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

4362

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

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

AN ACT to amend the public authorities law, in relation to requiring the Metro-North Commuter Railroad Company to erect fences along electric third rails

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

Section 1. The public authorities law is amended by adding a new section 1266-i to read as follows:

S 1266-I. FENCES ALONG ELECTRIC THIRD RAILS. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, WHERE THE METRO-NORTH COMMUTER RAILROAD COMPANY OPERATES A RAILROAD DERIVING ITS MOTIVE POWER IN WHOLE OR IN PART FROM AN ELECTRIFIED THIRD RAIL, IT SHALL ERECT AND THEREAFTER MAINTAIN A FENCE OR FENCES BETWEEN THE THIRD RAIL AND PROPERTY ADJOINING ITS RIGHT OF WAY WHEREVER THE ELECTRIFIED THIRD RAIL IS AT GROUND LEVEL. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO FENCE SHALL BE REQUIRED WHERE THERE IS ANOTHER TYPE OF EFFECTIVE ARTIFICIAL OR NATURAL BARRIER TO ACCESS TO THE THIRD RAIL OR WHERE SUCH FENCE WOULD UNREASONABLY INTERFERE WITH ACCESS TO TRAINS AT STATIONS OR TO GRADE CROSSINGS.

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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