STATE OF NEW YORK

9593

IN SENATE

March 26, 2026

Introduced by Sen. SEPULVEDA -- 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 preventing an increase in vehicular lane capacity of highways within certain areas

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

Section 1. This act shall be known and may be cited as the "stop highway community harm act".

§ 2. The legislature finds that parts of the I-95 expressway, particularly the Cross Bronx Expressway, were borne out of a history of racist urban planning led by Robert Moses. The Cross Bronx Expressway is already one of the nation's most toxic, congested roadways, long associated with racial health disparities like childhood asthma and heart disease in surrounding communities. Its initial construction decimated Black and Brown neighborhoods along the corridor while adding significant highway runoff pollution to the Bronx River and Harlem River, and contributing to some of the highest rates of asthma and heart disease in the country. According to a department of transportation study, idling cars on the Cross Bronx Expressway that have polluted the borough for decades drive chronic health issues, including Asthma, among Bronx residents.

The legislature further finds that historic transportation planning decisions have disproportionately sited highways in and adjacent to public housing and other environmental justice communities, resulting in cumulative health and environmental harms. Preventing additional highway expansion in close proximity to such developments is necessary to reduce inequities, protect public health, and ensure that state actions do not perpetuate disproportionate impacts on vulnerable populations.

The legislature further finds that expansion of highway capacity in or near environmental justice communities, including public housing developments and areas with elevated asthma rates, has contributed to adverse public health, safety, and environmental outcomes. It is therefore the intent of the legislature to prohibit such expansions except in limited circumstances where a demonstrated and evidence-based safety need cannot

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

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be addressed through alternatives consistent with the state's complete streets policy.

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

§ 10-h. Limitations on highway capacity expansion in sensitive areas. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Environmental justice" shall have the same meaning as defined in section 48-0103 of the environmental conservation law.

(b) "Environmental justice community" shall be defined by the department of environmental conservation and shall include, but not be limited to, communities bearing disproportionate pollution and climate change burdens which may be due to the race, color, religion, national origin or income levels of the members of such community.

(c) "Public housing development" shall mean any housing operated by the state, a municipality, or a municipal housing authority established under the public housing law.

(d) "Increase in vehicular lane capacity" shall mean any project that increases the number of general purpose travel lanes or otherwise increases the ability of a roadway to carry additional motor vehicle traffic, including but not limited to:

(i) the addition of new travel lanes;

(ii) the conversion of shoulders, medians, or auxiliary lanes into travel lanes, whether temporary or permanent;

(iii) the widening or modifying of shoulders or travel lanes where such widening or modifying facilitates increased vehicle throughput, operating speeds, or future lane conversion; and

(iv) any design change demonstrated, through accepted transportation modeling or comparable project data, to increase vehicle miles traveled.

2. The commissioner shall not approve nor shall the state fund or undertake any projects involving a highway if such project includes the increase in vehicular lane capacity of such highway where an increase in vehicular lane capacity would occur within:

(a) two hundred feet of a public housing development;

(b) a zip code with a three-year average asthma emergency department incidence rate per ten thousand persons of greater than seventy according to the department of health; or

(c) an environmental justice community.

3. The commissioner may waive the provisions of subdivision two of this section for a project only after:

(a) not less than sixty days prior to making any determination, preparing and publicly publishing a safety and alternatives analysis which shall include, but not be limited to:

(i) a determination if the project is consistent with section three hundred thirty-one of this chapter and all federal highway safety requirements;

(ii) an analysis of not fewer than five years of crash data, including fatalities, serious injuries, and impacts to pedestrians, cyclists, and transit users;

(iii) an evaluation of all reasonable alternatives that do not increase vehicular lane capacity, including but not limited to roadway redesign, speed management, signal improvements, and transit enhancements;

(iv) an assessment of induced demand and impacts on vehicle miles traveled;

(v) an evaluation of the impacts on air quality and public health, including but not limited to asthma-related outcomes; and

(vi) an assessment of impacts on environmental justice communities.

(b) publicly publishing a report finding that:

(i) there is a specific and documented roadway safety hazard;

(ii) such hazard cannot be addressed through measures consistent with section three hundred thirty-one of this chapter; and

(iii) the project is necessary to achieve a measurable reduction in fatalities or serious injuries.

(c) providing for a public comment period of not less than forty-five days with at least one public hearing occurring in the affected area.

4. No waiver shall be issued or approved under subdivision three of this section where the project involves the widening or modification of highway shoulders, unless:

(a) such project is limited to providing emergency access, disabled vehicle refuge, or safety improvements for vulnerable users;

(b) such shoulder is not designated or operated as a general purpose travel lane at any time; and

(c) the department demonstrates that such project will not increase vehicle speeds, traffic volumes, or localized air pollution.

5. The department shall monitor safety outcomes for a period of not less than three years following completion of any project approved pursuant to subdivision three of this section and shall publish such findings publicly.

6. The commissioner shall apply a clear and convincing evidentiary standard when making determinations under this section.

§ 4. This act shall take effect immediately.