STATE OF NEW YORK

5560

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

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

AN ACT to amend the transportation law, in relation to requiring the submission of environmental impact statements by entities proposing construction of a new building development within one mile of a transit facility

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

Section 1. Section 14 of the transportation law is amended by adding a new subdivision 37 to read as follows:

37. (a) To promulgate, in consultation with the department of environmental conservation, rules and regulations requiring any entity proposing construction of a new building development within one mile of any transit facility to submit an environmental impact statement to the department. Such environmental impact statement shall conform with the requirements of article eight of the environmental conservation law and shall contain a thorough investigation of the underground environmental impact, including but not limited to, current and potential contribution to soil toxicity, the effects of the exploitation of geo-energy resources (such as the fracking and transmission of shale gas), geothermal energy generation, and the sequestration of carbon dioxide.

(b) For purposes of this subdivision, the following terms shall have the following meanings:

(i) "Building development" shall mean the proposed construction of a road or structure.

(ii) "Transit facility" shall mean a rapid transit railroad, omnibus line or any other facility or any railroad used for service in the transportation of passengers as common carriers for hire or in the transportation of the United States mail or personal property, and any portion thereof and the rights, leaseholds or other interests therein, together with the devices and appurtenances, facilities and equipment

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

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thereof and power plants and other instrumentalities used or useful therefor or in connection therewith. Transit facility shall include airports, bus terminals, ferry terminals and any other structure designed to effectuate or coordinate the use and accessibility of mass transportation in the state, including facilities under the authority of the metropolitan transit authority, the New York city transit authority and the port authority of New York and New Jersey.

§ 2. This act shall take effect immediately.