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

3579

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

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

AN ACT to amend the canal law, in relation to the general powers and duties of the canal corporation

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

Section 1. Subdivision 16 of section 10 of the canal law, as amended by chapter 335 of the laws of 2001, is amended and three new subdivisions 3-a, 9-b and 9-c are added to read as follows:

3-A. CAUSE THE DESIGN, PREPARATION OF PLANS, ESTIMATES AND SPECIFICATIONS AND THE SUPERVISION OF THE ERECTION, CONSTRUCTION, REPAIR AND REMOVAL OF ALL STRUCTURES HERETOFORE REFERRED TO BE PERFORMED BY A LICENSED PROFESSIONAL ENGINEER.

9-B. OPERATE THE CANAL SYSTEM IN SUCH A MANNER WHICH MITIGATES FLOODING ALONG THE SYSTEM TO PROTECT TO THE EXTENT POSSIBLE LIFE AND PROPERTY ON AND ALONG THE CANAL SYSTEM WHEN EXPECTED AND ACTUAL CONDITIONS WARRANT.

9-C. CAUSE A FLOOD RESPONSE PLAN TO BE CREATED TO RESPOND TO EXPECTED AND ACTUAL FLOODING IN THE CANAL SYSTEM.

(1) THE FLOOD RESPONSE PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) A PLAN OF ACTION FOR COMMUNICATION WITH MARINERS, COUNTY EMERGENCY MANAGERS AND APPROPRIATE OFFICIALS, AND THE STATE EMERGENCY MANAGEMENT OFFICE;

(II) INTERNAL COMMAND AND REPORTING COORDINATION;

(III) CANAL INFRASTRUCTURE OPERATION, TO INCLUDE PREEMPTIVE MEASURES; AND

(IV) OTHER ELEMENTS AS DETERMINED BY THE CORPORATION AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

(2) SUCH PLAN SHALL BE PREPARED IN CONSULTATION WITH THE STATE EMERGENCY MANAGEMENT OFFICE AND EMERGENCY MANAGERS FROM COUNTIES ADJACENT OR

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

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INTERSECTED BY THE CANAL SYSTEM AND THE COMPLETED PLAN MUST BE FILED WITH THE OFFICES THEREOF.

(3) THE CORPORATION SHALL SUBMIT A COPY OF SUCH PLAN TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, AND ANNUALLY UPDATE AND SUBMIT SUCH PLAN THEREAFTER.

16. Cause to be removed from canal lands AND WATERS any encroachments which in its judgment are detrimental, INCLUDING THE REMOVAL OF DEBRIS.

S 2. This act shall take effect immediately.