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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ten percent of the intersections in the study area have an additional delay of more than five minutes;

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

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

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

5. The commissioner shall promulgate any rules or regulations necessary to implement the provisions of this section.

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