

LOCAL LAW NO. “T” FOR 2024

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 288 OF THE ALBANY COUNTY CODE, ESTABLISHING A MINIMUM PASSING DISTANCE FOR MOTOR VEHICLES

Introduced: 12/2/24

By Fein, Laurilliard, A. Joyce, Miller and Plotsky:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Article Creation.

Chapter 288, Article IV, **Minimum Passing Distance Requirements for Motor Vehicles**, is hereby created.

Section 2. §288-26, Title.

This local law shall be known as the “Albany County Safe Passing Law.”

Section 3. § 288-27, Legislative Intent.

The Albany County Legislature recognizes that bicyclists, pedestrians, and other vulnerable road users often need to share roadways with motor vehicles out of necessity.

The Legislature also acknowledges that in these situations, vulnerable road users are susceptible to the actions of motor vehicle operators who can pose a threat to their health and safety if passing too closely.

Therefore, this Legislature finds it necessary to establish a minimum passing distance for motor vehicles approaching or passing vulnerable road users.

Section 4. § 288-28, Vulnerable Road User.

“Vulnerable road user” means any pedestrian; person operating a wheelchair or other personal mobility device regardless of motorization; person operating a bicycle or other non-motorized mode of transportation such as roller skates, rollerblades, roller skis, skateboard, longboard, or unicycle; operator of roadway construction, repair, or maintenance equipment; utility worker; construction worker; roadside assistance worker; operator of agricultural equipment; person riding, driving, or herding an animal; law enforcement officer; firefighter; emergency medical technician; or first responder.

Section 5. § 288-29, Minimum Distance Requirements for Motor Vehicles.

The operator of a motor vehicle that is approaching or passing vulnerable road user shall do so at a distance of at least three feet until safely clear thereof. [The three-foot distance requirement shall not apply on roads with clearly-marked bicycle lanes as defined by New York Vehicle and Traffic Law § 102-a.]

If an operator of a motor vehicle does not have sufficient space to approach or pass a vulnerable road user at a distance of at least three feet, the driver must slow down and only approach or pass if it may be done safely and reasonably.

Section 6. § 288-30, Compliance with New York Vehicle and Traffic Law.

Nothing in this Local Law shall be deemed to authorize the passing or crossing left of center of a roadway in violation of New York Vehicle and Traffic Law, including but not limited to Vehicle and Traffic Law §§ 1122-a, 1124, 1125, 1126.

The three-foot distance requirement shall not apply on roads with clearly-marked usable bicycle lanes as defined by Vehicle and Traffic Law § 102-a.

[The operator of a motor vehicle that is approaching or passing a vulnerable road user shall not violate New York Vehicle and Traffic Law §§ 1122-a, 1124, 1125, 1126, or any other section pertaining to overtaking and passing.]

Section 7. § 288-31, Enforcement.

This Local Law may be enforced by the law enforcement entities in any municipality within Albany County, as well as the Albany County Sheriff.

Section [7] 8. § 288-3[1]2, Penalties.

1. Any person committing the above-referenced offense shall be guilty of a violation and subject to a fine not to exceed \$225 for a first offense, \$325 for a second offense and \$425 for any third or subsequent offense(s).
2. This section does not preclude a person from being charged with, convicted of, or punished for any other violation of law.

Section [8] 9. § 288-3[2]3, Applicability.

This law shall apply to all actions occurring on or after the effective date.

Section [9] 10 § 288-3[3]4, Severability.

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section [10] 11. SEQRA Compliance.

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section [11] 12. Effective Date.

This local law shall take effect immediately following its filing with the Office of the Secretary of State.