

# STATE OF NEW YORK

9139

2025-2026 Regular Sessions

## IN ASSEMBLY

October 17, 2025

Introduced by M. of A. KASSAY, SCHIAVONI, O'PHARROW, STERN, LAVINE,  
GRIFFIN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to enacting the  
"New York traffic reduction act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York traffic reduction act".

3 § 2. The vehicle and traffic law is amended by adding a new section  
4 224-b to read as follows:

5 § 224-b. Establishment of the New York clean pass program. 1. The  
6 commissioner of motor vehicles, in consultation with the commissioner of  
7 transportation, shall establish and administer a program to be known as  
8 the "New York clean pass program", authorizing eligible vehicles to  
9 operate in designated high-occupancy vehicle (HOV) lanes, notwithstand-  
10 ing vehicle occupancy.

11 2. Vehicles eligible for participation shall include those classified  
12 as low-emission, energy-efficient, plug-in hybrid electric, or battery  
13 electric vehicles, consistent with criteria established pursuant to 23  
14 U.S.C § 166 and regulations adopted thereafter. The commissioner may by  
15 regulation update eligibility criteria to reflect changes in federal  
16 law, advances in technology, or updated emissions standards.

17 3. The commissioner shall issue permits, decals, or other indicia for  
18 eligible vehicles, and may prescribe an application process and fee to  
19 cover administrative costs.

20 (a) The commissioner shall retain autonomy to establish, modify, and  
21 enforce program rules consistent with this section.

22 (b) Fees collected pursuant to this program shall be deposited in the  
23 dedicated highway and bridge trust fund.

24 4. (a) The commissioner of transportation, in consultation with the  
25 commissioner of motor vehicles, may designate state-maintained roadways

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

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1 or segments thereof where the clean pass program shall apply, including  
2 but not limited to the Long Island Expressway HOV lanes.

3 (b) The commissioner of transportation shall provide for appropriate  
4 signage and markings to give effect to such designations.

5 5. (a) The state police and any other authorized law enforcement offi-  
6 cers shall enforce compliance with this section and with regulations  
7 adopted thereunder.

8 (b) Unauthorized use of clean pass lanes shall be subject to fines and  
9 penalties as prescribed by the commissioner through regulation.

10 6. The commissioner of motor vehicles, in consultation with the  
11 commissioner of transportation, shall submit a biennial report to the  
12 governor and the legislature evaluating program participation, enforce-  
13 ment, environmental impacts, and recommendations for expansion or  
14 modification.

15 7. (a) For purposes of administering the clean pass program on any  
16 high-occupancy vehicle facility constructed, operated, or maintained  
17 with federal-aid highway funds, the department of transportation shall  
18 ensure compliance with the 23 U.S.C § 166.

19 (b) Minimum average operating speed shall have the meaning set forth  
20 in 23 U.S.C § 166 (d)(2)(A), and shall be forty-five miles per hour  
21 where the posted speed limit is fifty miles per hour or greater, and not  
22 more than ten miles per hour below the posted speed limit where the  
23 posted speed limit is less than fifty miles per hour.

24 (c) An HOV facility shall be considered degraded if vehicles operating  
25 on the facility fail to maintain the minimum average operating speed  
26 ninety percent of the time over a consecutive one hundred eighty day  
27 period during morning or evening weekday peak hours.

28 8. The department of transportation shall continuously monitor and  
29 assess the operating performance of each designated HOV facility on  
30 which clean pass access is authorized, including impacts to adjacent  
31 general purpose lanes; shall enforce lane rules; and shall publish at  
32 least annually a public report summarizing performance, compliance, and  
33 any corrective measures taken to maintain or restore compliance with  
34 subdivision seven of this section, consistent with 23 U.S.C § 166(d)(1).

35 9.(a) No later than one hundred eighty days after a facility is deter-  
36 mined to be degraded pursuant to subdivision seven of this section, the  
37 public authority with jurisdiction shall submit to the Federal Highway  
38 Administration a plan detailing actions it will take to restore compli-  
39 ance with the minimum average operating speed performance standard, as  
40 required by 23 U.S.C § 166(d)(1)(D).

41 (b) The restoration plan may include but not be limited to, increasing  
42 occupancy requirements; limiting or discontinuing clean pass access,  
43 including suspending new decals, capping the number of active decals, or  
44 imposing time-of-day restrictions; adjusting access rules by class of  
45 eligible vehicle; implementing operational improvements; and, where  
46 applicable on tolled or priced facilities, varying tolls to manage  
47 demand.

48 (c) Pending Federal Highway Administration approval of the restoration  
49 plan, the commissioner of transportation shall implement reasonable  
50 interim measures to improve operating performance, which may include  
51 temporary suspension of clean pass access of the affected facility or  
52 segment.

53 10. Nothing in this section shall be construed to authorize operation  
54 of the clean pass program on any facility in a manner inconsistent with  
55 23 U.S.C § 166 or other applicable federal law or regulation. If  
56 required by the Federal Highway Administration to maintain compliance or

1 eligibility for federal-aid highway funding, the commissioner of trans-  
2 portation, in consultation with the commissioner, shall modify, limit,  
3 or suspend clean pass access on the affected facility, and the commis-  
4 sioner of motor vehicles shall take corresponding administrative actions  
5 with respect to permits or decals.

6 § 3. Severability. If any clause, sentence, paragraph, subdivision,  
7 section or part of this act shall be adjudged by any court of competent  
8 jurisdiction to be invalid, such judgment shall not affect, impair, or  
9 invalidate the remainder thereof, but shall be confined in its operation  
10 to the clause, sentence, paragraph, subdivision, section or part thereof  
11 directly involved in the controversy in which such judgment shall have  
12 been rendered. It is hereby declared to be the intent of the legislature  
13 that this act would have been enacted even if such invalid provisions  
14 had not been included herein.

15 § 4. This act shall take effect on the thirtieth day after it shall  
16 have become a law; provided, however, that this act shall be deemed  
17 repealed if any federal agency determines in writing that this act would  
18 render New York state ineligible for the receipt of federal funds or any  
19 court of competent jurisdiction finally determines that this act would  
20 render New York state out of compliance with federal law or regulation;  
21 and provided further that the commissioner of transportation shall noti-  
22 fy the legislative bill drafting commission upon the occurrence of the  
23 provisions of this act in order that the commission may maintain an  
24 accurate and timely effective data base of the official text of the laws  
25 of the state of New York in furtherance of effectuating the provisions  
26 of section 44 of the legislative law and section 70-b of the public  
27 officers law. Effective immediately, the addition, amendment and/or  
28 repeal of any rule or regulation necessary for the implementation of  
29 this act on its effective date are authorized to be made and completed  
30 on or before such effective date.