

# STATE OF NEW YORK

---

1280

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

---

Introduced by M. of A. RIVERA, BURKE, BURGOS, CARROLL, CRUZ,  
DE LOS SANTOS, DINOWITZ, EPSTEIN, FAHY, GONZALEZ-ROJAS, McMAHON, OTIS,  
RAJKUMAR, FORREST, SIMON -- read once and referred to the Committee on  
Transportation

AN ACT to amend the highway law, in relation to enabling safe access to  
public roads for all users by utilizing complete street design principles

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

1 Section 1. Subdivision (a) of section 331 of the highway law, as added  
2 by chapter 398 of the laws of 2011, is amended to read as follows:

3 (a) For all state, county and local transportation projects that are  
4 undertaken by the department or receive both federal and state funding  
5 and are subject to department of transportation oversight, the department  
6 or agency with jurisdiction over such projects shall consider the  
7 convenient access and mobility on the road network by all users of all  
8 ages, including motorists, pedestrians, bicyclists, and public transportation  
9 users through the use of complete street design features in the  
10 planning, design, construction, reconstruction and rehabilitation, [~~but~~  
11 ~~not including resurfacing, maintenance, or pavement recycling of such~~  
12 ~~projects~~] resurfacing, maintenance and pavement recycling of such  
13 projects.

14 § 2. Paragraph (iii) of subdivision (c) of section 331 of the highway  
15 law, as added by chapter 398 of the laws of 2011, is amended to read as  
16 follows:

17 (iii) demonstrated lack of need as determined by factors, including,  
18 but not limited to, land use, current and projected traffic volumes,  
19 including population density, or [~~demonstrates~~] demonstrated lack of  
20 community support; or

21 § 3. This act shall take effect immediately, provided that it shall  
22 not apply to transportation projects undertaken or approved prior to the  
23 date on which this act shall have become a law.

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

LBD01687-01-3