

# STATE OF NEW YORK

4550

2023-2024 Regular Sessions

## IN SENATE

February 10, 2023

Introduced by Sens. MAY, BRISPORT, JACKSON, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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 isdiction 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. It shall be unlawful for a new schoolhouse to be constructed in  
24 the city of New York within five hundred feet of a controlled-access

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

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1 highway unless the chancellor determines that space is so limited that  
2 there is no other site to erect such schoolhouse. For purposes of this  
3 subdivision, a "controlled-access highway" shall mean: (a) a cont-  
4 rolled-access highway as defined by section one hundred nine of the  
5 vehicle and traffic law under the jurisdiction of the commissioner of  
6 transportation which has been functionally classified by the department  
7 of transportation as principal arterial - interstate or principal  
8 arterial - other freeway/expressway on official functional classifica-  
9 tion maps approved by the federal highway administration pursuant to  
10 part 470.105 of title 23 of the code of federal regulations, as amended  
11 from time to time; and (b) a divided highway under the jurisdiction of  
12 the New York state thruway authority for mixed traffic with access  
13 limited as the authority may determine and generally with grade sepa-  
14 rations at intersections.

15 § 4. This act shall take effect on the first of July next succeeding  
16 the date upon which it shall have become a law; provided, however, that  
17 sections two and three of this act shall take effect five years after it  
18 shall have become a law; and provided, further, that school districts  
19 which have a new schoolhouse construction project with advertisements  
20 for bids or requests for proposals issued prior to such effective date,  
21 or which have acquired real property to construct a new schoolhouse as  
22 approved by the board of education or trustees of a school district, or  
23 which have had a building permit issued by the state education depart-  
24 ment shall be exempt from the provisions of this act; and provided  
25 further that in a city school district in a city having a million inhab-  
26 itants or more, a new schoolhouse construction projects with advertise-  
27 ments for bids or requests for proposals issued prior to such effective  
28 date shall be exempt from the provisions of this act.