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

7897

2013-2014 Regular Sessions

I N A S S E M B L Y

June 7, 2013

Introduced by M. of A. PERRY -- read once and referred to the Committee on Transportation

AN ACT to amend the railroad law, in relation to the promulgation of standards for private railroad crossings in an inter city passenger service corridor and in a commuter rail service corridor

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

Section 1. Subdivision 4 of section 97 of the railroad law, as added by chapter 515 of the laws of 1994, is amended to read as follows:

4. The commissioner shall prepare and promulgate standards and specifications for the design and protection of private rail crossings in an intercity rail passenger service corridor and [is authorized to] SHALL, ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND FOURTEEN, adopt and promulgate such rules and regulations DEEMED NECESSARY to [accomplish this as shall be deemed necessary] IMPLEMENT THE PROVISIONS OF THIS SECTION. EXCEPT AS OTHERWISE PROVIDED BY LAW, SAID RULES AND REGULATIONS SHALL: (A) INCLUDE GUIDELINES FOR THE ALLOCATION OF RESPONSIBILITY FOR THE COSTS ASSOCIATED WITH THE ESTABLISHMENT OF ANY NEW PRIVATE CROSSINGS PURSUANT TO SUBDIVISION TWO OF THIS SECTION OR THE CLOSING OR IMPROVEMENT OF EXISTING PRIVATE CROSSINGS PURSUANT TO SUBDIVISION THREE OF THIS SECTION; (B) RECOGNIZE THAT THE PRIVATE INTERESTS SEEKING OR USING A CROSSING SHALL BE GENERALLY RESPONSIBLE FOR SUCH COSTS, AS WELL AS FOR ALL COSTS ASSOCIATED WITH THE INSPECTION AND MAINTENANCE OF SUCH IMPROVEMENTS; AND (C) REQUIRE THAT THE ARRANGEMENT BETWEEN THE RAILROAD AND THE OWNERS OR OCCUPANTS OF THE ADJOINING PROPERTIES SHALL BE FORMALIZED IN AN AGREEMENT.

S 2. Subdivision 4 of section 97-a of the railroad law, as added by chapter 230 of the laws of 2002, is amended to read as follows:

4. The commissioner shall prepare and promulgate standards and specifications for the design and protection of private rail crossings in a commuter rail service corridor and, in consultation with the metropol-

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

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itan transportation authority, [is authorized to] SHALL, ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND FOURTEEN adopt and promulgate such rules and regulations [as may be] DEEMED necessary to implement the provisions of this section. Except as otherwise provided by law, said rules and regulations shall include guidelines for the allocation of responsibility for the costs associated with establishment of any new private crossings pursuant to subdivision two of this section or the closing or improvement of existing private crossings pursuant to subdivision three of this section and shall recognize that the private interests seeking or using a crossing shall be generally responsible for such costs as well as all costs associated with the inspection and maintenance of such improvements; and, that the arrangement between the railroad and the owners or occupants of the adjoining properties shall be formalized in an agreement.

S 3. This act shall take effect immediately.