

# 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:

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;

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

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

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

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

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

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

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