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

6148

I N  S E N A T E

January 6, 2012

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

AN ACT to amend the highway law and the administrative code of the city of New York, in relation to the control of snow and ice on roads and highways

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

Section 1. Short title. This act shall be known and may be cited as "Laura's Law".

S 2. Subdivision 2 of section 12 of the highway law, as amended by section 3 of part B of chapter 494 of the laws of 2009, is amended to read as follows:

2. The maintenance of state highways shall include the control of snow and ice on such highways or any parts thereof, as the commissioner may deem to be necessary to provide reasonable passage and movement of vehicles over such highways. THE COMMISSIONER SHALL REQUIRE THAT SNOW PILES, SNOW DRIFTS AND/OR SNOW BANKS AT INTERSECTIONS ON STATE HIGHWAYS THAT RESULT FROM THE CONTROL OF SNOW AND ICE ON SUCH HIGHWAYS SHALL REMAIN BELOW THREE FEET IN HEIGHT. The commissioner is authorized also to erect snow fences at suitable locations. The work of such control of snow and ice may be done by any municipality which for the purposes of this section shall include only a county, city, town or village. The governing board or body of any such municipality and the commissioner are hereby authorized to enter into an agreement for the performance of the work of such control of snow and ice upon such terms, rules and regulations as may be deemed by the commissioner to be for the best interest of the public. Such agreement may provide for periodic payments based upon a percentage of the estimated total cost. Any agreement authorized by this subdivision shall be for a term of up to five years and at the expiration of the year preceding the last year of the term specified in the agreement, as such term may be extended as herein provided, the municipality shall notify the commissioner either (a) that it requests, with the approval of the commissioner, that the term of the agreement be extended for a specified term of up to five years or (b) it intends not

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

LBD13299-01-1

to extend the agreement and such agreement shall expire at the end of the term. If the municipality fails to notify the commissioner as herein provided, it shall be deemed that the municipality intends not to extend the agreement. Such agreement may be terminated during the specified term provided the municipality shall notify the commissioner eighteen months prior to such termination. If any such agreement expires, a new agreement between the commissioner and a municipality may be entered into for a term of up to five years, with extended term or terms upon notification as above provided. Whenever the commissioner shall deem the work of control of snow and ice by any municipality to be inadequate or unsatisfactory according to the terms of any such agreement, he or she may, by official order to be filed in the department, and by filing a certified copy thereof in the office of the department of state, cancel said agreement, and the payments thereunder provided by the state shall cease; whereupon the commissioner may carry out the work of control of snow and ice. The official order provided in this subdivision shall become effective at the expiration of five days after the commissioner shall mail a certified copy thereof to the clerk or other official who performs related duties in such municipality. The governing board or body of any such municipality is authorized to appropriate such sum as it deems necessary to enable such municipality to perform the terms of such agreement. The work of such control of snow and ice may be done by any of the methods provided in subdivision one of this section for the work of maintenance and repair, or by a combination of such methods. Any county is hereby authorized to enter into a contract with another municipality located within the same county for the performance of the work of such control of snow and ice as a subcontractor under any agreement with the commissioner as such agreement is hereinbefore provided. Moneys received by a county under the terms of any agreement authorized by this subdivision shall be credited to the fund from which moneys were appropriated to enable the county to perform the terms of such agreement. Moneys so received by a town shall be credited to the highway fund. Moneys so received by a city or village shall be credited to the general fund.

S 3. Section 135-a of the highway law is amended by adding a new closing paragraph to read as follows:

ANY COUNTY OR ITS SUPERINTENDENT OF HIGHWAYS ENTERING INTO A CONTRACT FOR SNOW AND ICE REMOVAL PURSUANT TO THIS SECTION, SHALL REQUIRE THAT SNOW PILES, SNOW DRIFTS AND/OR SNOW BANKS AT INTERSECTIONS ON COUNTY ROADS THAT RESULT FROM THE CONTROL OF SNOW AND ICE ON SUCH ROADS SHALL REMAIN BELOW THREE FEET IN HEIGHT.

S 4. Section 140 of the highway law is amended by adding a new subdivision 2-a to read as follows:

2-A. REQUIRE THAT SNOW PILES, SNOW DRIFTS AND/OR SNOW BANKS AT INTERSECTIONS ON TOWN HIGHWAYS THAT RESULT FROM THE CONTROL OF SNOW AND ICE ON SUCH HIGHWAYS SHALL REMAIN BELOW THREE FEET IN HEIGHT.

S 5. Subdivision 1 of section 142-c of the highway law, as amended by chapter 561 of the laws of 1962, is amended to read as follows:

(1) remove snow and ice from streets and sidewalks in any village or portion thereof within the town, INCLUDING, BUT NOT LIMITED TO REQUIRING THAT SNOW PILES, SNOW DRIFTS AND/OR SNOW BANKS AT INTERSECTIONS WITHIN ANY VILLAGE THAT RESULT FROM THE CONTROL OF SNOW AND ICE IN SUCH VILLAGE SHALL REMAIN BELOW THREE FEET IN HEIGHT.

S 6. Section 16-124 of the administrative code of the city of New York is amended to read as follows:

S 16-124 Removal of snow and ice from the streets. The commissioner, immediately after every snowfall or the formation of ice on the streets, shall forthwith cause the removal of the same, and shall keep all streets clean and free from obstruction, INCLUDING, BUT NOT LIMITED TO KEEPING ALL SNOW PILES, SNOW DRIFTS AND/OR SNOW BANKS AT INTERSECTIONS THAT RESULT FROM THE REMOVAL OF SNOW AND ICE ON THE STREETS BELOW THREE FEET IN HEIGHT.

S 7. This act shall take effect immediately.