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

S. 1451 A. 1404

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 7, 2011

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

AN ACT to amend the public authorities law, in relation to granting the power of site plan review to towns and villages over railroad facilities of the metropolitan transportation authority

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

Section 1. Legislative findings. The legislature hereby finds that pursuant to title 11 of article 5 of the public authorities law, the metropolitan transportation authority operates railroad facilities within the state of New York, including stations, terminals, platforms and other buildings, structures, and improvements. Historically, the legislature has exempted the metropolitan transportation authority from the local laws, ordinances, resolutions, and rules and regulations of political subdivisions, including but not limited to zoning and land use regulations.

The legislature hereby finds that it is necessary and desirable to now subject the metropolitan transportation authority to limited municipal authority with regard to site plan review of railroad facilities. Specifically, railroad facilities established by the metropolitan transportation authority, including stations, terminals, platforms, and other buildings, structures, and improvements are located in communities throughout the metropolitan transportation authority service area. Many of these railroad facilities are centrally located in these communities and are an integral part of the character and history of these communities.

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

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Any changes to such railroad facilities could have significant adverse impacts for the quality of life, aesthetics, environment, and character of the communities where they are located. The metropolitan transportation authority does not possess the expertise on local land use issues to adequately protect these important aesthetic and land use concerns. Local government is best equipped to ensure that railroad facilities are properly integrated into the community where they are to be located. It is the purpose of this legislation to give towns and villages site plan review over such facilities.

S 2. Section 1264 of the public authorities law is amended by adding a new subdivision 3 to read as follows:

3. NOTHING PROVIDED IN THIS SECTION RELATING TO THE PURPOSES OF THE AUTHORITY SHALL BE DEEMED AS LIMITING THE JURISDICTION OF TOWNS AND VILLAGES TO EXERCISE THE POWER OF SITE PLAN REVIEW OVER RAILROAD FACILITIES.

S 3. Section 1266 of the public authorities law is amended by adding a new subdivision 19 to read as follows:

19. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS EIGHT AND ELEVEN OF THIS SECTION, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, TOWNS, PURSUANT TO SECTION TWO HUNDRED SEVENTY-FOUR-A OF THE TOWN LAW, AND VILLAGES, PURSUANT TO SECTION 7-725-A OF THE VILLAGE LAW, SHALL HAVE THE POWER TO EXERCISE SITE PLAN REVIEW OVER THE RAILROAD FACILITIES OF THE AUTHORITY. THE LOCAL LAW OR ZONING ORDINANCE ESTABLISHING SITE PLAN REVIEW SHALL SPECIFY THAT RAILROAD FACILITIES, AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-ONE OF THIS TITLE, ARE SUBJECT TO SITE PLAN REVIEW. WHERE A TOWN OR VILLAGE HAS ESTABLISHED SUCH JURISDICTION, NO RAILROAD FACILITY SHALL BE CONSTRUCTED, MODIFIED, ALTERED, ADDED TO, OR OTHERWISE CHANGED, WITHOUT FIRST RECEIVING SITE PLAN APPROVAL FROM THE APPROPRIATE TOWN OR VILLAGE.

S 4. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 5. This act shall take effect immediately.