

STATE OF NEW YORK

9432

IN SENATE

May 27, 2022

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

20 (b) include guidelines for communication with local governments and
21 property owners neighboring commuter rail properties that would be
22 impacted by vegetation management actions and other actions that impact
23 neighboring property;

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

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

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

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

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

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

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