

# STATE OF NEW YORK

8434

## IN SENATE

May 29, 2020

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

AN ACT to amend the transportation law, in relation to enacting the community gridlock prevention act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "community gridlock prevention act".

3 § 2. The transportation law is amended by adding a new section 14-n to  
4 read as follows:

5 § 14-n. Community gridlock prevention. 1. As used in this section,  
6 unless context requires otherwise:

7 (a) "State agency" means any state department, agency, board, public  
8 benefit corporation, public authority or commission.

9 (b) "Local agency" means any local agency, board, district, commission  
10 or governing body, including any city, county, and other political  
11 subdivision of the state.

12 (c) "Agency" means any state or local agency.

13 (d) "Study area" means the area of a proposed land use action and  
14 shall include a one mile radius around such area.

15 (e) "Rush hour" includes, but is not limited to, the time periods of  
16 7:00am to 10:00am and 4:00pm to 7:00pm on weekdays and 3:00pm to 8:00pm  
17 on weekends.

18 2. Notwithstanding any provision of law to the contrary, in addition  
19 to any requirement for an environmental assessment statement or an envi-  
20 ronmental impact statement pursuant to article eight of the environ-  
21 mental conservation law and regulations adopted by the department of  
22 environmental conservation, every proposal for a land use action shall  
23 include a study of the impact of such action on intersections and the  
24 response times of emergency services within the study area.

25 3. An intersection and response time of emergency services impact  
26 study shall include, but not be limited to:

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

LBD16373-01-0

1 (a) A study of the impact of the proposed land use action on inter-  
2 sections in the study area shall include, at a minimum, the metrics of  
3 level of service and additional seconds of delay.

4 (i) A level of service assessment of each intersection in the study  
5 area, including but not limited to, during rush hour, expressed as a  
6 letter grade where:

7 (1) Grade A is free-flow traffic with individual users virtually unaf-  
8 ected by the presence of others in the traffic stream.

9 (2) Grade B is stable traffic flow with a high degree of freedom to  
10 select speed and operating conditions but with some influence from other  
11 users.

12 (3) Grade C is restricted flow that remains stable but with signif-  
13 icant interactions with others in the traffic stream. The general level  
14 of comfort and convenience declines noticeably at this level.

15 (4) Grade D is high-density flow in which speed and freedom to maneu-  
16 ver are severely restricted and comfort and convenience have declined  
17 even though flow remains stable.

18 (5) Grade E is unstable flow at capacity levels with poor levels of  
19 comfort and convenience.

20 (6) Grade F is forced traffic flow in which the amount of traffic  
21 exceeds the amount that can be served.

22 (ii) An additional seconds of delay assessment of each intersection in  
23 the study area, including but not limited to, during rush hour,  
24 expressed as the additional amount of time it takes a vehicle which is  
25 queued at an intersection to be able to proceed through such inter-  
26 section.

27 (b) A study of the impact of the proposed land use action on response  
28 times for emergency services in the study area, including but not limit-  
29 ed to, during rush hour. Such emergency services shall include, but not  
30 be limited to, emergency medical services, law enforcement and fire  
31 departments.

32 4. No agency shall approve a land use action where the intersection  
33 and emergency response time impact study required pursuant to the  
34 provisions of this section finds as a result of the proposed land use  
35 action:

36 (a) twenty percent of the intersections in the study area are rated  
37 either level of service grades E or F;

38 (b) ten percent of the intersections in the study area have an addi-  
39 tional delay of more than five minutes;

40 (c) any intersection located within a quarter of a mile of a hospital,  
41 as such term is defined in article twenty-eight of the public health  
42 law, located within the study area has an additional delay of two  
43 minutes or more;

44 (d) the response time of any emergency services in the study area  
45 doubles from the existing response time where such existing response  
46 time is three minutes or less; or

47 (e) the response time of any emergency services in the study area is  
48 increased by three minutes or more.

49 5. The commissioner shall promulgate any rules or regulations neces-  
50 sary to implement the provisions of this section.

51 § 3. This act shall take effect on the ninetieth day after it shall  
52 have become a law. Effective immediately, the addition, amendment  
53 and/or repeal of any rule or regulation necessary for the implementation  
54 of this act on its effective date are authorized to be made and  
55 completed on or before such effective date.