S T A T E   O F   N E W   Y O R K
_____

4505--A

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 -- commit-
  tee discharged, bill amended, ordered reprinted as amended and recom-
  mitted to said committee

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

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

 1   Section 1. Section 70 of the transportation law is amended by adding a
 2 new subdivision 4 to read as follows:
 3   4. (A) WHEN USED IN THIS SUBDIVISION, UNLESS OTHERWISE EXPRESSLY STAT-
 4 ED, OR UNLESS THE CONTEXT OR SUBJECT MATTER OTHERWISE REQUIRES, THE TERM
 5 "BARRIER WALL" SHALL MEAN AN EXTERIOR, NON-POROUS STRUCTURE, ERECTED OR
 6 OWNED BY THE STATE, ADJACENT TO A SPECIAL PARKWAY WHICH WAS BUILT FOR
 7 THE PURPOSE OF NOISE REDUCTION AND/OR THE PREVENTION OF FLOODING.
 8   (B) AT REGULAR INTERVALS, BUT NOT LESS THAN TWICE ANNUALLY, THE
 9 COMMISSIONER OR HIS OR HER DESIGNEE, SHALL INSPECT ALL BARRIER WALLS.
10 SUCH INSPECTION SHALL INCLUDE, AT A MINIMUM, AN EVALUATION OF THE IMPACT
11 OF THE BARRIER WALL ON FLOODING IN RESIDENTIAL OR COMMERCIAL AREAS ADJA-
12 CENT TO SUCH BARRIER WALL.
13   (C) AFTER SUCH INSPECTION, THE COMMISSIONER SHALL TAKE ALL NECESSARY
14 MEASURES TO MITIGATE THE IMPACT OF THE BARRIER WALL ON FLOODING TO ADJA-
15 CENT RESIDENTIAL OR COMMERCIAL AREAS AND SHALL CAUSE ALL NECESSARY
16 REPAIRS TO BE MADE TO SUCH BARRIER WALLS TO MITIGATE SUCH FLOODING
17 ATTRIBUTABLE IN WHOLE OR IN PART TO SUCH BARRIER WALL.
18   S 2. This act shall take effect on the ninetieth day after it shall
19 have become a law, provided, however, that the commissioner of transpor-
20 tation is authorized and directed to promulgate any rules and regu-
21 lations necessary to implement the provisions of this act on or before
22 such effective date.

         EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                          [ ] is old law to be omitted.
                                                        LBD10063-04-3