STATE OF NEW YORK

5230

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions

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:

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

20. Notwithstanding any other provisions of law or the terms of any contract, the authority, in consultation with the Long Island Rail Road and the Metro-North Commuter Railroad Company, shall establish and implement a policy for responsible management of vegetation and other activities that impact neighboring properties to outline policies and goals for the management of vegetation and other activities that impact neighboring properties under the control of such commuter rail companies. The purpose of such policy is to detail commuter rail management practices with respect to vegetation management actions and other actions that impact neighboring properties, and coordination and communication regarding such actions with local governments and neighborhoods near commuter rail properties in furtherance of the safety and efficiency of commuter rail operations. Such policy shall:

(a) be consistent with existing regulations promulgated by the Federal Railroad Administration or any other federal laws, rules or regulations governing vegetation management or other activities that impact neighboring properties by a commuter rail company;

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

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

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

(d) provide guidance that such actions consider the impact on neighboring properties and communities and include a goal of minimizing negative impacts where possible;

(e) provide that vegetation removal and management policies should consider the impact on neighboring properties consistent with the operational responsibilities of the commuter rail lines;

(f) provide for meaningful prior written notice, when reasonably practicable, of any significant vegetation management activity or other significant activities that impact neighboring properties to impacted stakeholders in the communities affected by such activities, including but not limited to (1) the community board or elected representatives representing all municipalities encompassing land subject to such activities, (2) county and state elected representatives representing districts encompassing land subject to such activities or contiguous to a district that contains areas affected by such activities, (3) the executive of the county in which such activity occurs, (4) any neighborhood association or similar organization representing a neighborhood subject to such activities or adjacent to such activities, and (5) persons residing or owning property adjacent to the sites of such activities; and

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.