STATE OF NEW YORK

1280--A

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, ARDILA, BURDICK, CUNNINGHAM, MAMDANI, HEVESI, KELLES, SHIMSKY, SIMONE, McDONALD, CLARK, SHRESTHA, THIELE, LUNSFORD, WALLACE, COLTON, L. ROSENTHAL, RAGA, SEPTIMO, JACOBSON, STERN, STECK, ANDERSON, KIM, GLICK, GUNTHER, SANTABARBARA, BARRETT, SEAWRIGHT, RA, ZINERMAN, WEPRIN, SOLAGES, HUNTER, CONRAD, REYES, WOERNER, TAYLOR, SAYEGH, EACHUS, LAVINE, PAULIN, BENEDETTO, PRETLOW, NOVAKHOV, K. BROWN, SLATER, SILLITTI, TAPIA, JONES, STIRPE, BORES, MEEKS, LUPARDO, ZACCARO, LEE, AUBRY, BRONSON, DAVILA, DAVILA, JACKSON, LEVENBERG, WILLIAMS, BENDETT, ALVAREZ, DARLING -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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such projects**; and (ii) in the resurfacing, maintenance and pavement recycling of such projects if the service life of such resurfacing, maintenance or pavement recycling project is at least ten years**.

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

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

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided that it shall not apply to transportation projects undertaken or approved prior to the date on which this act shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.