

# STATE OF NEW YORK

8659--A

## IN ASSEMBLY

January 10, 2022

Introduced by M. of A. OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the metropolitan commuter transportation authority establishing and implementing a land and vegetation 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 and vegetation management policy to outline  
7 policies and goals for the management of land under the control of such  
8 commuter rail companies. The purpose of such policy is to detail commu-  
9 ter rail management practices with respect to land use and vegetation  
10 management actions, and coordination and communication regarding such  
11 actions with local governments and neighborhoods near commuter rail  
12 properties in furtherance of the safety and efficiency of commuter rail  
13 operations. Such policy shall:

14 (a) include guidelines for communication with local governments and  
15 property owners near commuter rail properties or properties that would  
16 be affected by changes in land use and vegetation management;

17 (b) be consistent with safety and efficiency requirements of the  
18 commuter rail lines;

19 (c) provide guidance that such actions consider the impact on neigh-  
20 boring properties and communities and include a goal of minimizing nega-  
21 tive impacts where possible;

22 (d) provide that vegetation removal and management policies should  
23 consider the impact on neighboring properties consistent with the opera-  
24 tional responsibilities of the commuter rail lines;

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

LBD13140-03-2

1 (e) provide for meaningful prior written notice, when reasonably prac-  
2 ticable, of any significant vegetation management activity or other  
3 significant land or infrastructure modification to impacted stakeholders  
4 in the communities affected by such activities, including but not limit-  
5 ed to (1) the community board or elected representatives representing  
6 all municipalities encompassing land subject to such activities, (2)  
7 county and state elected representatives representing districts encom-  
8 passing land subject to such activities or contiguous to a district that  
9 contains areas affected by such activities, (3) the executive of the  
10 county in which such activity occurs, (4) any neighborhood association  
11 or similar organization representing a neighborhood subject to such  
12 activities or adjacent to such activities, and (5) persons residing or  
13 owning property adjacent to the sites of such activities; and

14 (f) require consideration of any impact on flooding as a result of any  
15 vegetation or land management activities taken pursuant to the policy.

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