STATE OF NEW YORK

1431

2017-2018 Regular Sessions

IN SENATE

January 9, 2017

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed 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:

Section 1. The fourth undesignated paragraph of section 46 of the highway law, as amended by chapter 628 of the laws of 1970, is amended to read as follows:

For all the purposes of this section, the jurisdiction of the commissioner of transportation shall extend over the entire property affected by the provisions hereof during the period of construction, reconstruction or improvement, as such jurisdiction has been obtained or may hereafter be obtained pursuant to the provisions of this chapter. After the completion and acceptance of the work of constructing, reconstructing or improving of a state highway passing through a village, the state shall maintain and have jurisdiction over the pavement area of such highway and may assume maintenance responsibility and have jurisdiction over such other highway right of way areas as the commissioner of transportation shall determine, by official order, are necessary for the maintenance and protection of such highway facility. No additional points of access to, or exit from, such highway facility shall be made without prior written approval by the commissioner of transportation. Any sidewalks, sewers,[~~,~~] water mains, curbs, paved gutters, conduits, facilities and appurtenances that are provided pursuant to this section, shall be maintained or shall be continued to be maintained, as the case may be, by the village in which they are located, or by the agency or other unit owning or having control and jurisdiction thereof except the state shall maintain any drainage ditches and storm sewer facilities which are constructed primarily to service the state highway facility[~~,~~]**, or may incidentally serve the state highway facility, regardless of the date of the system's construction.**

§ 2. This act shall take effect immediately.

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

LBD02443-01-7