

5136

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

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

AN ACT to amend the highway law, in relation to requiring the New York state department of transportation to maintain drainage systems that serve the state highway facility

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

1 Section 1. The fourth undesignated paragraph of section 46 of the  
2 highway law, as amended by chapter 628 of the laws of 1970, is amended  
3 to read as follows:  
4 For all the purposes of this section, the jurisdiction of the commis-  
5 sioner of transportation shall extend over the entire property affected  
6 by the provisions hereof during the period of construction, recon-  
7 struction or improvement, as such jurisdiction has been obtained or may  
8 hereafter be obtained pursuant to the provisions of this chapter. After  
9 the completion and acceptance of the work of constructing, reconstruct-  
10 ing or improving of a state highway passing through a village, the state  
11 shall maintain and have jurisdiction over the pavement area of such  
12 highway and may assume maintenance responsibility and have jurisdiction  
13 over such other highway right of way areas as the commissioner of trans-  
14 portation shall determine, by official order, are necessary for the  
15 maintenance and protection of such highway facility. No additional  
16 points of access to, or exit from, such highway facility shall be made  
17 without prior written approval by the commissioner of transportation.  
18 Any sidewalks, sewers, [,] water mains, curbs, paved gutters, conduits,  
19 facilities and appurtenances that are provided pursuant to this section,  
20 shall be maintained or shall be continued to be maintained, as the case  
21 may be, by the village in which they are located, or by the agency or  
22 other unit owning or having control and jurisdiction thereof except the  
23 state shall maintain any drainage ditches and storm sewer facilities  
24 which are constructed primarily to service the state highway  
25 facility[.], OR MAY INCIDENTALY SERVE THE STATE HIGHWAY FACILITY,  
26 REGARDLESS OF THE DATE OF THE SYSTEM'S CONSTRUCTION.  
27 S 2. This act shall take effect immediately.

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