

# STATE OF NEW YORK

8659

## IN ASSEMBLY

January 10, 2022

Introduced by M. of A. OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the metropolitan commuter transportation authority establishing and implementing a land management policy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1266 of the public authorities law is amended by  
2 adding a new subdivision 20 to read as follows:

3 20. Notwithstanding any other provisions of law or the terms of any  
4 contract, the authority, in consultation with the Long Island Rail Road  
5 and the Metro-North Commuter Railroad Company, shall establish and  
6 implement a responsible land management policy for the purpose of remov-  
7 ing, trimming or cutting back any tree, shrub or other vegetation to  
8 preserve the safety and efficiency of commuter rail operations.

9 (a) Such policy shall, at a minimum:

10 (i) promote the growth and conservation of native biodiversity and  
11 protect native ecosystems against losses that result from clear-cutting;

12 (ii) prohibit clear-cutting unless otherwise required by law, regu-  
13 lation or order, the terms of any contract, to prevent the imminent  
14 threat of harm to persons or property, or to prevent or mitigate the  
15 harm or damage caused by damaged or diseased trees, shrubs, or other  
16 vegetation;

17 (iii) require adequate communication of any clear-cutting or vege-  
18 tation management activity to impacted stakeholders in the communities  
19 affected by such activities, including but not limited to forty-five  
20 days' written notice prior to the commencement of such activities to (1)  
21 the community board or elected representatives representing all munici-  
22 palities encompassing land subject to such activities, (2) county and  
23 state elected representatives representing districts encompassing land  
24 subject to such activities or contiguous to a district that contains  
25 areas affected by such activities, (3) the executive of the county in  
26 which such activity occurs, and (4) any neighborhood association or

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

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1 similar organization representing a neighborhood subject to such activ-  
2 ities or adjacent to such activities;

3 (iv) include adequate consultation with impacted stakeholders, includ-  
4 ing but not limited to the community board or elected representatives  
5 representing all municipalities encompassing land subject to clear-cut-  
6 ting or other vegetation management activities and any neighborhood  
7 association or similar organization representing a neighborhood subject  
8 to such activities or adjacent to such activities, of land management  
9 actions taken to promote the growth and conservation of native biodiver-  
10 sity undertaken pursuant to the policy, including but not limited to  
11 additional tree, shrub, or vegetation planting, offsets, or mitigation  
12 actions; and

13 (v) require consideration of any impact on flooding as a result of any  
14 vegetation management activities taken pursuant to the policy.

15 (b) For the purposes of this subdivision the following terms shall  
16 have the following meanings:

17 (i) "Native biodiversity" shall mean the full range of variety and  
18 variability within and among living organisms and the ecological  
19 complexes in which they would have occurred in the absence of signif-  
20 icant human impact, and encompasses diversity within a species, within a  
21 community of species, and between communities of species, within a total  
22 area. This includes vertical and horizontal diversity.

23 (ii) "Clear-cutting" shall mean the removal of all trees or other  
24 vegetation in a patch or stand, or other broad scale removal of vege-  
25 tation.

26 § 2. This act shall take effect on the one hundred eightieth day after  
27 it shall have become a law. Effective immediately, the addition, amend-  
28 ment and/or repeal of any rule or regulation necessary for the implemen-  
29 tation of this act on its effective date are authorized to be made and  
30 completed on or before such effective date.