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:

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

(b) The department of transportation, for the purposes of this chapter, shall develop criteria to determine a highway providing access between qualifying highways and terminals, facilities for food, fuel, repairs, and rest and, in addition, for points of loading and unloading for household goods carriers. The department may, by order, rule or regulation, designate public highways within the state as access highways. The department of transportation, upon the request of the legislative body of any city or village, or of a county superintendent of highways, or of a town board may, by order, rule or regulation, designate other city or village streets, or county roads, or town highways, respectively, as access highways. Before designating any county, town, city or village, street or highway as an access highway[~~,~~]**:**

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

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

LBD08623-01-1

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

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

§ 2. This act shall take effect immediately.