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

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I N S E N A T E

May 18, 2011

Introduced by Sens. FUSCHILLO, DILAN, AVELLA, BRESLIN, DIAZ, DUANE, FLANAGAN, GRISANTI, HASSELL-THOMPSON, KENNEDY, KLEIN, KRUEGER, LARKIN, LITTLE, MONTGOMERY, OPPENHEIMER, PARKER, PERKINS, SAMPSON, STAVISKY, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Finance -- 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:

Section 1. Legislative findings. It is hereby found and declared that to achieve a cleaner, greener transportation system the transportation plans of New York state should consider the needs of all users of our roadways including pedestrians, bicyclists, public transportation riders, motorists and citizens of all ages and abilities, including children, the elderly and the disabled. By encouraging good planning, more citizens will achieve the health benefits associated with active forms of transportation while traffic congestion and auto related air pollution will be reduced. Therefore, it shall be the policy of the state to consider people of all ages and abilities and all appropriate forms of transportation when planning roadway projects.

S 2. 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 PROJECTS THAT ARE UNDERTAKEN BY THE DEPARTMENT OR RECEIVE BOTH FEDERAL AND STATE FUNDING AND ARE SUBJECT TO DEPARTMENT OF TRANSPORTATION OVERSIGHT, THE DEPARTMENT OR AGENCY WITH

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

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JURISDICTION OVER SUCH PROJECTS SHALL CONSIDER THE CONVENIENT ACCESS AND MOBILITY 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 AND REHABILITATION, BUT NOT INCLUDING RESURFACING, MAINTENANCE, OR PAVEMENT RECYCLING OF SUCH PROJECTS.

(B) COMPLETE STREET DESIGN FEATURES ARE ROADWAY DESIGN FEATURES THAT ACCOMMODATE AND FACILITATE CONVENIENT ACCESS AND MOBILITY BY ALL USERS, INCLUDING CURRENT AND PROJECTED USERS, PARTICULARLY PEDESTRIANS, BICYCLISTS AND INDIVIDUALS OF ALL AGES AND ABILITIES. THESE FEATURES MAY INCLUDE, BUT NEED 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.

(C) THIS SECTION SHALL NOT APPLY IF IT HAS BEEN DETERMINED AND SET FORTH IN PUBLICLY AVAILABLE DOCUMENTS 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; OR

(IV) USE OF THE DESIGN FEATURES WOULD HAVE AN ADVERSE IMPACT ON, OR BE CONTRARY TO, PUBLIC SAFETY.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE DEPARTMENT OR AGENCY WITH JURISDICTION OVER A PROJECT TO EXPEND MONIES IN ACCORDANCE WITH SUBDIVISION (A) OF THIS SECTION THAT EXCEED THE AMOUNT OF STATE AND FEDERAL FUNDING FOR COMPLETE STREET DESIGN FEATURES.

S 3. (a) No later than two years after the effective date of this act, the department of transportation shall publish a report showing how it has complied with section 331 of the highway law and changed its procedures to institutionalize complete street 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 the department of transportation utilized in complying with section 331 of the highway law.

(b) In identifying 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. 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 4. This act and/or any failure to comply with the provisions of this act shall not be admissible as evidence against the state, any municipality or public authority in any claim for monetary damages against the state, a municipality or a public authority.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that this act shall not apply to transportation projects undertaken or approved prior to the date on which this act shall have become a law.