STATE OF NEW YORK

8046

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to the review of major transportation projects

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

Section 1. Section 19-101.2 of the administrative code of the city of New York, as added by local law number 90 for the year 2009, subdivision c as amended and subdivision j as added by local law number 64 for the year 2011, is amended to read as follows:

§ 19-101.2 Review of major transportation projects. a. For the purposes of this section, the following terms shall be defined as follows:

1. "Affected council member(s) and community board(s)" shall mean the council member(s) and community board(s) in whose districts a proposed major transportation project is to be located, in whole or in part.

2. "Major transportation project" shall mean any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).

b. If an agency of the city [~~other than the department~~] implements a major transportation project, such agency[~~, in lieu of the department,~~] shall provide the notice required by this section.

c. Prior to the implementation of a major transportation project, the department shall **provide, or in the case of another agency implementing a major transportation project,** forward notice of such project, including a description of such project, to affected council member(s) and community board(s) by electronic mail.

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

LBD11824-01-1

d. Within ten business days after receipt of such notice: (i) the affected council member(s) may submit recommendations and/or comments on such notice to the department; and (ii) the affected community board(s) may either submit recommendations and/or comments on such notice to the department and/or request a presentation of the major transportation project plan by the department, which shall be made to the community board within thirty days of such community board's request.

e. Each presentation shall include, at a minimum, the project limits, a description, and a justification of such plan, and a map showing the streets affected by such plan and, within three days of such presentation, shall be forwarded to the affected council member(s).

f. The department shall consider recommendations and/or comments, if any, made under the provisions of subdivision d of this section and/or within seven days of the presentation to the community board, from the affected council member(s) and affected community board(s), and may incorporate changes, where appropriate, into the plan.

g. The department may implement its plan fourteen or more days after it sends an amended plan or notice that it will proceed with its original plan to the affected council member(s) and community board(s).

h. Nothing in this section shall be construed to prohibit the department from providing notice of its major transportation projects on its website and to affected council member(s) and community board(s) and other interested parties by other means in addition to those specified in this section.

i. Nothing in this section shall be construed to require the department to provide notification of major transportation projects requiring immediate implementation to preserve public safety.

j. Prior to the implementation of a major transportation project, the department shall consult with the police department, the fire department, the department of small business services and the mayor's office for people with disabilities. The department shall include a certification of such consultations in the notice required by subdivision c of this section.

k. Commissioners, deputy commissioners and any managerial personnel who participate in the decision-making process to authorize any changes in traffic patterns shall be criminally and civilly liable for any damage which may be occasioned to persons, animals or property for failure to comply with the provisions of this section. Provided further, such individuals shall be criminally and civilly liable for any accident or fatality which occurs on any such changed traffic pattern.

§ 2. This act shall take effect immediately.