S T A T E O F N E W Y O R K

10503

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the use of wood in subway and railroad tracks

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1209 of the public authorities law is amended by adding a new subdivision 11-a to read as follows:

11-A. (A) AS OF JULY FIRST, TWO THOUSAND ELEVEN THE AUTHORITY SHALL CEASE PROCUREMENT AND USE OF TROPICAL HARDWOODS FOR BOTH NEW AND REPLACEMENT SUBWAY AND RAILROAD TRACK TIES.

(B) ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, THE AUTHORITY SHALL PURCHASE AND USE PLASTIC COMPOSITES, MADE FROM NON-WOOD MATERIALS, FOR BOTH NEW AND REPLACEMENT SUBWAY AND RAILROAD TRACK TIES.

(C) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, THE AUTHORITY MAY PURCHASE AND USE WOOD MATERIALS FOR BOTH NEW AND REPLACEMENT SUBWAY AND RAILROAD TRACK TIES IF THERE ARE NO AFFORDABLE COMPOSITE PRODUCTS AVAILABLE, SUBJECT TO THE PROHIBITIONS OF PARAGRAPH (A) OF THIS SUBDIVISION.

(D) FOR PURPOSES OF THIS SUBDIVISION:

(I) "AFFORDABLE" SHALL MEAN PURCHASABLE AT A PRICE OF NOT MORE THAN ONE HUNDRED THIRTY PERCENT OF THE PURCHASE PRICE OF NON-PLASTIC COMPOSITE SUBWAY AND RAILROAD TRACK TIES MADE FROM NON-WOOD MATERIALS.

(II) "TROPICAL HARDWOOD" SHALL MEAN ANY AND ALL HARDWOOD, SCIENTIFICALLY CLASSIFIED AS ANGIOSPERM, THAT GROWS IN ANY TROPICAL MOIST OLD GROWTH/PRIMARY FOREST BETWEEN THE TROPICS OF CANCER AND CAPRICORN.

S 2. Section 1265-a of the public authorities law is amended by adding a new subdivision 6-a to read as follows:

6-A. (A) AS OF JULY FIRST, TWO THOUSAND ELEVEN, THE AUTHORITY SHALL CEASE PROCUREMENT AND USE OF TROPICAL HARDWOODS FOR BOTH NEW AND REPLACEMENT SUBWAY AND RAILROAD TRACK TIES.

(B) ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, THE AUTHORITY SHALL PURCHASE AND USE PLASTIC COMPOSITES, MADE FROM NON-WOOD MATERIALS, FOR BOTH NEW AND REPLACEMENT SUBWAY AND RAILROAD TRACK TIES.

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

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(C) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, THE AUTHORITY MAY PURCHASE AND USE WOOD MATERIALS FOR BOTH NEW AND REPLACEMENT SUBWAY AND RAILROAD TRACK TIES IF THERE ARE NO AFFORDABLE COMPOSITE PRODUCTS AVAILABLE, SUBJECT TO THE PROHIBITIONS OF PARAGRAPH (A) OF THIS SUBDIVISION.

(D) FOR PURPOSES OF THIS SUBDIVISION:

(I) "AFFORDABLE" SHALL MEAN PURCHASABLE AT A PRICE OF NOT MORE THAN ONE HUNDRED THIRTY PERCENT OF THE PURCHASE PRICE OF NON-PLASTIC COMPOSITE SUBWAY AND RAILROAD TRACK TIES MADE FROM NON-WOOD MATERIALS.

(II) "TROPICAL HARDWOOD" SHALL MEAN ANY AND ALL HARDWOOD, SCIENTIFICALLY CLASSIFIED AS ANGIOSPERM, THAT GROWS IN ANY TROPICAL MOIST OLD GROWTH/PRIMARY FOREST BETWEEN THE TROPICS OF CANCER AND CAPRICORN.

S 3. This act shall take effect immediately.