

STATE OF NEW YORK

5735--C

2021-2022 Regular Sessions

IN ASSEMBLY

February 24, 2021

Introduced by M. of A. JOYNER, McDONALD, REYES, SIMON, BURGOS, FAHY, SEPTIMO, LUNSFORD -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the "schools impacted by gross highways (SIGH) act"

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

1 Section 1. This act shall be known and may be cited as the "schools
2 impacted by gross highways (SIGH) act".

3 § 2. Section 408 of the education law is amended by adding a new
4 subdivision 3-a to read as follows:

5 3-a. The commissioner shall not approve the plans for the erection of
6 any new schoolhouse within five hundred feet of a controlled-access
7 highway as defined in this subdivision unless the commissioner deter-
8 mines that space is so limited that there is no other site to erect such
9 schoolhouse. For purposes of this subdivision, a "controlled-access
10 highway" shall mean: (a) a controlled-access highway as defined by
11 section one hundred nine of the vehicle and traffic law under the juris-
12 isdiction of the commissioner of transportation which has been func-
13 tionally classified by the department of transportation as principal
14 arterial - interstate or principal arterial - other freeway/expressway
15 on official functional classification maps approved by the federal high-
16 way administration pursuant to part 470.105 of title 23 of the code of
17 federal regulations, as amended from time to time; and (b) a divided
18 highway under the jurisdiction of the New York state thruway authority

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

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1 for mixed traffic with access limited as the authority may determine and
2 generally with grade separations at intersections.

3 § 3. Section 2556 of the education law is amended by adding a new
4 subdivision 5-a to read as follows:

5 5-a. It shall be unlawful for a new schoolhouse to be constructed in
6 the city of New York within five hundred feet of a controlled-access
7 highway unless the chancellor determines that space is so limited that
8 there is no other site to erect such schoolhouse. For purposes of this
9 subdivision, a "controlled-access highway" shall mean: (a) a cont-
10 rolled-access highway as defined by section one hundred nine of the
11 vehicle and traffic law under the jurisdiction of the commissioner of
12 transportation which has been functionally classified by the department
13 of transportation as principal arterial - interstate or principal
14 arterial - other freeway/expressway on official functional classifica-
15 tion maps approved by the federal highway administration pursuant to
16 part 470.105 of title 23 of the code of federal regulations, as amended
17 from time to time; and (b) a divided highway under the jurisdiction of
18 the New York state thruway authority for mixed traffic with access
19 limited as the authority may determine and generally with grade sepa-
20 rations at intersections.

21 § 4. This act shall take effect on the first of July next succeeding
22 the date upon which it shall have become a law; provided, however, that
23 sections two and three of this act shall take effect five years after it
24 shall have become a law; and provided, further, that school districts
25 which have a new schoolhouse construction project with advertisements
26 for bids or requests for proposals issued prior to such effective date,
27 or which have acquired real property to construct a new schoolhouse as
28 approved by the board of education or trustees of a school district, or
29 which have had a building permit issued by the state education depart-
30 ment shall be exempt from the provisions of this act; and provided
31 further that in a city school district in a city having a million inhab-
32 itants or more, a new schoolhouse construction projects with advertise-
33 ments for bids or requests for proposals issued prior to such effective
34 date shall be exempt from the provisions of this act.