

# STATE OF NEW YORK

5129

2021-2022 Regular Sessions

## IN ASSEMBLY

February 11, 2021

Introduced by M. of A. MONTESANO -- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring public notice and a period for public comment prior to the designation of an access highway

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

1 Section 1. Subdivision (b) of section 1627 of the vehicle and traffic  
2 law, as added by chapter 1008 of the laws of 1983, is amended to read as  
3 follows:

4 (b) The department of transportation, for the purposes of this chap-  
5 ter, shall develop criteria to determine a highway providing access  
6 between qualifying highways and terminals, facilities for food, fuel,  
7 repairs, and rest and, in addition, for points of loading and unloading  
8 for household goods carriers. The department may, by order, rule or  
9 regulation, designate public highways within the state as access high-  
10 ways. The department of transportation, upon the request of the legisla-  
11 tive body of any city or village, or of a county superintendent of high-  
12 ways, or of a town board may, by order, rule or regulation, designate  
13 other city or village streets, or county roads, or town highways,  
14 respectively, as access highways. Before designating any county, town,  
15 city or village, street or highway as an access highway[7]:

16 (i) the commissioner of transportation shall notify the municipality  
17 having jurisdiction over such street or highway of the need for such  
18 local access road and solicit comments thereon. If objections to the  
19 designation are filed by the municipality having jurisdiction over a  
20 particular street or highway, the commissioner of transportation shall  
21 set, as soon as practicable, a public informational meeting. If the  
22 commissioner of transportation finds, after holding a public informa-  
23 tional meeting, that his proposed designation is proper and reasonable,  
24 prior to filing a notice of agency action he shall so notify the muni-

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

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1 pality in writing setting forth his findings and justifications for such  
2 designation. The municipality shall have the right of judicial review  
3 pursuant to article seventy-eight of the civil practice law and rules.

4 (ii) the commissioner of transportation shall notify any school which  
5 is located on or near the proposed access highway and publish a public  
6 notice in at least one newspaper in wide circulation in the municipality  
7 informing the public of the proposed access highway. There shall be a  
8 ninety day period for public comment commencing upon the first date of  
9 the publication of the public notice and prior to any designation by the  
10 department.

11 § 2. This act shall take effect immediately.