STATE OF NEW YORK

2797

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public authorities law, in relation to authorizing a residential parking permit system in the city of New York; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings and intent. The legislature finds that a lack of parking for residents of the city of New York has resulted in traffic hazards, congestion and air and noise pollution. In addition, such lack of parking poses a hazard to residents and other pedestrians in such areas.

The legislature further finds that a residential parking system will reduce such hazards and will reduce pollution levels as well. The legislature, therefore, declares the necessity of this act to authorize the city of New York to adopt a residential parking system in accordance with the provisions of this act.

§ 2. The vehicle and traffic law is amended by adding a new section 1640-r to read as follows:

§ 1640-r. Residential parking system in the city of New York. 1. Notwithstanding the provisions of any law to the contrary, the city of New York may, by adoption of a local law or ordinance, provide for a residential parking permit system and fix and require the payment of fees applicable to parking within the area of the city in which such parking system is in effect in accordance with the provisions of this section.

2. Such residential parking permit system may only be established within that area of the city of New York within the neighborhoods of Clinton Hill, Fort Greene, Prospect Heights, Park Slope, Gowanus, Carroll Gardens, Cobble Hill, Boerum Hill, Columbia Street Waterfront

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

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District, Brooklyn Heights, Fulton Ferry Landing, Downtown Brooklyn, DUMBO, and Vinegar Hill which shall mean that area generally bounded on the northerly side by the East River, on the easterly side by Washington Avenue to Eastern Parkway, on the southerly side by Eastern Parkway to Prospect Park West and Prospect Park West to the Prospect Expressway, and on the westerly side by the Prospect Expressway to the Gowanus Canal, Gowanus Bay, Red Hook Channel, and Buttermilk Channel.

3. Notwithstanding the foregoing, no permit shall be required on streets where the adjacent properties are zoned for commercial or retail use or in metered parking spaces.

4. The local law or ordinance providing for such residential parking system shall:

(a) set forth the factors necessitating the enactment of such parking system;

(b) provide that motor vehicles registered pursuant to section four hundred four-a of this chapter shall be exempt from any permit require-ment;

(c) provide the times of the day and days of the week during which permit requirements shall be in effect;

(d) make not less than twenty percent of all spaces within the permit area or areas available to nonresidents and shall provide for short-term parking of not less than ninety minutes in duration in such area;

(e) provide the schedule of fees to be paid for such permits; and

(f) provide that such fees excluding administrative expenses, shall be remitted by the city of New York to the applicable mass transit agency on a quarterly basis to be deposited in the general transportation account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

5. No ordinance shall be adopted pursuant to this section until a public hearing thereon has been had in the same manner as required for public hearings on a local law pursuant to the municipal home rule law.

6. The provisions of this section shall not apply to any state highway maintained by the state.

§ 3. Subdivision 1 of section 1270-i of the public authorities law, as added by section 4 of part NNN of chapter 59 of the laws of 2018, is amended to read as follows:

1. The authority shall create and establish a fund to be known as the "New York city transportation assistance fund" which shall be kept separate from and shall not be commingled with any other moneys of the authority. The New York city transportation assistance fund shall consist of three separate accounts: (i) the "subway action plan account"; (ii) the "outer borough transportation account"; and (iii) the "general transportation account". The authority shall make deposits in the subway action plan account of the moneys received by it pursuant to the provisions of subdivision (c) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, shall make deposits in the outer borough transportation account of the moneys received by it pursuant to the provisions of subdivision (d) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, and shall make deposits in the general transportation account of the moneys received by it pursuant to the provisions of subdivision (e) of section twelve hundred ninety-nine-H of the tax law in accordance with the provisions thereof, [~~and~~] pursuant to the provisions of section eleven hundred eleven-C of the vehicle and traffic

law**, and pursuant to the provisions of paragraph (f) of subdivision four of section sixteen hundred forty-r of the vehicle and traffic law**.

§ 4. This act shall take effect immediately and shall expire December 1, 2026 when upon such date the provisions of this act shall be deemed repealed, provided that any such local law or ordinance enacted pursuant to this act shall remain in full force and effect only until December 1, 2026.