

STATE OF NEW YORK

7427

2021-2022 Regular Sessions

IN SENATE

October 8, 2021

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

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

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

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1 areas affected by such activities, (3) the executive of the county in
2 which such activity occurs, and (4) any neighborhood association or
3 similar organization representing a neighborhood subject to such activ-
4 ities or adjacent to such activities;

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

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

17 (b) For the purposes of this subdivision the following terms shall
18 have the following meanings:

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

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

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