

6100

2009-2010 Regular Sessions

I N S E N A T E

July 27, 2009

Introduced by Sen. C. JOHNSON -- 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 regulating
the erection or maintenance of advertising devices in the metropolitan
commuter transportation district

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

- 1 Section 1. The public authorities law is amended by adding a new
2 section 1266-j to read as follows:
3 S 1266-J. RESTRICTION AND REGULATION OF ADVERTISING DEVICES. 1.
4 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE ERECTION OR MAINTENANCE OF ANY ADVERTISING DEVICE LOCATED UPON ANY AUTHORITY FACILITIES
5 WITHOUT A WRITTEN PERMIT THEREFOR GRANTED BY THE AUTHORITY PURSUANT TO
6 THIS SECTION IS PROHIBITED.
7
8 2. THE TERM "ADVERTISING DEVICE" AS USED IN THIS SECTION SHALL INCLUDE
9 ANY BILLBOARD, SIGN, NOTICE, POSTER, DISPLAY OR OTHER DEVICE INTENDED TO
10 ATTRACT OR WHICH DOES ATTRACT THE ATTENTION OF OPERATORS OF MOTOR VEHICLES, AND SHALL, WHERE SO DETERMINED BY THE AUTHORITY, INCLUDE A STRUCTURE
11 ERECTED OR USED IN CONNECTION WITH THE DISPLAY OF ANY SUCH DEVICE
12 AND ALL LIGHTING OR OTHER ATTACHMENTS USED IN CONJUNCTION THEREWITH.
13
14 3. THE AUTHORITY SHALL WITHIN TWO HUNDRED SEVENTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION ADOPT STANDARDS AND REGULATIONS GOVERNING THE
15 ISSUANCE OF PERMITS OR RENEWALS THEREOF FOR THE ERECTION AND MAINTENANCE
16 OF ADVERTISING DEVICES. SUCH REGULATIONS SHALL BE DESIGNED TO EFFECTUATE
17 THE GENERAL PURPOSES OF THIS ARTICLE AND THE SPECIFIC OBJECTIVES AND
18 STANDARDS HEREINAFTER SET FORTH:
19
20 (A) TO PROVIDE FOR MAXIMUM VISIBILITY ALONG THE METROPOLITAN COMMUTER
21 TRANSPORTATION DISTRICT AND CONNECTING ROADS OR HIGHWAYS;
22 (B) TO PREVENT UNREASONABLE DISTRACTION OF OPERATORS OF MOTOR VEHICLES;
23

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

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1 (C) TO PREVENT CONFUSION WITH REGARD TO TRAFFIC LIGHTS, SIGNS OR
2 SIGNALS OR OTHERWISE INTERFERE WITH THE EFFECTIVENESS OF TRAFFIC REGU-
3 LATIONS;

4 (D) TO PRESERVE AND ENHANCE THE NATURAL SCENIC BEAUTY OR THE AESTHETIC
5 FEATURES OF THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AND ADJA-
6 CENT AREAS;

7 (E) TO PROMOTE MAXIMUM SAFETY, COMFORT AND WELL-BEING OF THE USERS OF
8 THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT SERVICES.

9 4. TO EFFECTUATE THE PURPOSES OF THIS SECTION, THE AUTHORITY MAY LIMIT
10 THE APPLICATION OF ANY REGULATION ADOPTED HEREUNDER TO EXCLUDE OR
11 INCLUDE, IN WHOLE OR IN PART:

12 (A) SPECIFIED AREAS OF THE METROPOLITAN COMMUTER TRANSPORTATION
13 DISTRICT BASED UPON USE, POPULATION DENSITY, NATURE OF THE SURROUNDING
14 COMMUNITY, SPECIAL CONDITIONS PREVAILING THEREIN, OR SUCH OTHER FACTORS
15 AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR REGULATION
16 NECESSARY, PROPER OR DESIRABLE;

17 (B) PARTICULAR TYPES OR CLASSES OF ADVERTISING DEVICES BASED UPON
18 SIZE, DESIGN, LIGHTING OR SUCH OTHER FACTORS AS MAY MAKE DIFFERENTIATION
19 OR SEPARATE CLASSIFICATION OR REGULATION NECESSARY, PROPER OR DESIRABLE;

20 (C) THE ERECTION OR MAINTENANCE OF ADVERTISING DEVICES IN PARTICULAR
21 SECTIONS OR PORTIONS OF THE METROPOLITAN COMMUTER TRANSPORTATION
22 DISTRICT.

23 5. APPLICATION FOR PERMITS OR RENEWALS THEREOF SHALL BE ON FORMS
24 PRESCRIBED BY THE AUTHORITY AND SHALL CONTAIN SUCH INFORMATION AS THE
25 AUTHORITY MAY REQUIRE. THE AUTHORITY MAY BY REGULATION ADOPT, MODIFY,
26 AMEND OR REPEAL PERMIT APPLICATION FEES, ANNUAL PERMIT FEES AND PERMIT
27 RENEWAL FEES, PROVIDED, HOWEVER, THAT SUCH FEES SHALL NOT EXCEED THE
28 ADVERTISING DEVICE FEES ESTABLISHED BY REGULATION BY THE COMMISSIONER OF
29 TRANSPORTATION. EACH PERMIT SHALL BE VALID FOR A PERIOD TO BE ESTAB-
30 LISHED BY THE AUTHORITY AND MAY BE RENEWED FROM TIME TO TIME FOR SUCH
31 PERIODS, AS ESTABLISHED BY THE AUTHORITY, WITHIN THIRTY DAYS OF THE
32 EXPIRATION DATE THEREOF UPON PAYMENT TO THE AUTHORITY OF THE RENEWAL
33 FEE.

34 6. THE PERMIT OR RENEWAL THEREOF SHALL BE REVOCABLE AT ANY TIME ON
35 THIRTY DAYS NOTICE TO THE PERMITTEE IN THE EVENT OF A VIOLATION OF THE
36 REQUIREMENTS OF THIS SECTION OR ANY REGULATION LAWFULLY ADOPTED HERE-
37 UNDER. ANY ADVERTISING DEVICE ERECTED OR MAINTAINED AFTER SEPTEMBER
38 FIRST, TWO THOUSAND TEN IN VIOLATION OF THIS SECTION OR ANY REGULATION
39 ADOPTED HEREUNDER IS HEREBY DECLARED TO BE, AND IS, A PUBLIC NUISANCE
40 AND SUCH DEVICE MAY WITHOUT NOTICE BE ABATED AND REMOVED BY ANY OFFICER
41 OR EMPLOYEE OF THE AUTHORITY, OR UPON REQUEST OF THE AUTHORITY, BY ANY
42 PEACE OFFICER ACTING PURSUANT TO HIS SPECIAL DUTIES, OR POLICE OFFICER.

43 7. THE AUTHORITY BY REGULATION MAY EXCLUDE FROM THE COVERAGE OF THIS
44 SECTION ADVERTISING DEVICES WHICH IT FINDS DO NOT INTERFERE WITH SAFETY
45 ON THE THRUWAY SYSTEM OR HIGHWAY OR CONTRAVENE ANY OF THE OTHER STAND-
46 ARDS SET FORTH IN THIS SECTION, INCLUDING BUT NOT LIMITED TO:

47 (A) ADVERTISING DEVICES WHICH ARE TO BE ERECTED OR MAINTAINED ON PROP-
48 ERTY FOR THE PURPOSE OF SETTING FORTH OR INDICATING

49 (1) THE NAME AND ADDRESS OF THE OWNER, LESSEE OR OCCUPANT OF SUCH
50 PROPERTY, OR

51 (2) THE NAME OR TYPE OF BUSINESS OR PROFESSION CONDUCTED ON SUCH PROP-
52 ERTY, OR

53 (3) INFORMATION REQUIRED OR AUTHORIZED BY LAW TO BE POSTED OR
54 DISPLAYED THEREON.

55 (B) ADVERTISING DEVICES WHICH ARE NOT VISIBLE FROM ANY TRAVELED
56 PORTION OF THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT.

1 (C) ADVERTISING DEVICES INDICATING THE SALE OR LEASING OF THE PROPERTY
2 UPON WHICH THEY ARE PLACED.

3 (D) DIRECTIONAL OR OTHER OFFICIAL SIGNS AND SIGNALS ERECTED OR MAIN-
4 TAINED BY THE STATE OR OTHER PUBLIC AGENCY HAVING JURISDICTION.

5 8. NOTHING IN THIS SECTION SHALL APPLY WITH RESPECT TO ANY PROPERTY
6 WHICH IS OWNED OR LEASED BY THE STATE OF NEW YORK OR ANY AGENCY THEREOF
7 OR WITH RESPECT TO WHICH THE STATE OF NEW YORK OR ANY AGENCY THEREOF HAS
8 OR SHALL HAVE A VALID EASEMENT OR COVENANT WITH THE OWNER THEREOF
9 CONCERNING THE RESTRICTION, REMOVAL OR PROHIBITION OF ADVERTISING
10 DEVICES.

11 9. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE OR AFFECT
12 THE PROVISIONS OF ANY MUNICIPAL ORDINANCE, REGULATION OR RESOLUTION
13 WHICH ARE MORE RESTRICTIVE CONCERNING ADVERTISING DEVICES THAN THE
14 PROVISIONS OF THIS SECTION OR OF THE REGULATIONS ADOPTED HEREUNDER.

15 S 2. This act shall take effect immediately.