

4505

2013-2014 Regular Sessions

I N S E N A T E

April 5, 2013

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to requiring the commissioner of transportation to inspect and maintain barrier walls

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The transportation law is amended by adding a new section
2 14-n to read as follows:
3 S 14-N. BARRIER WALLS; INSPECTION AND MAINTENANCE. 1. WHEN USED IN
4 THIS SECTION, UNLESS OTHERWISE EXPRESSLY STATED, OR UNLESS THE CONTEXT
5 OR SUBJECT MATTER OTHERWISE REQUIRES, THE TERM "BARRIER WALL" SHALL MEAN
6 AN EXTERIOR, NON-POROUS STRUCTURE, ERECTED FOR THE PURPOSE OF NOISE
7 REDUCTION ALONG ROADWAYS AND/OR THE PREVENTION OF ROADWAY FLOODING.
8 2. AT REGULAR INTERVALS, AT LEAST TWICE ANNUALLY, THE COMMISSIONER OR
9 HIS OR HER DESIGNEE, SHALL INSPECT ALL BARRIER WALLS ERECTED BY THE
10 DEPARTMENT PURSUANT TO THIS CHAPTER. SUCH INSPECTION SHALL INCLUDE, AT A
11 MINIMUM, AN ANALYTICAL EVALUATION OF THE IMPACT OF SIGNIFICANT FLOODING
12 TO SURROUNDING RESIDENTIAL AND COMMERCIAL AREAS.
13 3. AFTER SUCH INSPECTION, THE COMMISSIONER SHALL TAKE ALL NECESSARY
14 MEASURES TO MITIGATE THE IMPACT OF SIGNIFICANT FLOODING TO SURROUNDING
15 RESIDENTIAL AND COMMERCIAL AREAS AND SHALL CAUSE ALL NECESSARY REPAIRS
16 TO BE MADE TO SUCH BARRIER WALLS TO AVOID FURTHER DAMAGE.
17 S 2. This act shall take effect on the ninetieth day after it shall
18 have become a law, provided, however, that the commissioner of transpor-
19 tation is authorized and directed to promulgate any rules and regu-
20 lations necessary to implement the provisions of this act on or before
21 such effective date.

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

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