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Introduced by M. of A. McMAHON, SIMONE, MAMDANI, GALLAGHER, SHRESTHA, SIMON, TAPIA, KELLES, GONZALEZ-ROJAS, BORES, BURDICK, EPSTEIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the highway law and the village 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, developing strategies to coordi-
8 nate impact mitigation measures with local authorities and a plan to
9 assess, monitor, and approve a given project's impact mitigation
10 actions. The working group shall aid the commissioner of transportation
11 in establishing procedures to assist counties, towns, and villages seek-
12 ing to comply with their vehicle miles traveled assessment requirements,
13 as outlined in sections one hundred two and one hundred forty of the
14 highway law and section 6-634 of the village law.

15 2. The working group shall include a representative from the depart-
16 ment of transportation, the office of the governor, the department of
17 environmental conservation, the department of state, the department of
18 agriculture and markets, the office of general services, the empire
19 state development corporation, the New York energy research and develop-
20 ment authority, the port authority of New York and New Jersey, the
21 metropolitan transportation authority, and the New York metropolitan
22 transportation council. At least three of the working group members
23 shall be representatives from advocacy groups or community organizations

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

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1 whose work is relevant to projects and programs in alternative means of
2 transportation infrastructure including but not limited to public trans-
3 it expansion, public transit service improvements, pedestrian and
4 cyclist transportation infrastructure expansion and improvements, and
5 micro-mobility transportation infrastructure expansion and improvements.

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 4. The commissioner may utilize the findings and recommendations in
12 the working group report to promulgate any rules and regulations neces-
13 sary to implement sections two, three, four, and five of this act.

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

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

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

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

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

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

44 3. Vehicle miles traveled assessment. Prior to the approval of any
45 construction, reconstruction, or maintenance of state highways that
46 would be considered a highway capacity expansion project, as defined by
47 paragraph (b) of subdivision two of this section, the commissioner of
48 transportation shall conduct a vehicle miles traveled impact assessment,
49 as defined by paragraph (c) of subdivision two of this section, to eval-
50 uate whether the project aligns with the goal of reducing annual vehicle
51 miles traveled within the state by twenty percent by two thousand fifty.
52 This goal shall be based upon a twenty percent reduction of vehicle
53 miles traveled by two thousand fifty from the base year, which shall be
54 established as the first full calendar year preceding the effective date
55 of this section wherein data on vehicle miles traveled is available to
56 the commissioner. If a highway capacity expansion project does not align

1 with the goal of reducing annual vehicle miles traveled within the state
2 by twenty percent by two thousand fifty, the project shall be altered to
3 align with these targets by changing its design or sufficiently offset-
4 ting its net change to vehicle miles traveled with impact mitigation
5 efforts, as outlined in subdivision four of this section.

6 4. Impact mitigation. (a) Impact mitigation shall be deemed sufficient
7 if the cumulative net change on vehicle miles traveled from impact miti-
8 gation actions and a highway capacity expansion project over the same
9 period of time align with the goal of reducing annual vehicle miles
10 traveled within the state by twenty percent by two thousand fifty.

11 (b) Impact mitigation shall include projects, programs, and operation
12 modifications in one or more of the following areas and shall be coordi-
13 nated with local authorities when necessary:

14 (i) alternative means of transportation infrastructure, including but
15 not limited to public transit expansion, public transit service improve-
16 ments, pedestrian and cyclist transportation infrastructure expansion
17 and improvements, and micro-mobility transportation infrastructure
18 expansion and improvements;

19 (ii) transportation demand management, including but not limited to
20 vanpool and shared vehicle programs, remote work, and broadband access
21 expansion;

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

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

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

29 (c) Whenever feasible, impact mitigation actions shall be conducted in
30 at least one of the municipalities where a highway capacity expansion
31 project shall take place. The commissioner is hereby authorized to
32 determine whether these impact mitigation actions are sufficiently
33 localized to reduce vehicle net miles traveled in the communities where
34 a highway capacity expansion project will result in a net change that
35 increases vehicle miles traveled or insufficiently reduces vehicle miles
36 traveled.

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

53 6. Reporting. The commissioner shall submit a report every twenty-four
54 months to the governor and the legislature which includes a list of
55 state, county, town, and village highway capacity expansion projects
56 approved in New York. The report shall include the results of the vehi-

1 cle miles traveled assessment for each highway capacity expansion
2 project including any impact mitigation actions and their status. Such
3 report shall also be made publicly available on the department's
4 website.

5 § 3. Section 102 of the highway law is amended by adding a new subdivi-
6 sion 19 to read as follows:

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

21 § 4. Section 140 of the highway law is amended by adding a new subdivi-
22 sion 20 to read as follows:

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

37 § 5. The village law is amended by adding a new section 6-634 to read
38 as follows:

39 § 6-634 Vehicle miles traveled assessment for village highway capacity
40 improvement projects. The board of trustees or other officers of a
41 village when delegated to them by such board shall conduct a vehicle
42 miles traveled assessment, as defined by subdivision two of section
43 ten-h of the highway law, prior to the approval of any construction,
44 reconstruction, or maintenance of village highways that would be consid-
45 ered a highway capacity expansion project, as defined in subdivision two
46 of section ten-h of the highway law. If a highway capacity expansion
47 project does not result in a reduction of vehicle miles traveled which
48 aligns with the goal of reducing annual vehicle miles traveled within
49 the state by twenty percent by two thousand fifty, the project shall be
50 altered to align with these targets by changing its design or suffi-
51 ciently offsetting its net change to vehicle miles traveled with impact
52 mitigation efforts, as outlined in subdivision four of section ten-h of
53 the highway law. The board of trustees or other officers of a village
54 when delegated to them by such board may request any resources and tech-
55 anical assistance necessary from the commissioner of transportation to
56 complete the vehicle miles traveled assessment.

1 § 6. This act shall take effect on the ninetieth day after it shall
2 have become a law; provided that sections two, three, four, and five of
3 this act shall take effect on the first of January two years after it
4 shall have become a law.