STATE OF NEW YORK

3387

2025-2026 Regular Sessions

IN SENATE

January 27, 2025

Introduced by Sens. GOUNARDES, HOYLMAN-SIGAL, KRUEGER -- read twice and ordered printed, and when printed to be committed 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 Assembly, do enact as follows:

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

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

(b) Complete street design features are roadway design features that accommodate and facilitate convenient access and mobility by all users, including current and projected users, particularly pedestrians, bicyclists and individuals of all ages and abilities. These features may include, but need not be limited to: sidewalks, paved shoulders suitable for use by bicyclists, lane striping, bicycle lanes, share the road

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

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signage, crosswalks, road diets, pedestrian control signalization, bus pull outs, curb cuts, raised crosswalks and ramps and traffic calming measures; and recognize that the needs of users of the road network vary according to a rural, urban and suburban context. **A project which is solely focused on either pedestrians or bicyclists or public transportation users shall not be required to include design features for the other categories in its design.**

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

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

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

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

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

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

(i) Pavement preservation activities such as crack sealing, fog sealing, chip sealing, and rubber chip sealing;

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

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

(iv) Drainage only projects;

(v) Noise barrier only projects;

(vi) Guardrail only projects;

(vii) Lighting only projects;

(viii) Traffic signal equipment only projects;

(ix) Signing only projects;

(x) Landscape only projects;

(xi) Vertical construction projects; and

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

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

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

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