STATE OF NEW YORK

9837--A

IN ASSEMBLY

February 20, 2020

Introduced by M. of A. BRAUNSTEIN, EICHENSTEIN, WRIGHT, TAYLOR, CARROLL, REILLY -- read once and referred to the Committee on Cities -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the administrative code of the city of New York and the public authorities law, in relation to requiring notice to members of the legislature and certain local officials relating to certain construction and other projects affecting such members' and officials' districts

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

Section 1. Legislative intent. It is hereby declared to be a substantial interest of this state to monitor the implementation of New York City's legislative authority related to traffic on or pedestrian use of highways within the city. In addition, the legislature finds that there is a need to notify the public concerning major transportation projects and other projects which result in street closures and can affect traffic and local business operation. Further, sufficient notice of these projects will allow elected officials to solicit public input and thus ensure that policy decisions are made in the interest of the community.

§ 2. Section 19-101.2 of the administrative code of the city of New York, as added by local law number 90 of the city of New York for the year 2009 and subdivision c as amended and subdivision j as added by local law number 64 of the city of New York for the year 2011, is amended to read as follows:

§ 19-101.2 Review of major transportation projects. a. For the purposes of this section, the following terms shall be defined as follows:

1. "Affected council member(s)**, senator(s), member(s) of assembly** and community board(s)" shall mean the council member(s)**, senator(s), member(s) of assembly** and community board(s) in whose districts a proposed major transportation project is to be located, in whole or in part.

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

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2. "Major transportation project" shall mean any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).

b. If an agency of the city other than the department implements a major transportation project, such agency, in lieu of the department, shall provide the notice required by this section.

c. Prior to the implementation of a major transportation project, the department shall forward notice of such project, including a description of such project, to affected council member(s)**, senator(s), member(s) of assembly** and community board(s) by electronic mail.

d. Within ten business days after receipt of such notice: (i) the affected council member(s)**, senator(s) and member(s) of assembly** may submit recommendations and/or comments on such notice to the department; and (ii) the affected community board(s) may either submit recommendations and/or comments on such notice to the department and/or request a presentation of the major transportation project plan by the department, which shall be made to the community board within thirty days of such community board's request.

e. Each presentation shall include, at a minimum, the project limits, a description, and a justification of such plan, and a map showing the streets affected by such plan and, within three days of such presentation, shall be forwarded to the affected council member(s)**, senator(s) and member(s) of assembly**.

f. The department shall consider recommendations and/or comments, if any, made under the provisions of subdivision d of this section and/or within seven days of the presentation to the community board, from the affected council member(s)**, senator(s), member(s) of assembly** and affected community board(s), and may incorporate changes, where appropriate, into the plan.

g. The department may implement its plan fourteen or more days after it sends an amended plan or notice that it will proceed with its original plan to the affected council member(s)**, senator(s), member(s) of assembly** and community board(s).

h. Nothing in this section shall be construed to prohibit the department from providing notice of its major transportation projects on its website and to affected council member(s)**, senator(s), member(s) of assembly** and community board(s) and other interested parties by other means in addition to those specified in this section.

i. Nothing in this section shall be construed to require the department to provide notification of major transportation projects requiring immediate implementation to preserve public safety.

j. Prior to the implementation of a major transportation project, the department shall consult with the police department, the fire department, the department of small business services and the mayor's office for people with disabilities. The department shall include a certification of such consultations in the notice required by subdivision c of this section.

§ 3. Section 19-101.3 of the administrative code of the city of New York, as added by local law number 66 of the city of New York for the year 2011, is amended to read as follows:

§ 19-101.3 Reporting requirement following the completion of major transportation projects. a. For purposes of this section, "affected council member(s)**, senator(s), member(s) of assembly** and community

board(s)" and "major transportation project" shall have the same meanings as in section 19-101.2 of this chapter.

b. Not more than eighteen months following the completion of a major transportation project, the department shall submit to the affected council member(s)**, senator(s), member(s) of assembly** and community board(s) and shall post on the department's website the average number of crashes for the three years prior to the commencement of the major transportation project and the year subsequent to the completion of the major transportation project, disaggregated by the streets affected by the major transportation project, and disaggregated further by the number of motorists and/or injured or killed passengers, bicyclists and pedestrians involved.

c. Simultaneous to providing the information required by subdivision b of this section, the department shall provide to the affected council member(s)**, senator(s), member(s) of assembly** and community board(s) and shall post on the department's website other data related to the project including but not limited to speed data, vehicular volume data and vehicular level of service data to the extent such data is relevant to the project. Accompanying such data shall be an explanation of the data, along with the dates and times of the collection of such data, and similar data from prior to the commencement of the major transportation project.

d. The department shall consult with the fire department and the police department regarding the effect a major transportation project has had on emergency vehicles, and shall report the results of such consultations with the information required by subdivisions b and c of this section.

§ 4. Section 19-107 of the administrative code of the city of New York, as amended by local law number 24 of the city of New York for the year 2005, is amended to read as follows:

§ 19-107 Temporary closing of streets. a. (i) Except as otherwise provided by law, it shall be unlawful for any person to close any street, or a portion thereof, within the jurisdiction of the commissioner, to pedestrian or vehicular traffic without a permit from the commissioner.

(ii) The commissioner may temporarily close or may issue a permit to temporarily close to pedestrian or vehicular traffic any street, or a portion thereof, within his or her jurisdiction, when, in his or her judgment, travel therein is deemed to be dangerous to life, in consequences of there being carried on in such street activities such as building operations, repairs to street pavements, sewer connections, or blasting for the purpose of removing rock from abutting property, or upon advice from the police commissioner, fire commissioner or commissioner of the office of emergency management that such closure will promote or protect safety or life, or when such closure may be necessary for a public purpose. In such event, the commissioner shall make available to the community board and **the** council member**, senator, and member of assembly** in whose district such street is located information regarding any such closure which continues beyond five business days, state the reason or reasons for such closure and the estimated date for the street, or any portion thereof, to reopen.

b. In the event that a publicly mapped street that is used for vehicular or vehicular and pedestrian access, for which vehicular access is fully closed for more than one hundred eighty consecutive days, the commissioner shall issue or cause to be issued a community reassessment, impact and amelioration (CRIA) statement that has been approved by the

commissioner or other government entity initiating the street closure which shall be delivered to both the community board and the council member**, senator, and member of assembly** in whose district the street is located on or before the two hundred tenth day of the closure. Such CRIA statement shall contain the following: the objectives of the closure and the reasons why the continued street closure is necessary to attain those objectives, which in the case of a closure initiated by a local law enforcement agency for security reasons shall be satisfied by a statement from the local law enforcement agency that the street has been closed and will remain closed for security reasons; identification of the least expensive alternative means of attaining those objectives and the costs of such alternatives, or a statement and explanation as to the unavailability of such alternatives, which in the case of a closure initiated by a local law enforcement agency for security reasons shall be satisfied by a statement from the law enforcement agency that there are no alternative means available; how the continued street closure will impact access and traffic flow to and within the surrounding community, including but not limited to, access to emergency vehicles, residences, businesses, facilities, paratransit transportation and school bus services; and any recommendations to mitigate adverse impact and increase access to and within the area. In the case of a closure initiated for security reasons, the police department shall ensure that the CRIA statement does not reveal non-routine investigative techniques or confidential information or potentially compromises the safety of the public or police officers or otherwise potentially compromise law enforcement investigations or operations, provided that the issuance of the CRIA statement shall not be delayed beyond the required time period. The requirement for the issuance of a CRIA statement as described in this subdivision may be satisfied by delivery of an environmental assessment statement, environmental impact statement, or similar document required by law to be prepared in relation to the street closure. Prior to the issuance of a CRIA statement, the commissioner, in the case of a closure for which a permit issued by the department is required, shall hold at least one public forum, publicized in advance, in any affected community at which the community may register its input concerning any potential adverse impacts of the street closure, including but not limited to concerns regarding timeliness of emergency vehicle response and traffic congestion resulting in a potential increase in noise and any other adverse conditions caused by the closure. In the case of a street closure effectuated for security reasons by a local law enforcement agency, such law enforcement agency shall hold the public forum provided herein. Following the public forum(s), the council member**, senator, and member of assembly** in whose district the street closure is located may forward to the government entity which held the public forum(s) issues raised at the public forum(s) by the participants. The government entity which held the public forum(s) shall make its best efforts to respond to the issues raised, utilizing the expertise of other city agencies if appropriate, and shall provide such response to be appended to the CRIA statement. In the case that an environmental assessment statement, environmental impact statement, or similar document is substituted in lieu of the CRIA statement, as provided for above, the public forum provisions provided herein shall still apply.

c. For purposes of this section, a "street closure" shall not include a street closure undertaken by a federal or state governmental entity.

§ 5. Subdivision b of section 19-157 of the administrative code of the city of New York, as added by local law number 53 of the city of New York for the year 2016, is amended to read as follows:

b. Pedestrian plaza designation. 1. The department may designate an area as a pedestrian plaza. In making such designation, the department shall consider factors, including but not limited to, the following: (i) availability of and need for open space in the surrounding areas; (ii) ability of the department or any pedestrian plaza partner to properly maintain such pedestrian plaza and develop programming; and (iii) relationship of such pedestrian plaza to surrounding land uses, traffic, and pedestrian activity and safety.

2. No less than 60 days before designating a pedestrian plaza, the department shall forward notice of its intent to any affected council members, community boards, [~~and~~] borough presidents**, senators, and members of assembly**. Within 45 days of receipt of such notice, such council members, community boards, [~~and~~] borough presidents**, senators, and members of assembly** may submit comments regarding such proposed pedestrian plaza. The department shall consider such comments before making a determination in regard to such proposed pedestrian plaza.

3. Proposals for the designation of an area as a pedestrian plaza may be submitted by a council member, community board, borough president, **senator, member of assembly** or non-profit organization pursuant to rules of the department. Within 90 days of the receipt of such application, the department shall issue a response to such a proposal.

4. All pedestrian plazas identified on the department's website pursuant to section 19-101.4 prior to June 1, 2016 shall be deemed designated pedestrian plazas pursuant to this section.

5. At least 90 days before the department rescinds the designation of a pedestrian plaza, the department shall notify the affected council members, community boards, borough presidents, **senators, members of assembly** and any pedestrian plaza partner. If any such council member, community board, borough president, **senator, member of assembly** or pedestrian plaza partner so requests, the department shall hold a public hearing on the proposed designation rescission no more than 45 days after sending such notice. The department shall consider any comments from such public hearing or any comments submitted to the department before rescinding such designation.

§ 6. Subdivision a of section 19-158 of the administrative code of the city of New York, as added by local law number 195 of the city of New York for the year 2017, is amended to read as follows:

a. Upon approving an application for a permit to open a street segment or intersection that has been reconstructed or resurfaced within five years prior to the date of such approval, the department shall provide notice, through electronic means, to the affected borough president, the council member(s) of the affected council district(s)**, the senator(s) of the affected senate district(s), the member(s) of assembly of the affected assembly district(s),** and the district manager(s) of the affected community board(s).

§ 7. Subdivision c of section 19-159.3 of the administrative code of the city of New York, as added by local law number 124 of the city of New York for the year 2019, is amended to read as follows:

c. Notice requirement for work affecting a street segment or intersection that has a bicycle lane. Upon approving an application for a permit authorizing work affecting a street segment or intersection that has a bicycle lane, the department shall provide notice, through electronic means, to the affected borough president, the council member of

the affected council district, the senator of the affected senate district, the member of assembly of the affected assembly district, and the district manager of the affected community board. Such notice shall include the following information:

1. The name and contact information of the applicant;
2. The anticipated start and end dates of the work;
3. The location, nature and extent of the work to be performed;
4. The permit type;
5. Any permit stipulations related to the maintenance of a temporary bicycle lane; and
6. Contact information for a department office where questions may be directed.

§ 8. The administrative code of the city of New York is amended by adding a new section 19-159.4 to read as follows:

§ 19-159.4 Notice requirement for public utility companies. a. A public utility company, as defined in section two of the public service law, issued a permit valid for more than seven days by the commissioner pursuant to this subchapter shall provide notice to the affected borough president, the council member or members of the affected council district or districts, the senator or senators of the affected senate district or districts, the member or members of assembly of the affected assembly district or districts and the district managers of the affected community board or boards.

b. Such notice shall include the following information:

1. The name and contact information of the permittee;
2. The anticipated start and end dates of the work;
3. The location, nature and extent of the work to be performed; and
4. The permit type.

§ 9. The administrative code of the city of New York is amended by adding a new section 3-119.3 to read as follows:

§ 3-119.3 Notice requirement for filming permits. a. Upon issuance of a permit granting privileges pursuant to subdivision seven of paragraph c of section 9-02 of title forty-three of the rules of the city of New York, the mayor's office of media and entertainment shall provide notice to the affected borough president, the council member or council members of the affected council district or districts, the senator or senators of the affected senate district or districts, the member or members of assembly of the affected assembly district or districts and the district managers of the affected community board or community boards.

b. Such notice shall include the following information:

1. The name and contact information of the permittee;
2. The anticipated start and end dates of the permit; and
3. The location, description of the filming activity, date of the permit, and description of parking requests.

§ 10. Subdivisions c and e of section 24-503 of the administrative code of the city of New York, as amended by local law number 22 of the city of New York for the year 2002, are amended to read as follows:

c. The commissioner of environmental protection shall submit such map or plan simultaneously to the department of health and mental hygiene, the director of city planning, each affected community board [~~and~~], the office of the appropriate borough president, the appropriate council member, and the appropriate senator and member of assembly. The department of health and mental hygiene shall review such map or plan with respect to the creation or abatement of any health hazard. Such department shall file a statement with the commissioner of environmental protection and the director of city planning, in relation to such map or

plan, within fifteen days subsequent to such submission either approving or disapproving such map or plan.

e. Copies of such map or plan as approved in accordance with the provisions of this section shall be filed by the commissioner of environmental protection in each county office of record, the community board for the community in which any portion of such map or plan is situated [~~and~~], the office of the borough president in which any portion of such map or plan is situated within the city of New York**, the offices of the council member, senator and member of assembly representing a district in which any portion of such map or plan is situated within the city of New York,** and in the offices of the department of transportation and department of health and mental hygiene of such city.

§ 11. Section 24-505 of the administrative code of the city of New York is amended to read as follows:

§ 24-505 Raising of grade for drainage. Whenever the commissioner of environmental protection shall determine that it is necessary to raise the grade of any street or streets for the proper sewage of the sewer district in which such street or streets, or parts of streets, are situated, he or she shall prepare a plan showing such proposed change of grade, and shall present the same to the board of estimate and notify the community board for the community district in which the land is located [~~and~~], the office of the appropriate borough president**, and the council member, senator and member of assembly representing the district in which the land is located**. The board of estimate shall refer such plan to the commissioner of transportation for report. Such board may change the grade of such street or streets, or parts of streets, so far as shall be necessary for the proper drainage thereof, in accordance with such plan, in the manner provided by section one hundred ninety-nine of the charter.

§ 12. Subdivision b of section 24-508 of the administrative code of the city of New York is amended to read as follows:

b. The commissioner of environmental protection thereupon shall file copies of the documents listed in subdivision a with the department of city planning, which shall forward a copy within five days to the community board for the community district in which the property is located, [~~and~~] to the appropriate borough board if the plans involve land located in two or more community districts**, and to the council member, senator and member of assembly representing the district in which the property is located**. Such commissioner shall apportion the cost of construction, according to actual benefit, between the several parcels of property abutting on each side of that part of the street through which the sewer is to be constructed.

§ 13. Section 24-905 of the administrative code of the city of New York, as added by local law number 27 of the city of New York for the year 2009, is amended to read as follows:

§ 24-905 Citizen Participation.

(a) The borough president [~~and~~], council member**, senator, and member of assembly** representing the area in which the local brownfield site is located, community board for the district in which the local brownfield site is located, residents living on or immediately adjacent to the local brownfield site, community based organizations, and other appropriate community groups shall be notified upon receipt by the office of the application to participate in the local brownfield cleanup program; before the office finalizes a remedial action work plan or approves a report on remedial action; and before the enrollee commences construction at the local brownfield site.

(b) The office shall provide opportunities for public comment and shall prescribe a procedure for enrollees to make documents available to the public.

§ 14. Subdivision 1 of section 1731 of the public authorities law, as amended by chapter 285 of the laws of 2014, is amended to read as follows:

1. Prior to the commencing of new construction or building additions of an educational facility, or the acquisition of real property or any interest therein for such purpose, the authority shall file a copy of the site plan of such facility in its offices and shall provide a copy thereof to the city board, the city planning commission and the community school district education council and the community board of the district in which the facility will be located. **The authority shall also provide a copy of such plan to the council member, senator and member of assembly representing the district in which the facility will be located.** Such plan shall include data on projected student population for the community school district or districts and the community board or boards affected, the source of that data and the reason the proposed action is necessary and how such plan factors and accounts for student population projections. Upon request, any other person shall be furnished with such plan or a summary thereof. The authority shall publish in a newspaper of general circulation in the city a notice of the filing of such plan and the availability of the plan and a summary thereof. Such plan shall include, in the case of any project for which the acquisition of real property or interest therein is proposed, the recommended site, any alternate sites considered, and any rationale as to why the alternate sites were not selected.

§ 15. This act shall take effect immediately.