

STATE OF NEW YORK

8998--A

IN ASSEMBLY

February 1, 2024

Introduced by M. of A. TAPIA, STIRPE, HEVESI, EPSTEIN, RAGA, MAHER, BURGOS, SEPTIMO -- read once and referred to the Committee on Transportation -- 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 diction 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
19 for mixed traffic with access limited as the authority may determine and
20 generally with grade separations at intersections.

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

23 5-a. (a) Notwithstanding subdivision three-a of section four hundred
24 eight of this chapter, it shall be unlawful for a new schoolhouse to be
25 constructed in the city of New York within five hundred feet of a cont-
26 rolled-access highway unless (i) the president of the New York city

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

LBD05407-02-4

1 school construction authority determines that there is no other appro-
2 priate site to erect such schoolhouse; (ii) if such schoolhouse is
3 planned to contain a secondary school, the community district, as such
4 term is defined in section twenty-five hundred ninety-a of this chapter,
5 in which the site of such schoolhouse is to be located has a projected
6 enrollment rate for secondary school education greater than seventy
7 percent of its capacity, based on the most recent report issued pursuant
8 to section 21-988 of the administrative code of the city of New York;
9 (iii) if such schoolhouse is planned to contain an elementary school or
10 a middle school, the subdistrict, as such term is defined in section
11 21-989 of the administrative code of the city of New York, in which the
12 site of such schoolhouse is to be located has a projected enrollment
13 rate for elementary school education or middle school education, as
14 applicable, greater than seventy percent of capacity, based on the most
15 recent report issued pursuant to section 21-988 of such administrative
16 code; (iv) the site of such schoolhouse is located on a property a
17 portion of which is used or is planned to be used for residential or
18 commercial purposes; or (v) plans for the schoolhouse include adequate
19 engineering controls to address air quality, based on regulations
20 promulgated by the New York city department of environmental protection.

21 (b) For purposes of this subdivision, neither the construction of a
22 schoolhouse upon the site of an existing schoolhouse nor an addition nor
23 an annex constructed to serve an existing schoolhouse shall be consid-
24 ered construction of a new schoolhouse. This subdivision shall not be
25 interpreted to create a direct or indirect right of action to enforce
26 its terms or the terms of any other provision of law.

27 (c) For purposes of this subdivision, a "controlled-access highway"
28 shall mean: (i) a controlled-access highway as defined by section one
29 hundred nine of the vehicle and traffic law under the jurisdiction
30 of the commissioner of transportation which has been functionally clas-
31 sified by the department of transportation as principal arterial -
32 interstate or principal arterial - other freeway/expressway on official
33 functional classification maps approved by the federal highway
34 administration pursuant to part 470.105 of title 23 of the code of
35 federal regulations, as amended from time to time; and (ii) a divided
36 highway under the jurisdiction of the New York state thruway authority
37 for mixed traffic with access limited as the authority may deter-
38 mine and generally with grade separations at intersections.

39 § 4. This act shall take effect on the first of July next succeeding
40 the date upon which it shall have become a law; provided, however, that
41 sections two and three of this act shall take effect five years after it
42 shall have become a law; and provided, further, that school districts
43 which have a new schoolhouse construction project with advertisements
44 for bids or requests for proposals issued prior to such effective date,
45 or which have acquired real property to construct a new schoolhouse as
46 approved by the board of education or trustees of a school district, or
47 which have had a building permit issued by the state education depart-
48 ment shall be exempt from the provisions of this act with respect to
49 construction on such a project; and provided further that in a city
50 school district in a city having a million inhabitants or more, a new
51 schoolhouse construction project for which an advertisement for bids or
52 requests for proposals for the planning, design or construction of such
53 project was issued prior to such effective date or for which a site was
54 selected pursuant to section 1732 of the public authorities law prior to
55 such effective date shall be exempt from the provisions of this act.