

8366

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 14, 2011

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

12    S 2. The highway law is amended by adding a new section 331 to read as  
13    follows:

14    S 331. CONSIDERATION OF COMPLETE STREET DESIGN. (A) FOR ALL STATE,  
15    COUNTY AND LOCAL TRANSPORTATION PROJECTS THAT ARE UNDERTAKEN BY THE  
16    DEPARTMENT OR RECEIVE BOTH FEDERAL AND STATE FUNDING AND ARE SUBJECT TO  
17    DEPARTMENT OF TRANSPORTATION OVERSIGHT, THE DEPARTMENT OR AGENCY WITH  
18    JURISDICTION OVER SUCH PROJECTS SHALL CONSIDER THE CONVENIENT ACCESS AND  
19    MOBILITY ON THE ROAD NETWORK BY ALL USERS OF ALL AGES, INCLUDING MOTOR-  
20    ISTS, PEDESTRIANS, BICYCLISTS, AND PUBLIC TRANSPORTATION USERS THROUGH  
21    THE USE OF COMPLETE STREET DESIGN FEATURES IN THE PLANNING, DESIGN,  
22    CONSTRUCTION, RECONSTRUCTION AND REHABILITATION, BUT NOT INCLUDING  
23    RESURFACING, MAINTENANCE, OR PAVEMENT RECYCLING OF SUCH PROJECTS.

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

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1 (B) COMPLETE STREET DESIGN FEATURES ARE ROADWAY DESIGN FEATURES THAT  
2 ACCOMMODATE AND FACILITATE CONVENIENT ACCESS AND MOBILITY BY ALL USERS,  
3 INCLUDING CURRENT AND PROJECTED USERS, PARTICULARLY PEDESTRIANS, BICY-  
4 CLISTS AND INDIVIDUALS OF ALL AGES AND ABILITIES. THESE FEATURES MAY  
5 INCLUDE, BUT NEED NOT BE LIMITED TO: SIDEWALKS, PAVED SHOULDERS SUITABLE  
6 FOR USE BY BICYCLISTS, LANE STRIPING, BICYCLE LANES, SHARE THE ROAD  
7 SIGNAGE, CROSSWALKS, ROAD DIETS, PEDESTRIAN CONTROL SIGNALIZATION, BUS  
8 PULL OUTS, CURB CUTS, RAISED CROSSWALKS AND RAMPS AND TRAFFIC CALMING  
9 MEASURES; AND RECOGNIZE THAT THE NEEDS OF USERS OF THE ROAD NETWORK VARY  
10 ACCORDING TO A RURAL, URBAN AND SUBURBAN CONTEXT.

11 (C) THIS SECTION SHALL NOT APPLY IF IT HAS BEEN DETERMINED AND SET  
12 FORTH IN PUBLICLY AVAILABLE DOCUMENTS THAT ONE OF THE FOLLOWING EXISTS:

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

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

18 (III) DEMONSTRATED LACK OF NEED AS DETERMINED BY FACTORS, INCLUDING,  
19 BUT NOT LIMITED TO, LAND USE, CURRENT AND PROJECTED TRAFFIC VOLUMES,  
20 INCLUDING POPULATION DENSITY, OR DEMONSTRATES LACK OF COMMUNITY SUPPORT;  
21 OR

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

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

28 S 3. (a) No later than two years after the effective date of this act,  
29 the department of transportation shall publish a report showing how it  
30 has complied with section 331 of the highway law and changed its proce-  
31 dures to institutionalize complete street design features into planning,  
32 project scoping, design and implementation of the required highway and  
33 road projects. The report shall include, but not be limited to, a  
34 discussion of the review of and revisions to various guidance documents  
35 regarding lane width, design speed, average daily traffic thresholds,  
36 level of service and roadway classification. The report shall also show  
37 any best practices that the department of transportation utilized in  
38 complying with section 331 of the highway law.

39 (b) In identifying such best practices, consideration shall be given  
40 to the procedures for identifying the needs of the mix of users, includ-  
41 ing primary and secondary users and the identification of barriers. The  
42 department of transportation shall consult with transportation, land-use  
43 and environmental officials, including representatives from:

44 (i) Counties, cities and towns;

45 (ii) Metropolitan planning organizations;

46 (iii) Public transit operators;

47 (iv) Relevant state agencies; and

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

51 S 4. This act and/or any failure to comply with the provisions of this  
52 act shall not be admissible as evidence against the state, any munici-  
53 pality or public authority in any claim for monetary damages against the  
54 state, a municipality or a public authority.

55 S 5. This act shall take effect on the one hundred eightieth day after  
56 it shall have become a law; provided, however, that this act shall not

1 apply to transportation projects undertaken or approved prior to the  
2 date on which this act shall have become a law.