

STATE OF NEW YORK

8301--A

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. FAHY, LUNSFORD, LUCAS, SHIMSKY, McDONALD, SLATER, SIMON -- 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

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

17 (b) Promulgate rules and regulations establishing design standards for
18 greenway trails. Such design standards shall identify best practices

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

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1 for, including but not limited to, trail design specifications, road
2 crossing treatments, and bicycle and pedestrian facilities. Such design
3 standards shall be used to the greatest extent possible to guide design
4 for any multiple use bicycle and pedestrian facilities, rail trails,
5 canalway trails, or other greenway trails, as shall be determined by the
6 office, which is established or improved on state land or using state or
7 federal funding.

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

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

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

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

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

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