

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

4400

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. ESPAILLAT, AUBRY, V. LOPEZ, WRIGHT -- Multi-Sponsored by -- M. of A. COLTON, JOHN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT in relation to directing the Port Authority of New York and New Jersey to conduct a cumulative impact analysis of all airborne environmental hazards from automobile, truck and airplane traffic and emissions therefrom resulting from the operation of all bridges, tunnels and airports operated by the Port Authority of New York and New Jersey

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

1 Section 1. (a) Cumulative impact analysis. The Port Authority of New
2 York and New Jersey shall perform a cumulative impact analysis to deter-
3 mine the current level of environmental hazards concentrated in the
4 vicinity of its bridges, tunnels and airport facilities, including the
5 impacts associated with multiple overlapping projects and cross media
6 pollutants. This cumulative environmental impact analysis shall be
7 conducted and coordinated with established procedures, accepted by the
8 department of environmental conservation.
9 (b) The cumulative impact analysis authorized by this section shall
10 include, but not be limited to, the identification of: (i) automobile,
11 truck and airplane traffic and emissions and all hazardous waste and
12 industrial waste as defined in sections 27-0901 and 17-0105 of the envi-
13 ronmental conservation law; (ii) regulated air contaminants and air
14 contamination sources as defined in section 19-0107 of such law; and
15 (iii) toxic pollutants as defined in section 17-0105 of such law. Such
16 study shall also include an analysis of the environment on current resi-
17 dents and their activities; the extent of decay and blight imposed on
18 the surrounding community and the extent to which the operation of the
19 Port Authorities bridges, tunnels and airport facilities and uncon-

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

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1 trolled sites pose a threat to both public health and overall community
2 development.

3 (c) Until such time as the department of environmental conservation
4 shall determine the health effects connected with the existence of such
5 hazards, the Port Authority shall provide for the creation of air quality
6 monitoring and programmatic remediation in the form of respiratory
7 health care assistance to persons living in the community contiguous a
8 Port Authority facility.

9 (d) For the purposes of this act, the following terms shall have the
10 following meanings: (i) A "Port Authority bridge, tunnel and airport
11 facility" means a facility that is owned, operated, or utilized by, or
12 under contract with, a municipality or political subdivision and which
13 is utilized by the Port Authority of New York and New Jersey.

14 (ii) "Cumulative impact analysis" means the study of impact on the
15 environment which results from the incremental impact of an action when
16 added to other past, present, and proposed future actions, regardless of
17 the agency or person that undertakes such other actions.

18 S 2. This act shall take effect upon the enactment into law by the
19 state of New Jersey of legislation having an identical effect with
20 section one of this act; but if the state of New Jersey shall have
21 already enacted such legislation, then this act shall take effect imme-
22 diately and provide that the state of New Jersey shall notify the legis-
23 lative bill drafting commission upon the occurrence of the enactment of
24 the provisions provided for in section one of this act in order that the
25 commission may maintain an accurate and timely effective data base of
26 the official text of the laws of the state of New York in furtherance of
27 effecting the provisions of section 44 of the legislative law and
28 section 70-b of the public officers law.