

# STATE OF NEW YORK

7806--B

2023-2024 Regular Sessions

## IN SENATE

December 13, 2023

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 (f) Design standards issued under paragraph (b) of this subdivision or  
25 any approval or denial of applications under paragraphs (c) through (e)  
26 of this subdivision shall not have the effect of requiring any addi-  
27 tional uses or disallowing any existing uses on any greenway trail.

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

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

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