

STATE OF NEW YORK

3497

2021-2022 Regular Sessions

IN ASSEMBLY

January 27, 2021

Introduced by M. of A. LAVINE, FAHY, GRIFFIN, COOK -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law and the vehicle and traffic law, in relation to organized bicycle and running events on public highways

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

1 Section 1. Section 316 of the highway law, as amended by chapter 655
2 of the laws of 1978, is amended to read as follows:

3 § 316. Entitled to free use of highways. The authorities having charge
4 or control of any highway, public street, park, parkway, driveway, or
5 place, shall have no power or authority to pass, enforce or maintain any
6 ordinance, rule or regulation by which any person using a bicycle or
7 tricycle shall be excluded or prohibited from the free use of any high-
8 way, public street, avenue, roadway, driveway, parkway, park, or place,
9 at any time when the same is open to the free use of persons having and
10 using other pleasure carriages, except upon such driveway, speedway or
11 road as has been or may be expressly set apart by law for the exclusive
12 use of horses and light carriages. But nothing herein shall prevent the
13 passage, enforcement or maintenance of any regulation, ordinance or
14 rule, regulating the use of bicycles or tricycles in highways, public
15 streets, driveways, parks, parkways, and places, or the regulation of
16 the speed of carriages, vehicles or engines, in public parks and upon
17 parkways and driveways in the city of New York, under the exclusive
18 jurisdiction and control of the department of parks and recreation of
19 said city, nor prevent any such authorities in any other city from regu-
20 lating the speed of any vehicles herein described in such manner as to
21 limit and determine the proper rate of speed with which such vehicle may
22 be propelled nor in such manner as to require, direct or prohibit the
23 use of bells, lamps and other appurtenances nor to prohibit the use of
24 any vehicle upon that part of the highway, street, park, or parkway,
25 commonly known as the footpath or sidewalk. No regulation, ordinance or

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

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1 rule regulating the use of bicycles, tricycles or runners may deny any
2 organized bicycle or running events, or any organized events that
3 combine bicycle and running from any highway, public street, park, park-
4 way, driveway or place unless said authority can demonstrate an unrea-
5 sonable hardship to its infrastructure or its residents. Further, no
6 such regulation, ordinance or rule shall impose an unreasonable fee for
7 such use of any highway, public street, park, parkway, driveway or
8 place. The burden of proving that any such fee is reasonable shall be
9 on the pertinent authorities.

10 § 2. Section 1640 of the vehicle and traffic law is amended by adding
11 a new subdivision (f) to read as follows:

12 (f) No legislative body of a city or village shall enact any law or
13 regulation that prohibits the use of its roads to bicycles or runners
14 engaged in organized events that combine bicycle and running, from any
15 highway, public street, park, parkway, driveway or place unless said
16 city or village can demonstrate an unreasonable hardship to its infras-
17 tructure or its residents. Further, no city or village shall impose an
18 unreasonable fee for such use of its roads. The burden of proving that
19 any such fee is reasonable shall be on the city or village.

20 § 3. This act shall take effect immediately.