

STATE OF NEW YORK

8423

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

Introduced by M. of A. LEVENBERG -- read once and referred to the
Committee on Transportation

AN ACT to amend the highway law, in relation to requiring certain state
and local transportation projects to include complete street design

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

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

3 § 331. [~~Consideration~~] Inclusion of complete street design. (a) For
4 all state, county and local transportation projects that are undertaken
5 by the department or receive both federal and state funding and are
6 subject to department of transportation oversight, the department or
7 agency with jurisdiction over such projects shall [~~consider~~] include the
8 convenient access and mobility on the road network by all users of all
9 ages, including motorists, pedestrians, bicyclists, and public transpor-
10 tation users [~~through~~] by requiring the use of complete street design
11 features as the controlling criteria and design guidance for engineers
12 in the planning, design, construction, reconstruction and rehabili-
13 tation, but not including resurfacing, maintenance, or pavement recycl-
14 ing of such projects. The department of transportation shall create a
15 scoring template for projects based upon the complete streets checklist
16 to ensure prioritization of users that walk, bike or utilize public
17 transport. This scoring template shall prioritize pedestrian and cyclist
18 safety and projects that make improvements in areas of high pedestrian,
19 cyclist, or public transportation demand. The department shall establish
20 a minimum scoring threshold and shall not approve any project which does
21 not meet such minimum score.

22 (b) Complete street design features are roadway design features that
23 accommodate and facilitate convenient access and mobility by all users,
24 including current and projected users, particularly pedestrians, bicy-
25 clists and individuals of all ages and abilities. These features may
26 include, but need not be limited to: sidewalks, paved shoulders suitable
27 for use by bicyclists, lane striping, bicycle lanes, share the road
28 signage, crosswalks, road diets, pedestrian control signalization, bus

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

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1 pull outs, curb cuts, raised crosswalks and ramps and traffic calming
2 measures; and recognize that the needs of users of the road network vary
3 according to a rural, urban and suburban context. A project which is
4 solely focused on either pedestrians or bicyclists or public transporta-
5 tion users shall not be required to include design features for the
6 other categories in its design.

7 (c) This section shall not apply if it has been determined and set
8 forth in publicly available documents that one of the following exists:

9 (i) use by bicyclists and pedestrians is prohibited by law, such as
10 within interstate highway corridors; or

11 (ii) the cost would be disproportionate to the need as determined by
12 factors including, but not limited to, the following: land use context;
13 current and projected traffic volumes; and population density; or

14 (iii) demonstrated lack of need as determined by factors, including,
15 but not limited to, land use, current and projected traffic volumes,
16 including population density, or demonstrates lack of community support;
17 or

18 (iv) use of the design features would have an adverse impact on, or be
19 contrary to, public safety.

20 (c-1) Additionally, the requirements of this section shall not apply
21 to the following projects:

22 (i) Pavement preservation activities such as crack sealing, fog seal-
23 ing, chip sealing, and rubber chip sealing;

24 (ii) Bridge preservation/maintenance treatments such as joint repair,
25 deck repair, superstructure repair, and substructure repair;

26 (iii) Non-roadway maintenance actions such as mowing, catch basin
27 cleaning, or street sweeping;

28 (iv) Drainage only projects;

29 (v) Noise barrier only projects;

30 (vi) Guardrail only projects;

31 (vii) Lighting only projects;

32 (viii) Traffic signal equipment only projects;

33 (ix) Signing only projects;

34 (x) Landscape only projects;

35 (xi) Vertical construction projects; and

36 (xii) Any other minor road improvement project where inclusion of
37 pedestrian, cyclist, or public transit provisions would significantly
38 hinder the project's completion, as determined by the department of
39 transportation on a case-by-case basis.

40 (d) Nothing in this section shall be construed to require the depart-
41 ment or agency with jurisdiction over a project to expend monies in
42 accordance with subdivision (a) of this section that exceed the amount
43 of state and federal funding for complete street design features.

44 (e) Projects that have received at least thirty-five percent approval
45 by the department of transportation or other agency or entity with
46 jurisdiction over the project, as of the effective date of the chapter
47 of the laws of two thousand twenty-three which amended this section,
48 shall not be subject to the additional requirements under this section
49 made by such chapter, but shall be subject to the provisions of this
50 section in effect prior to such effective date.

51 § 2. This act shall take effect on the ninetieth day after it shall
52 have become a law. Effective immediately, the addition, amendment and/or
53 repeal of any rule or regulation necessary for the implementation of
54 this act on its effective date are authorized to be made and completed
55 on or before such effective date.