



## Legislation Text

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### Res. No. 464

Resolution calling upon the United States Congress to pass, and the President to sign, legislation allowing states and localities to grant disabled veterans access to high-occupancy vehicle lanes without risking the loss of federal highway funds.

By Council Members Gentile, Eugene, Johnson, Koo, Vallone, Barron and Ulrich

Whereas, The federal Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) authorizes the federal government to provide states and certain local governments with funding to construct and improve their highways; and

Whereas, In order to qualify for and receive federal highway funds, a state or locality must comply with applicable federal laws; and

Whereas, Federal law requires state and local governments with jurisdiction over the operation of a high-occupancy vehicle (HOV) facility to establish the occupancy requirements of vehicles operating on the facility; and

Whereas, The law allows for exceptions for motorcycles, mass transit vehicles, low emission vehicles, and those paying a toll, but there is nothing provided to allow for further exemptions; and

Whereas, Federal regulations concerning highway aid provide that if the federal government determines there has been a violation of, or failure to comply with, laws or regulations related to a highway project, it “may withhold payment to the State of Federal funds on account of such project, withhold approval of further projects in the State, and take such other action that [it] deems appropriate under the circumstances”; and

Whereas, In 2009, the California State Legislature considered a proposal that would have allowed veterans and active duty military personnel to use HOV lanes regardless of occupancy levels, but determined

that such a law would put California out of compliance with federal law and would almost certainly result in the loss of federal transportation funding; and

Whereas, States and localities should be able to honor individuals such as disabled veterans who fought and sacrificed so dearly on behalf of our nation by affording them access to HOV lanes so that they would be able to travel more easily, including travel needed to access medical care made necessary by their service and sacrifice; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, legislation allowing states and localities to grant disabled veterans access to high-occupancy vehicle lanes without risking the loss of federal highway funds.

LS# 3175  
11/5/2014  
JM