

# STATE OF NEW YORK

8301--B

2023-2024 Regular Sessions

## IN ASSEMBLY

November 27, 2023

Introduced by M. of A. FAHY, LUNSFORD, LUCAS, SHIMSKY, McDONALD, SLATER, SIMON, KELLES, TAPIA, SANTABARBARA, BORES, DeSTEFANO -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- recommitted to the Committee on Tourism, Parks, Arts and Sports Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the parks, recreation and historic preservation law, in relation to directing the office of parks, recreation and historic preservation to promulgate uniform design standards and manage applications for greenway trails

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

1 Section 1. Subdivision 7-a of section 3.09 of the parks, recreation  
2 and historic preservation law, as added by chapter 999 of the laws of  
3 1973, is amended to read as follows:  
4 7-a. (a) Promulgate a comprehensive plan for the establishment of a  
5 state-wide trails system. For the purposes of this subdivision "trails"  
6 shall include footpaths, bike ways, snowmobile trails, horse trails,  
7 cross country ski trails, roads and other rights-of-way suitable for  
8 hiking, strolling, cycling, horseback riding, skiing and other means of  
9 motorized and non-motorized travel for recreational purposes and shall  
10 include combinations and systems of trails, including connecting and  
11 side trails, and trails leading to scenic and recreational areas. The  
12 commissioner, with the approval of the director of the budget, may,  
13 within the appropriations made available by the legislature, purchase  
14 such abandoned railroad rights-of-way as can be used in the comprehen-

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

LBD13555-05-4

1 sive plan, and make improvements where necessary, in order to make them  
2 suitable and available for use as trails.

3 (b) Promulgate rules and regulations establishing design standards for  
4 greenway trails. Such design standards shall identify best practices  
5 for, including but not limited to, trail design specifications, road  
6 crossing treatments, and bicycle and pedestrian facilities. Such design  
7 standards shall be used to the greatest extent possible to guide design  
8 for any multiple use bicycle and pedestrian facilities, rail trails,  
9 canalway trails, or other greenway trails, as shall be determined by the  
10 office, which is established or improved on state land or using state or  
11 federal funding.

12 (c) Be empowered to deny new greenway trail applications under the  
13 jurisdiction of the office, for failing to conform with the standards  
14 established under paragraph (a) of this subdivision and state the  
15 reasons for such denial to be enumerated with a written justification  
16 which shall be posted publicly online.

17 (d) Be empowered to deny applications for the expansion or modifica-  
18 tion of greenway trails under the jurisdiction of the office, for fail-  
19 ing to conform with the standards established under paragraph (a) of  
20 this subdivision and state the reasons for such denial to be enumerated  
21 with a written justification which shall be posted publicly online.

22 (e) Be empowered to determine that, for any new trail established  
23 under the jurisdiction of the office or for any expansion or modifica-  
24 tion of existing trails under the jurisdiction of the office, conformity  
25 to the standards established under this section is inappropriate, for  
26 reasons which shall be enumerated in a written justification to be post-  
27 ed publicly online.

28 (f) Design standards issued under paragraph (b) of this subdivision or  
29 any approval or denial of applications under paragraphs (c) through (e)  
30 of this subdivision shall not have the effect of requiring any addi-  
31 tional uses or disallowing any existing uses on any greenway trail.

32 § 2. Section 1.03 of the parks, recreation and historic preservation  
33 law is amended by adding a new subdivision 19 to read as follows:

34 19. "Greenway trail" shall mean a shared-use path, including but not  
35 limited to any trail located on former railroad rights-of-way, along  
36 utility corridors, or along former canal towpaths, that is separated  
37 from roadways and vehicle traffic, and includes a minimum tread width of  
38 six feet, a relatively flat, graded surface and/or improved tread, and  
39 which can be used for non-motorized transportation and recreation.

40 § 3. This act shall take effect on the one hundred eightieth day  
41 after it shall have become a law.