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:

Section 1. Subdivision 7-a of section 3.09 of the parks, recreation and historic preservation law, as added by chapter 999 of the laws of 1973, is amended to read as follows:

7-a. **(a)** Promulgate a comprehensive plan for the establishment of a state-wide trails system. For the purposes of this subdivision "trails" shall include footpaths, bike ways, snowmobile trails, horse trails, cross country ski trails, roads and other rights-of-way suitable for hiking, strolling, cycling, horseback riding, skiing and other means of motorized and non-motorized travel for recreational purposes and shall include combinations and systems of trails, including connecting and side trails, and trails leading to scenic and recreational areas. The commissioner, with the approval of the director of the budget, may, within the appropriations made available by the legislature, purchase 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.

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

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

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

(d) Be empowered to deny applications for the expansion or modification of greenway trails under the jurisdiction of the office, for failing to conform with the standards established under paragraph (a) of this subdivision and state the reasons for such denial to be enumerated with a written justification which shall be posted publicly online.

(e) Be empowered to determine that, for any new trail established under the jurisdiction of the office or for any expansion or modification of existing trails under the jurisdiction of the office, conformity to the standards established under this section is inappropriate, for reasons which shall be enumerated in a written justification to be posted publicly online.

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

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

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

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