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

2069

2011-2012 Regular Sessions

I N A S S E M B L Y

January 13, 2011

Introduced by M. of A. M. MILLER, MARKEY, MURRAY -- Multi-Sponsored by -- M. of A. HEVESI -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to authorizing the department of transportation to prohibit idling railroads in the city of New York; and to amend the environmental conservation law, in relation to railroad emissions regulations

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

Section 1. The transportation law is amended by adding a new section 14-n to read as follows:

S 14-N. ADDITIONAL PURPOSES OF THE DEPARTMENT; IDLING RAILROAD ENGINES. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "RAILROAD" SHALL MEAN A PRIVATE OR PUBLIC RAILROAD OPERATING IN THIS STATE CARRYING EITHER FREIGHT, PASSENGERS OR FREIGHT AND PASSENGERS, BUT SHALL NOT INCLUDE ANY RAILROAD OPERATED BY THE METROPOLITAN TRANSPORTATION AUTHORITY OR ANY OF ITS SUBSIDIARIES.

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

3. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL NOT APPLY WHEN THE RAILROAD ENGINE IS PARKING, STOPPING OR STANDING IN A MUNICIPAL PARKING LOT.

4. THE DEPARTMENT 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 AT OTHER APPROPRIATE LOCATIONS THROUGHOUT THE STATE, AS DETERMINED BY THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO, LOCATIONS FOR WHICH A MUNICIPALITY RECEIVES A SUBSTANTIAL NUMBER OF COMPLAINTS OF IDLING RAILROAD ENGINES.

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

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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. The environmental conservation law is amended by adding a new section 19-0308 to read as follows:

S 19-0308. RAILROAD EMISSIONS REGULATIONS.

ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND TWELVE, THE COMMISSIONER, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, SHALL ADOPT RULES AND REGULATIONS SETTING FORTH ACCEPTABLE EMISSIONS STANDARDS FOR RAILROAD TRAINS OPERATING IN THIS STATE AS WELL AS A TIMETABLE FOR WHICH SUCH RAILROAD TRAINS SHALL BE REQUIRED TO MEET SUCH STANDARDS. SUCH REGULATIONS SHALL APPLY TO EVERY RAILROAD TRAIN OPERATING IN THIS STATE. THE COMMISSIONER SHALL REVIEW AND REVISE SUCH REGULATIONS ANNUALLY AS HE OR SHE DEEMS NECESSARY.

S 3. 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.