

1233

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. THOMPSON, DUANE, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to requiring permits for the transportation of hazardous materials through high risk areas

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

- 1 Section 1. This act shall be known and may be cited as the "Terrorism  
2 Prevention and Safety in Hazardous Materials Transportation Act of  
3 2009".
- 4 S 2. The transportation law is amended by adding a new section 14-f-1  
5 to read as follows:
- 6 S 14-F-1. TRANSPORTATION OF HAZARDOUS MATERIALS; HIGH-THREAT AREAS. 1.  
7 THE COMMISSIONER OF TRANSPORTATION IS HEREBY AUTHORIZED TO PROMOTE SAFE-  
8 TY IN THE TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH HIGH RISK AREAS,  
9 BY ALL MODES OF TRANSPORTATION, AND IN CONNECTION THEREWITH SHALL:
- 10 (A) HAVE THE POWER TO DESIGNATE AREAS OF THE STATE WHICH ARE IN HIGH  
11 RISK OF POSSIBLE ACTS OF TERRORISM.
- 12 (B) HAVE THE POWER TO MAKE RULES AND REGULATIONS GOVERNING TRANSPORTA-  
13 TION OF HAZARDOUS MATERIALS THROUGH HIGH RISK AREAS, BY ALL MODES OF  
14 TRANSPORTATION; INCLUDING, BUT NOT LIMITED TO ROUTES AND TIMES OF SUCH  
15 TRANSPORTATION. FOR PURPOSES OF THIS SECTION, THE TERM "HAZARDOUS MATE-  
16 RIALS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION FOURTEEN-F OF  
17 THIS ARTICLE.
- 18 (C) HAVE POWER AND IS HEREBY AUTHORIZED TO ENTER INTO COOPERATIVE  
19 AGREEMENTS WITH AGENCIES OF THIS AND OTHER STATES AND OF THE FEDERAL  
20 GOVERNMENT IN RELATION TO ENFORCEMENT OF SAID RULES AND REGULATIONS.
- 21 (D) CONSULT WITH AND RECEIVE THE FULL COOPERATION FROM THE COMMISSION-  
22 ER OF ENVIRONMENTAL CONSERVATION AND OTHER AGENCIES IN ORDER TO AID THE  
23 COMMISSIONER IN ESTABLISHING AN INFORMATION SYSTEM CAPABLE OF IDENTIFY-  
24 ING THE AMOUNT AND TYPE OF HAZARDOUS MATERIALS TRANSPORTED IN NEW YORK,

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

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1 AND THE METHODS USED FOR TRANSPORTING SUCH MATERIALS. THIS SYSTEM SHALL  
2 BE ESTABLISHED AND MAINTAINED IN ORDER TO ASSESS THE VOLUME AND POTEN-  
3 TIAL DANGER OF HAZARDOUS MATERIALS TRANSPORTED IN COMMERCE, BY ALL  
4 MODES, ESPECIALLY IN HIGH RISK AREAS OF THE STATE.

5 (E) ESTABLISH AND PUBLICIZE, AFTER CONSULTATION WITH THE COMMISSIONER  
6 OF ENVIRONMENTAL CONSERVATION, A PUBLIC EDUCATION PROGRAM TO PROVIDE  
7 PUBLICATIONS AND TECHNICAL ASSISTANCE REGARDING THE REGULATIONS GOVERN-  
8 ING THE TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH HIGH RISK AREAS.

9 (F) DEVELOP A TRAINING PROGRAM FOR THE STATE POLICE AND ENVIRONMENTAL  
10 CONSERVATION OFFICERS IN ORDER TO AID SUCH OFFICERS IN THE ENFORCEMENT  
11 OF THE RULES AND REGULATIONS MADE PURSUANT TO THIS SECTION.

12 (G) ESTABLISH THE IMPOSITION AND COLLECTION OF FINES FOR ANY PERSON,  
13 CORPORATION, COMPANY, ASSOCIATION, PARTNERSHIP OR ANY OFFICER OR AGENT  
14 THEREOF WHO IS IN VIOLATION OF SUBDIVISION THREE OF THIS SECTION.

15 2. (A) THE COMMISSIONER MAY ISSUE PERMITS AUTHORIZING THE TRANSPORTA-  
16 TION OF HAZARDOUS WASTES IDENTIFIED AND LISTED PURSUANT TO SECTION  
17 27-0903 OF THE ENVIRONMENTAL CONSERVATION LAW, UPON A DEMONSTRATION  
18 THAT:

19 (1) THERE IS NO PRACTICAL ALTERNATIVE ROUTE THAT EXISTS THAT WOULD  
20 PRECLUDE TRANSPORTATION IN THE HIGH RISK AREA; OR

21 (2) AN EMERGENCY SITUATION EXISTS REQUIRING TRANSPORTATION TO OR  
22 THROUGH THE HIGH RISK AREA.

23 (B) THE COMMISSIONER MAY COLLECT FEES FOR PERMITS ISSUED IN ACCORDANCE  
24 WITH PARAGRAPH (A) OF THIS SUBDIVISION.

25 3. IT SHALL BE UNLAWFUL FOR ANY PERSON, CORPORATION, COMPANY, ASSOCI-  
26 ATION, PARTNERSHIP OR ANY OFFICER OR AGENT THEREOF TO OPERATE OR CAUSE  
27 TO BE OPERATED IN THIS STATE A VEHICLE TRANSPORTING THOSE HAZARDOUS  
28 WASTES IDENTIFIED AND LISTED PURSUANT TO SECTION 27-0903 OF THE ENVIRON-  
29 MENTAL CONSERVATION LAW, THROUGH AN AREA DESIGNATED AS HIGH RISK WITHOUT  
30 OBTAINING A PERMIT FROM THE COMMISSIONER, PURSUANT TO SUBDIVISION TWO OF  
31 THIS SECTION.

32 S 3. This act shall take effect on the one hundred twentieth day after  
33 it shall have become a law; provided, however, paragraphs (a), (b), (d)  
34 and (e) of subdivision 1 of section 14-f-1 of the transportation law, as  
35 added by section two of this act, shall take effect immediately.