STATE OF NEW YORK

4044

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. GOUNARDES, CLEARE, GONZALEZ, HOYLMAN-SIGAL, JACKSON, KRUEGER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Vehicle miles traveled assessment working group. 1. There is hereby established a vehicle miles traveled assessment working group. The vehicle miles traveled assessment working group shall meet regularly and shall study the options and best practices available and make recommendations for implementing vehicle miles traveled assessments in a manner which aligns with the goal of reducing annual vehicle miles traveled within the state by 20% by 2050, developing strategies to coordinate impact mitigation measures with local authorities and a plan to assess, monitor, and approve a given project's impact mitigation actions. The working group shall aid the commissioner of transportation in establishing procedures to assist counties, towns, and villages seeking to comply with their vehicle miles traveled assessment requirements, as outlined in sections one hundred two and one hundred forty of the highway law and section 6-634 of the village law.

2. The working group shall include a representative from the department of transportation, the office of the governor, the department of environmental conservation, the department of state, the department of agriculture and markets, the office of general services, the empire state development corporation, the New York energy research and development authority, the port authority of New York and New Jersey, the metropolitan transportation authority, and the New York metropolitan transportation council. At least three of the working group members 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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whose work is relevant to projects and programs in alternative means of transportation infrastructure including but not limited to public transit expansion, public transit service improvements, pedestrian and cyclist transportation infrastructure expansion and improvements, and micro-mobility transportation infrastructure expansion and improvements.

3. The working group shall report its findings and recommendations to the commissioner of transportation, the governor, the temporary president of the senate and the speaker of the assembly no later than twelve months after the effective date of this section. Such report shall be made publicly available on the department of transportation's website.

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

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

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

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

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

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

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

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

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

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

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

(i) alternative means of transportation infrastructure, including but not limited to public transit expansion, public transit service improvements, pedestrian and cyclist transportation infrastructure expansion and improvements, and micro-mobility transportation infrastructure expansion and improvements;

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

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

(iv) changes to land use which reduce vehicle miles traveled, including but not limited to residential density increases, mixed-use development, and public transit oriented development; and

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

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

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

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

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

§ 3. Section 102 of the highway law is amended by adding a new subdivision 19 to read as follows:

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

§ 4. Section 140 of the highway law is amended by adding a new subdivision 20 to read as follows:

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

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

§ 6-634 Vehicle miles traveled assessment for village highway capacity improvement projects. The board of trustees or other officers of a village when delegated to them by such board shall conduct a vehicle miles traveled assessment, as defined by subdivision two of section ten-h of the highway law, prior to the approval of any construction, reconstruction, or maintenance of village highways that would be considered a highway capacity expansion project, as defined in subdivision two of section ten-h of the highway law. If a highway capacity expansion project does not result in a reduction of vehicle miles traveled which aligns with the goal of reducing annual vehicle miles traveled within the state by twenty percent by two thousand fifty, the project shall be altered to align with these targets by changing its design or sufficiently offsetting its net change to vehicle miles traveled with impact mitigation efforts, as outlined in subdivision four of section ten-h of the highway law. The board of trustees or other officers of a village when delegated to them by such board may request any resources and technical assistance necessary from the commissioner of transportation to complete the vehicle miles traveled assessment.

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