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 Assembly, do enact as follows:

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

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

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

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

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

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

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

4. (a) The commissioner of transportation, in consultation with the 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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or segments thereof where the clean pass program shall apply, including but not limited to the Long Island Expressway HOV lanes.

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

5. (a) The state police and any other authorized law enforcement officers shall enforce compliance with this section and with regulations adopted thereunder.

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

6. The commissioner of motor vehicles, in consultation with the commissioner of transportation, shall submit a biennial report to the governor and the legislature evaluating program participation, enforcement, environmental impacts, and recommendations for expansion or modification.

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

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

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

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

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

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

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

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

eligibility for federal-aid highway funding, the commissioner of transportation, in consultation with the commissioner, shall modify, limit, or suspend clean pass access on the affected facility, and the commissioner of motor vehicles shall take corresponding administrative actions with respect to permits or decals.

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

§ 4. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that this act shall be deemed repealed if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation; and provided further that the commissioner of transportation shall notify the legislative bill drafting commission upon the occurrence of the provisions of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers 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.