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I N   A S S E M B L Y

July 30, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gantt) --  
read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to easement  
exchanges

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. EASEMENT EXCHANGE. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY,  
4     THE COMMISSIONER SHALL HAVE POWER TO ALLOW PROPERTY OWNERS TO EXCHANGE  
5     EASEMENTS WITH ACCESS TO LOCAL ROADWAYS FOR EASEMENTS WITH ACCESS TO  
6     STATE HIGHWAYS, SUCH THAT THE POINT OF ACCESS TO STATE HIGHWAYS SHALL  
7     THEREAFTER BE OWNED BY A LOCAL GOVERNMENTAL ENTITY, AND BECOME A PUBLIC  
8     ROAD.  
9     2. THE FOLLOWING PROCESS SHALL BE UTILIZED TO APPROVE SUCH EASEMENT  
10    EXCHANGES:  
11    (A) THE LOCAL GOVERNMENT ENTITY REQUESTING AN EASEMENT EXCHANGE SHALL  
12    CONDUCT A TRAFFIC STUDY ESTABLISHING A NEED FOR A NEW POINT OF ACCESS  
13    AND FORWARD THAT STUDY TO THE COMMISSIONER;  
14    (B) THE LOCAL GOVERNMENT ENTITY REQUESTING AN EASEMENT EXCHANGE SHALL  
15    PREPARE A LAND USE PLAN THAT ESTABLISHES THE NEED FOR A NEW POINT OF  
16    ACCESS, PREPARE AND VOTE IN FAVOR OF A RESOLUTION SUPPORTING THE LAND  
17    USE PLAN, AND FORWARD BOTH DOCUMENTS TO THE COMMISSIONER; AND  
18    (C) THE COMMISSIONER SHALL REVIEW ALL REQUIRED MATERIALS AND RENDER A  
19    JUDGMENT WITHIN SIXTY DAYS.  
20    S 2. This act shall take effect immediately.

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

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