

# 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:

1 Section 1. This act shall be known and may be cited as the "stop high-  
2 way community harm act".

3 § 2. The legislature finds that parts of the I-95 expressway, partic-  
4 ularly the Cross Bronx Expressway, were borne out of a history of racist  
5 urban planning led by Robert Moses. The Cross Bronx Expressway is  
6 already one of the nation's most toxic, congested roadways, long associ-  
7 ated with racial health disparities like childhood asthma and heart  
8 disease in surrounding communities. Its initial construction decimated  
9 Black and Brown neighborhoods along the corridor while adding signif-  
10 icant highway runoff pollution to the Bronx River and Harlem River, and  
11 contributing to some of the highest rates of asthma and heart disease in  
12 the country. According to a department of transportation study, idling  
13 cars on the Cross Bronx Expressway that have polluted the borough for  
14 decades drive chronic health issues, including Asthma, among Bronx resi-  
15 dents.

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

23 The legislature further finds that expansion of highway capacity in or  
24 near environmental justice communities, including public housing devel-  
25 opments and areas with elevated asthma rates, has contributed to adverse  
26 public health, safety, and environmental outcomes. It is therefore the  
27 intent of the legislature to prohibit such expansions except in limited  
28 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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1 be addressed through alternatives consistent with the state's complete  
2 streets policy.

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

5 § 10-h. Limitations on highway capacity expansion in sensitive areas.

6 1. For the purposes of this section, the following terms shall have the  
7 following meanings:

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

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

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

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

22 (i) the addition of new travel lanes;

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

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

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

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

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

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

38 (c) an environmental justice community.

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

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

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

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

50 (iii) an evaluation of all reasonable alternatives that do not  
51 increase vehicular lane capacity, including but not limited to roadway  
52 redesign, speed management, signal improvements, and transit enhance-  
53 ments;

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

1 (v) an evaluation of the impacts on air quality and public health,  
2 including but not limited to asthma-related outcomes; and  
3 (vi) an assessment of impacts on environmental justice communities.  
4 (b) publicly publishing a report finding that:  
5 (i) there is a specific and documented roadway safety hazard;  
6 (ii) such hazard cannot be addressed through measures consistent with  
7 section three hundred thirty-one of this chapter; and  
8 (iii) the project is necessary to achieve a measurable reduction in  
9 fatalities or serious injuries.  
10 (c) providing for a public comment period of not less than forty-five  
11 days with at least one public hearing occurring in the affected area.

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

15 (a) such project is limited to providing emergency access, disabled  
16 vehicle refuge, or safety improvements for vulnerable users;  
17 (b) such shoulder is not designated or operated as a general purpose  
18 travel lane at any time; and  
19 (c) the department demonstrates that such project will not increase  
20 vehicle speeds, traffic volumes, or localized air pollution.

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

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

27 § 4. This act shall take effect immediately.