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

7291--A

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 -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

Section 1. The public authorities law is amended by adding a new section 1264-a to read as follows:

S 1264-A. ADDITIONAL PURPOSES OF THE AUTHORITY; IDLING RAILROAD ENGINES IN KINGS, NASSAU, QUEENS AND SUFFOLK COUNTIES. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "RAILROAD" SHALL MEAN A PRIVATE OR PUBLIC RAILROAD OPERATING IN THE COUNTIES OF KINGS, NASSAU, QUEENS AND SUFFOLK CARRYING EITHER FREIGHT, PASSENGERS OR FREIGHT AND PASSENGERS INCLUDING, BUT NOT LIMITED TO, THOSE OPERATED BY THE AUTHORITY AND ITS SUBSIDIARIES, THE LONG ISLAND RAIL ROAD, THE METRO-NORTH RAILROAD, THE STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY, THE NEW YORK CITY TRANSIT AUTHORITY OR ANY OTHER PUBLIC AUTHORITY OR LOCAL GOVERNMENT.

2. THE AUTHORITY SHALL PROHIBIT A RAILROAD ENGINE TO IDLE FOR LONGER THAN FIFTEEN MINUTES WHILE PARKING, STANDING, OR STOPPING WHEN WITHIN TWO HUNDRED FEET OF ANY RESIDENTIAL PROPERTY.

3. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL NOT APPLY WHEN (A) THE RAILROAD IS USED TO OPERATE A LOADING, UNLOADING OR PROCESSING DEVICE; OR (B) THE RAILROAD IS PARKING, STOPPING OR STANDING IN A MUNICIPAL PARKING LOT.

4. THE AUTHORITY SHALL POST SIGNS RELATING TO PROHIBITED IDLING WHERE PRACTICABLE AND INCLUDE THE MAXIMUM PENALTY THAT MAY BE IMPOSED FOR A VIOLATION OF SUBDIVISION TWO OF THIS SECTION. SUCH SIGNS SHALL BE POSTED

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

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AT OTHER APPROPRIATE LOCATIONS THROUGHOUT THE COUNTIES OF KINGS, NASSAU, QUEENS AND SUFFOLK, AS JOINTLY DETERMINED BY THE AUTHORITY AND THE NEW YORK TRANSIT AUTHORITY, INCLUDING BUT NOT LIMITED TO, LOCATIONS FOR WHICH SUCH COUNTIES RECEIVE A SUBSTANTIAL NUMBER OF COMPLAINTS OF IDLING RAILROAD ENGINES.

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

S 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.