

# STATE OF NEW YORK

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7427--B

Cal. No. 1274

2021-2022 Regular Sessions

## IN SENATE

October 8, 2021

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Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public authorities law, in relation to the metropolitan commuter transportation authority establishing and implementing a vegetation management policy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1266 of the public authorities law is amended by  
2 adding a new subdivision 20 to read as follows:

3 20. Notwithstanding any other provisions of law or the terms of any  
4 contract, the authority, in consultation with the Long Island Rail Road  
5 and the Metro-North Commuter Railroad Company, shall establish and  
6 implement a policy for responsible management of vegetation and other  
7 activities that impact neighboring properties to outline policies and  
8 goals for the management of vegetation and other activities that impact  
9 neighboring properties under the control of such commuter rail compa-  
10 nies. The purpose of such policy is to detail commuter rail management  
11 practices with respect to vegetation management actions and other  
12 actions that impact neighboring properties, and coordination and commu-  
13 nication regarding such actions with local governments and neighborhoods  
14 near commuter rail properties in furtherance of the safety and efficien-  
15 cy of commuter rail operations. Such policy shall:

16 (a) be consistent with existing regulations promulgated by the Federal  
17 Railroad Administration or any other federal laws, rules or regulations

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

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1 governing vegetation management or other activities that impact neigh-  
2 boring properties by a commuter rail company;

3 (b) include guidelines for communication with local governments and  
4 property owners neighboring commuter rail properties that would be  
5 impacted by vegetation management actions and other actions that impact  
6 neighboring property;

7 (c) be consistent with safety and efficiency requirements of the  
8 commuter rail lines;

9 (d) provide guidance that such actions consider the impact on neigh-  
10 boring properties and communities and include a goal of minimizing nega-  
11 tive impacts where possible;

12 (e) provide that vegetation removal and management policies should  
13 consider the impact on neighboring properties consistent with the opera-  
14 tional responsibilities of the commuter rail lines;

15 (f) provide for meaningful prior written notice, when reasonably prac-  
16 ticable, of any significant vegetation management activity or other  
17 significant activities that impact neighboring properties to impacted  
18 stakeholders in the communities affected by such activities, including  
19 but not limited to (1) the community board or elected representatives  
20 representing all municipalities encompassing land subject to such activ-  
21 ities, (2) county and state elected representatives representing  
22 districts encompassing land subject to such activities or contiguous to  
23 a district that contains areas affected by such activities, (3) the  
24 executive of the county in which such activity occurs, (4) any neighbor-  
25 hood association or similar organization representing a neighborhood  
26 subject to such activities or adjacent to such activities, and (5)  
27 persons residing or owning property adjacent to the sites of such activ-  
28 ities; and

29 (g) require consideration of any impact on flooding to neighboring  
30 properties as a result of any vegetation management or other activities  
31 that impact neighboring properties taken pursuant to the policy.

32 § 2. This act shall take effect on the one hundred eightieth day after  
33 it shall have become a law. Effective immediately, the addition, amend-  
34 ment and/or repeal of any rule or regulation necessary for the implemen-  
35 tation of this act on its effective date are authorized to be made and  
36 completed on or before such effective date.