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

4505--A

2013-2014 Regular Sessions

I N S E N A T E

April 5, 2013

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the transportation law, in relation to requiring the commissioner of transportation to inspect and maintain barrier walls on special parkways

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

Section 1. Section 70 of the transportation law is amended by adding a new subdivision 4 to read as follows:

4. (A) WHEN USED IN THIS SUBDIVISION, UNLESS OTHERWISE EXPRESSLY STATED, OR UNLESS THE CONTEXT OR SUBJECT MATTER OTHERWISE REQUIRES, THE TERM "BARRIER WALL" SHALL MEAN AN EXTERIOR, NON-POROUS STRUCTURE, ERECTED OR OWNED BY THE STATE, ADJACENT TO A SPECIAL PARKWAY WHICH WAS BUILT FOR THE PURPOSE OF NOISE REDUCTION AND/OR THE PREVENTION OF FLOODING.

(B) AT REGULAR INTERVALS, BUT NOT LESS THAN TWICE ANNUALLY, THE COMMISSIONER OR HIS OR HER DESIGNEE, SHALL INSPECT ALL BARRIER WALLS. SUCH INSPECTION SHALL INCLUDE, AT A MINIMUM, AN EVALUATION OF THE IMPACT OF THE BARRIER WALL ON FLOODING IN RESIDENTIAL OR COMMERCIAL AREAS ADJACENT TO SUCH BARRIER WALL.

(C) AFTER SUCH INSPECTION, THE COMMISSIONER SHALL TAKE ALL NECESSARY MEASURES TO MITIGATE THE IMPACT OF THE BARRIER WALL ON FLOODING TO ADJACENT RESIDENTIAL OR COMMERCIAL AREAS AND SHALL CAUSE ALL NECESSARY REPAIRS TO BE MADE TO SUCH BARRIER WALLS TO MITIGATE SUCH FLOODING ATTRIBUTABLE IN WHOLE OR IN PART TO SUCH BARRIER WALL.

S 2. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that the commissioner of transportation is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this act on or before such effective date.

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

LBD10063-04-3