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

1101

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SAYWARD, DUPREY, BACALLES, FINCH, SCOZZAFAVA, ERRIGO, GIGLIO -- Multi-Sponsored by -- M. of A. CROUCH, TOWNSEND -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to access roads to state forest preserve lands or lands under the jurisdiction of the environmental conservation department

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

Section 1. Section 205-b of the highway law, as added by chapter 203 of the laws of 1976, the opening paragraph of subdivision 1 as amended by chapter 121 of the laws of 1985, is amended to read as follows:

S 205-b. Qualified abandonment of certain town highways. 1. Abandonment of town highways which are access roads to state forest preserve lands or lands now owned or hereafter acquired by the state and held under the jurisdiction of the department of environmental conservation shall be qualifiedly abandoned in the following manner and shall have the following effect:

a. upon written notice to the department of environmental conservation, the town shall follow the procedure provided for in subdivision two of section two hundred five of this [chapter] ARTICLE;

b. the resolution of abandonment shall provide that even though the responsibility of maintenance of the road by the town shall cease, there shall remain a public easement over such road in perpetuity;

c. the department of environmental conservation shall have the right to maintain such road if it so desires;

d. no one, including the owner of adjoining land, may fence any portion of such road, with or without gates;

e. the town, at any time, shall have the right to resume jurisdiction over such road for any purpose;

f. the title to such road shall remain with the town.

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

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2. [For the purposes of this section, access roads to state forest preserve lands or lands under the jurisdiction of the environmental conservation department shall mean roads which are the only practical means of ingress or egress to such state lands.

3.] In no event shall the provisions of this section be construed so as to require the maintenance or abandonment of roads within the state forest preserve lands or lands now owned or hereafter acquired by the state.

S 2. This act shall take effect immediately.