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

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2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sens. DeFRANCISCO, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT in relation to the supervision, coordination and approval of highway routing designations for the transportation of hazardous materials

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

Section 1. Notwithstanding any other provision of law to the contrary, in the event that the governor does not designate an agency to supervise, coordinate, and approve highway routing designations for the transportation of hazardous materials by January 1, 2010, the department of transportation is hereby designated to be the agency for supervising, coordinating and approving highway routing designations for the transportation of hazardous materials. For purposes of this act, "hazardous materials" shall mean hazardous materials as defined in section 14-f of the transportation law and shall also include municipal solid waste.

S 2. The commissioner of transportation, if no agency is designated by the governor or the commissioner of the agency designated by the governor to supervise, coordinate and approve highway routing designations for the transportation of hazardous materials, shall promulgate rules and regulations for permitting the routing of such materials. In adopting such rules and regulations, the agency shall use as general guidelines the standards and specifications for the safe transportation of hazardous materials contained in federal statute and the rules and regulations promulgated thereunder, as amended from time to time. Such rules and regulations shall include, but not be limited to, the following:

1. Route designations for the transportation of hazardous materials listed in table 1 of 49 C.F.R. 172.504 in any quantity, and materials listed in table 2 of 49 C.F.R. 172.504 when carried in quantities of five hundred gallons or more;

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

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2. In consultation with the department of health and the department of environmental conservation, procedures for designating routes for the transportation of hazardous materials including procedures for consulting appropriate local government entities and procedures for public hearings prior to any route designations;

3. Criteria for route designations for the transportation of hazardous materials which are consistent with all applicable federal laws and regulations and which provide for the following:

a. routes which are feasible, practicable and not unreasonably expensive;

b. routes which ensure continuous highway routing between adjacent areas;

c. routes which provide greater safety to the public than other feasible routes and do not arbitrarily divert the transportation of hazardous materials from one community to another; and

d. routes that do not unreasonably burden interstate commerce or interfere with the pick-up or delivery of hazardous materials.

S 3. This act shall take effect immediately.