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

1082

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to designation of highways and public lands for travel by ATVs

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

Section 1. Subdivision 1 of section 2405 of the vehicle and traffic law, as added by chapter 402 of the laws of 1986, is amended to read as follows:

1. Highways. Except with respect to interstate highways or controlled access highways, [the department of transportation with respect to] A GOVERNMENTAL AGENCY OR MUNICIPALITY MAY DESIGNATE A state [highways] HIGHWAY, maintained by the state [and any other governmental agency with respect to highways], OR A HIGHWAY MAINTAINED BY A GOVERNMENTAL AGENCY, including bridge and culvert crossings, under its jurisdiction [may designate and] AS OPEN FOR TRAVEL BY ATVS IN ORDER TO GAIN ACCESS TO AREAS OR TRAILS ADJACENT TO SUCH HIGHWAYS AND THE DEPARTMENT OF TRANSPORTATION SHALL post any such public highway or portion thereof as open for travel by ATVs when in the determination of the governmental agency concerned, it is [otherwise impossible] for ATVs to gain access to areas or trails adjacent to the highway. Such designations by a state agency shall be by rule or regulation, and such designations by any municipality other than a state agency shall be by local law or ordinance.

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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