law regarding why transportation agencies could not comply with paragraph (a) of section 331 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.