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

1187

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by 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:

Section 1. The transportation law is amended by adding a new section 14-n to read as follows:

S 14-N. EASEMENT EXCHANGE. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COMMISSIONER SHALL HAVE POWER TO ALLOW PROPERTY OWNERS TO EXCHANGE EASEMENTS WITH ACCESS TO LOCAL ROADWAYS FOR EASEMENTS WITH ACCESS TO STATE HIGHWAYS, SUCH THAT THE POINT OF ACCESS TO STATE HIGHWAYS SHALL THEREAFTER BE OWNED BY A LOCAL GOVERNMENTAL ENTITY, AND BECOME A PUBLIC ROAD.

2. THE FOLLOWING PROCESS SHALL BE UTILIZED TO APPROVE SUCH EASEMENT EXCHANGES:

(A) THE LOCAL GOVERNMENT ENTITY REQUESTING AN EASEMENT EXCHANGE SHALL CONDUCT A TRAFFIC STUDY ESTABLISHING A NEED FOR A NEW POINT OF ACCESS AND FORWARD THAT STUDY TO THE COMMISSIONER;

(B) THE LOCAL GOVERNMENT ENTITY REQUESTING AN EASEMENT EXCHANGE SHALL PREPARE A LAND USE PLAN THAT ESTABLISHES THE NEED FOR A NEW POINT OF ACCESS, PREPARE AND VOTE IN FAVOR OF A RESOLUTION SUPPORTING THE LAND USE PLAN, AND FORWARD BOTH DOCUMENTS TO THE COMMISSIONER; AND

(C) THE COMMISSIONER SHALL REVIEW ALL REQUIRED MATERIALS AND RENDER A JUDGMENT WITHIN SIXTY DAYS.

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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