

STATE OF NEW YORK

4120--B

2023-2024 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. McMAHON, SIMONE, MAMDANI, GALLAGHER, SHRESTHA, SIMON, TAPIA, KELLES, GONZALEZ-ROJAS, FAHY, McDONALD -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation 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 reductions in vehicle miles traveled in highway projects in New York state

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

1 Section 1. Vehicle miles traveled assessment working group. 1. There
2 is hereby established a vehicle miles traveled assessment working group.
3 The vehicle miles traveled assessment working group shall meet regularly
4 and shall study the options and best practices available and make recom-
5 mendations for implementing vehicle miles traveled assessments in a
6 manner which aligns with the goal of reducing annual vehicle miles trav-
7 eled within the state by 20% by 2050 and developing a plan to assess,
8 monitor, and approve a given project's impact mitigation actions. The
9 working group shall aid the commissioner of transportation in establish-
10 ing procedures to assist counties and towns seeking to comply with their
11 vehicle miles traveled assessment requirements, as outlined in sections
12 one hundred two and one hundred forty of the highway law.

13 2. The working group shall include a representative from the depart-
14 ment of transportation, the office of the governor, the department of
15 environmental conservation, the department of state, the department of
16 agriculture and markets, the office of general services, the empire
17 state development corporation, the New York energy research and develop-
18 ment authority, the port authority of New York and New Jersey, the

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

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1 metropolitan transportation authority, the New York City department of
2 transportation, the office of the mayor of New York City, and the New
3 York metropolitan transportation council. The working group shall
4 include representatives from relevant community organizations and other
5 necessary parties.

6 3. The working group shall report its findings and recommendations to
7 the commissioner of transportation, the governor, the temporary presi-
8 dent of the senate and the speaker of the assembly no later than twelve
9 months after the effective date of this section. Such report shall be
10 made publicly available on the department of transportation's website.

11 § 2. The highway law is amended by adding a new section 10-h to read
12 as follows:

13 § 10-h. Reductions to vehicle miles traveled in state highway
14 projects. 1. Legislative finding and declaration. This legislature does
15 hereby find and declare that the final scoping plan adopted by the New
16 York state climate action council pursuant to chapter one hundred six of
17 the laws of two thousand nineteen deems it essential that the legisla-
18 ture enact legislation which shall significantly reduce annual vehicle
19 miles traveled in New York State. The legislature further finds and
20 declares that achieving a reduction in annual vehicle miles traveled by
21 twenty percent by two thousand fifty in New York State is necessary to
22 enable achievement of the climate justice and emission reduction
23 mandates in chapter one hundred six of the laws of two thousand nine-
24 teen. Furthermore, the legislature finds that highway capacity expan-
25 sion projects, as defined by subdivision two of this section, result in
26 induced demand, whereas more vehicles utilize a highway after a high-
27 way capacity expansion project, and therefore, these projects do not
28 significantly reduce pollution, congestion, or vehicle miles traveled.

29 2. Definitions. As used in this section, the following terms shall
30 have the following meanings:

31 (a) "Vehicle miles traveled" shall mean a measurement of the total
32 miles of motor vehicle traffic in New York state over a one-year period.

33 (b) "Highway capacity expansion project" shall mean a project that
34 expands highway capacity, including but not limited to the construction
35 of new highways, highway widening projects, and projects that establish
36 grade separation at an intersection, excluding auxiliary lanes with a
37 length of less than two thousand five hundred feet.

38 (c) "Vehicle miles traveled impact assessment" shall mean an assess-
39 ment conducted to determine the net change of vehicle miles traveled by
40 a highway capacity expansion project.

41 3. Vehicle miles traveled assessment. Prior to the approval of any
42 construction, reconstruction, or maintenance of state highways that
43 would be considered a highway capacity expansion project, as defined by
44 paragraph (b) of subdivision two of this section, the commissioner of
45 transportation shall conduct a vehicle miles traveled impact assessment,
46 as defined by paragraph (c) of subdivision two of this section, to eval-
47 uate whether the project aligns with the goal of reducing annual vehicle
48 miles traveled within the state by twenty percent by two thousand fifty.
49 If a highway capacity expansion project does not align with the goal of
50 reducing annual vehicle miles traveled within the state by twenty
51 percent by two thousand fifty, the project shall be altered to align
52 with these targets by changing its design or sufficiently offsetting its
53 net change to vehicle miles traveled with impact mitigation efforts, as
54 outlined in subdivision four of this section.

55 4. Impact mitigation. (a) Impact mitigation shall be deemed sufficient
56 if the cumulative net change on vehicle miles traveled from impact miti-

1 gation actions and a highway capacity expansion project over the same
2 period of time align with the goal of reducing annual vehicle miles
3 traveled within the state by twenty percent by two thousand fifty.

4 (b) Impact mitigation shall include projects, programs, and operation
5 modifications in one or more of the following areas:

6 (i) alternative means of transportation infrastructure, including but
7 not limited to public transit expansion, public transit service improve-
8 ments, pedestrian and cyclist transportation infrastructure expansion
9 and improvements, and micro-mobility transportation infrastructure
10 expansion and improvements;

11 (ii) transportation demand management, including but not limited to
12 vanpool and shared vehicle programs, remote work, and broadband access
13 expansion;

14 (iii) parking demand management, including but not limited to
15 reductions in parking requirements and parking cost adjustments;

16 (iv) changes to land use which reduce vehicle miles traveled, includ-
17 ing but not limited to residential density increases, mixed-use develop-
18 ment, and public transit oriented development; and

19 (v) other measures which reduce vehicle miles traveled, as determined
20 by the commissioner.

21 (c) Whenever feasible, impact mitigation actions shall be conducted in
22 at least one of the municipalities where a highway capacity expansion
23 project shall take place. The commissioner is hereby authorized to
24 determine whether these impact mitigation actions are sufficiently
25 localized to reduce vehicle net miles traveled in the communities where
26 a highway capacity expansion project will result in a net change that
27 increases vehicle miles traveled or insufficiently reduces vehicle miles
28 traveled.

29 5. Technical advisory committee. The commissioner shall appoint a
30 technical advisory committee made up of technical experts to advise the
31 commissioner in the vehicle miles traveled assessment process. The
32 committee members shall be appointed based on demonstrated expertise in
33 travel demand modeling, traffic forecasting or transportation-related
34 greenhouse gas emissions assessment and analysis and other expertise as
35 determined necessary by the commissioner. The committee shall evaluate
36 and recommend tools for calculating the vehicle miles traveled and
37 induced demand of a highway capacity expansion project, evaluate and
38 recommend additional impact mitigation actions which reduce vehicle
39 miles traveled, and identify and recommend best practices for calculat-
40 ing the net change of vehicle miles traveled for a highway capacity
41 expansion project inclusive of impact mitigation measures. The commis-
42 sioner shall hereby be authorized to request the technical advisory
43 committee assess and provide recommendations on other elements of the
44 vehicle miles traveled assessment process, as they deem necessary.

45 6. Reporting. The commissioner shall submit a report every twenty-four
46 months to the governor and the legislature which includes a list of
47 state, county, and town highway capacity expansion projects approved in
48 New York. The report shall include the results of the vehicle miles
49 traveled assessment for each highway capacity expansion project includ-
50 ing any impact mitigation actions and their status. Such report shall
51 also be made publicly available on the department's website.

52 § 3. Section 102 of the highway law is amended by adding a new subdi-
53 vision 19 to read as follows:

54 19. Conduct a vehicle miles traveled assessment, as defined by subdi-
55 vision two of section ten-h of this chapter, prior to the approval of
56 any construction, reconstruction, or maintenance of town highways that

1 would be considered a highway capacity expansion project, as defined in
2 subdivision two of section ten-h of this chapter. If a highway capacity
3 expansion project does not result in a reduction of vehicle miles trav-
4 eled which aligns with the goal of reducing annual vehicle miles trav-
5 eled within the state by twenty percent by two thousand fifty, the
6 project shall be altered to align with these targets by changing its
7 design or sufficiently offsetting its net change to vehicle miles trav-
8 eled with impact mitigation efforts, as outlined in subdivision four of
9 section ten-h of this chapter. The county superintendent may request any
10 resources and technical assistance necessary from the commissioner to
11 complete the vehicle miles traveled assessment.

12 § 4. Section 140 of the highway law is amended by adding a new subdi-
13 vision 20 to read as follows:

14 20. Conduct a vehicle miles traveled assessment, as defined by subdivi-
15 vision two of section ten-h of this chapter, prior to the approval of
16 any construction, reconstruction, or maintenance of town highways that
17 would be considered a highway capacity expansion project, as defined in
18 subdivision two of section ten-h of this chapter. If a highway capacity
19 expansion project does not result in a reduction of vehicle miles trav-
20 eled which aligns with the goal of reducing annual vehicle miles trav-
21 eled within the state by twenty percent by two thousand fifty, the
22 project shall be altered to align with these targets by changing its
23 design or sufficiently offsetting its net change to vehicle miles trav-
24 eled with impact mitigation efforts, as outlined in subdivision four of
25 section ten-h of this chapter. The town superintendent may request any
26 resources and technical assistance necessary from the commissioner of
27 transportation to complete the vehicle miles traveled assessment.

28 § 5. This act shall take effect immediately; provided that sections
29 two, three, and four of this act shall take effect on the first of
30 January two years after it shall have become a law.