STATE OF NEW YORK

3287

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. JOYNER -- read once and referred 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:

Section 1. This act shall be known and may be cited as the "schools impacted by gross highways (SIGH) act".

§ 2. Section 408 of the education law is amended by adding a new subdivision 3-a to read as follows:

3-a. The commissioner shall not approve the plans for the erection of any new schoolhouse within five hundred feet of a controlled-access highway as defined in this subdivision unless the commissioner determines that space is so limited that there is no other site to erect such schoolhouse. For purposes of this subdivision, a "controlled-access highway" shall mean: (a) a controlled-access highway as defined by section one hundred nine of the vehicle and traffic law under the jurisdiction of the commissioner of transportation which has been functionally classified by the department of transportation as principal arterial - interstate or principal arterial - other freeway/expressway on official functional classification maps approved by the federal highway administration pursuant to part 470.105 of title 23 of the code of federal regulations, as amended from time to time; and (b) a divided highway under the jurisdiction of the New York state thruway authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections.

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

5-a. It shall be unlawful for a new schoolhouse to be constructed in the city of New York within five hundred feet of a controlled-access highway unless the chancellor determines that space is so limited that

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

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there is no other site to erect such schoolhouse. For purposes of this subdivision, a "controlled-access highway" shall mean: (a) a controlled-access highway as defined by section one hundred nine of the vehicle and traffic law under the jurisdiction of the commissioner of transportation which has been functionally classified by the department of transportation as principal arterial - interstate or principal arterial - other freeway/expressway on official functional classification maps approved by the federal highway administration pursuant to part 470.105 of title 23 of the code of federal regulations, as amended from time to time; and (b) a divided highway under the jurisdiction of the New York state thruway authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections.

§ 4. This act shall take effect on the first of July next succeeding the date upon which it shall have become a law; provided, however, that sections two and three of this act shall take effect five years after it shall have become a law; and provided, further, that school districts which have a new schoolhouse construction project with advertisements for bids or requests for proposals issued prior to such effective date, or which have acquired real property to construct a new schoolhouse as approved by the board of education or trustees of a school district, or which have had a building permit issued by the state education department shall be exempt from the provisions of this act; and provided further that in a city school district in a city having a million inhabitants or more, a new schoolhouse construction projects with advertisements for bids or requests for proposals issued prior to such effective date shall be exempt from the provisions of this act.