

2019 Memorandum in Opposition

Bill: S2910 by Senator Griffo, and A3724 by Assembly member Gunther

Title: An act to amend the highway law and the vehicle and traffic law, in relation to the maintenance, improvement and repair of certain town highways.

The Adirondack Mountain Club (ADK) Opposes this Legislation.

This bill is highly likely to encourage reduced maintenance on roads that are now very important for public access to State Public Lands. This bill amends New York State Highway Law, Article 8, by adding a new section 205-c, which creates a series of definitions and a process of designating, by resolution or by law, town roads as low volume roads and minimum maintenance roads and enacts provisions relating to the maintenance, improvement and repair of such roads.

Impact on Hunting, Fishing and Recreation: ADK opposes this bill because it is highly likely to impede access to Department of Environmental Conservation (DEC) trailheads for hikers, hunters, fisherman, mountain bikers, and other recreationists. The bill proposes to legislate a definition of minimum maintenance and low volume roads that, in effect, applies only to *recreational roads*. The bill would authorize towns to pass local ordinances enabling them to lower the level of road maintenance leading to state trailheads. The state currently pays taxes to local municipalities for road maintenance service to Forest Preserve lands, state forests, and other state public lands served by low volume roads. Whereas, agricultural operations and private citizens are provided protection in this legislation from maintenance plans that would impede access to their property, state land access is targeted for reduced maintenance.

This bill creates a great risk of excluding the public from enjoying New York's publicly owned Forest Preserve lands in the Adirondacks and Catskills, and across the state. If roads to trailheads become impassable or dangerous for a traditional passenger sedans to travel, the public will functionally lose access to state owned lands. These roads will then only be attractive for use by all-terrain vehicles and off road vehicles. Not everyone owns a high clearance 4 wheel drive truck or jeep. Although the DEC could decide to pick up the costs of maintaining these roads at a higher standard, this is very unlikely due to the complete lack of funds at DEC for this purpose.

Because the state pays taxes on Forest Preserve lands and on many other of the state public lands across the state, we all contribute to the maintenance of town roads and highways. These roads are necessary for use by the public to access public lands on which the state pays taxes, not just property owners abutting the road. This bill does not, in its current form, address the interests of all state residents whose state tax dollars provide a major portion of the highway budgets of towns with substantial Forest Preserve or other DEC managed lands.

The Adirondack Mountain Club (ADK) Opposes this Legislation.