

7291

2009-2010 Regular Sessions

I N A S S E M B L Y

March 27, 2009

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

AN ACT to amend the public authorities law, in relation to authorizing the metropolitan transportation authority to prohibit idling railroads in the counties of Nassau and Suffolk

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

- 1 Section 1. The public authorities law is amended by adding a new
2 section 1264-a to read as follows:
3 S 1264-A. ADDITIONAL PURPOSES OF THE AUTHORITY; IDLING RAILROAD
4 ENGINES IN NASSAU AND SUFFOLK COUNTY. 1. FOR THE PURPOSES OF THIS
5 SECTION, THE TERM "RAILROAD" SHALL MEAN A PRIVATE OR PUBLIC RAILROAD
6 OPERATING IN THE COUNTIES OF NASSAU AND SUFFOLK CARRYING EITHER FREIGHT,
7 PASSENGERS OR FREIGHT AND PASSENGERS INCLUDING, BUT NOT LIMITED TO,
8 THOSE OPERATED BY THE AUTHORITY AND ITS SUBSIDIARIES, THE LONG ISLAND
9 RAIL ROAD, THE METRO-NORTH RAILROAD, THE STATEN ISLAND RAPID TRANSIT
10 OPERATING AUTHORITY, THE NEW YORK CITY TRANSIT AUTHORITY OR ANY OTHER
11 PUBLIC AUTHORITY OR LOCAL GOVERNMENT.
12 2. THE AUTHORITY SHALL PROHIBIT A RAILROAD ENGINE TO IDLE FOR LONGER
13 THAN FIFTEEN MINUTES WHILE PARKING, STANDING, OR STOPPING WHEN WITHIN
14 TWO HUNDRED FEET OF ANY RESIDENTIAL PROPERTY.
15 3. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL NOT APPLY
16 WHEN (A) THE RAILROAD IS USED TO OPERATE A LOADING, UNLOADING OR PROC-
17 ESSING DEVICE; OR (B) THE RAILROAD IS PARKING, STOPPING OR STANDING IN A
18 MUNICIPAL PARKING LOT.
19 4. THE AUTHORITY SHALL POST SIGNS RELATING TO PROHIBITED IDLING WHERE
20 PRACTICABLE AND INCLUDE THE MAXIMUM PENALTY THAT MAY BE IMPOSED FOR A
21 VIOLATION OF SUBDIVISION TWO OF THIS SECTION. SUCH SIGNS SHALL BE POSTED
22 AT OTHER APPROPRIATE LOCATIONS THROUGHOUT THE COUNTIES OF NASSAU AND
23 SUFFOLK, AS JOINTLY DETERMINED BY THE AUTHORITY AND THE NEW YORK TRANSIT
24 AUTHORITY, INCLUDING BUT NOT LIMITED TO, LOCATIONS FOR WHICH SUCH COUN-

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

LBD07234-01-9

1 TIES RECEIVE A SUBSTANTIAL NUMBER OF COMPLAINTS OF IDLING RAILROAD
2 ENGINES.

3 5. IN ANY PROCEEDING RELATING TO A VIOLATION OF THE RESTRICTIONS ON
4 IDLING IT SHALL NOT BE A DEFENSE THAT A SIGN REQUIRED BY THIS SECTION
5 WAS ABSENT AT THE TIME OF THE VIOLATION.

6 S 2. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law. Effective immediately, the addition, amend-
8 ment and/or repeal of any rule or regulation necessary for the implemen-
9 tation of this act on its effective date are authorized and directed to
10 be made and completed on or before such effective date.