STATE OF NEW YORK

4235

2017-2018 Regular Sessions

IN SENATE

February 6, 2017

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law and the highway law, in relation to GreenLITES certification

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 14 of the transportation law is amended by adding a new subdivision 36 to read as follows:

36. To determine whether any project receiving state and/or federal funding and subject to department oversight incorporates sustainability principles sufficient to receive GreenLITES certification. The department shall further advise any agency with jurisdiction over such projects as to receiving GreenLITES certification.

(a) For purposes of this section, "GreenLITES" shall mean the Green Leadership in Transportation Environmental Sustainability program operated by the department which provides an environmental sustainability rating system for transportation projects. The minimum rating necessary to achieve compliance with GreenLITES principles shall be designated as certified.

(b) The GreenLITES program shall incorporate the following priorities into its ratings metrics: environmental protection and enhancement; energy and natural resource conservation; preservation or enhancement of historic, scenic, and aesthetic project setting characteristics; encouragement of public involvement in the transportation planning process; integration of smart growth and other sound land-use practices; encouragement of new and innovative approaches to sustainable design and transportation facility operation and maintenance.

§ 2. Section 331 of the highway law, as added by chapter 398 of the laws of 2011, is amended to read as follows:

§ 331. Consideration of complete street design. (a) For all state, county and local transportation projects that are undertaken by the

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

LBD09277-01-7

department or receive both federal and state funding and are subject to department of transportation oversight, the department or agency with 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~~]. **The department or agency with jurisdiction over such projects shall also consider programs, structural or nonstructural management practices, operational procedure, or policies on or off the project site intended to prevent, reduce, or control highway runoff pollution. A project must be awarded no less than silver certified GreenLITES status during departmental review to demonstrate sufficient consideration. Such consideration is not required to include** 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; **highway runoff pollution control projects;** 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. **However, the department or agency with jurisdiction over the project shall make public a written comparison of potential cost savings over a thirty-year period related to highway runoff pollution control projects and the increased expenditures to finance the project prior to refusing to use complete street design features.**

(e) (i) For purposes of this section, "highway runoff pollution" means, in relation to a federal-aid or state-aid highway, associated facility, or control measure retrofit project: (1) a discharge of sediment, metals, chemicals, nitrogen and phosphorous, or oil and grease in runoff; or (2) a discharge of peak flow rate, water temperature, or volume of runoff that exceeds predevelopment amounts.

(ii) For purposes of the section, "highway runoff pollution control projects" means programs, structural or nonstructural management prac-

tices, operational procedures, or policies on or off the project site intended to prevent, reduce, or control highway runoff pollution.

§ 3. This act shall take effect one year 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.