

# STATE OF NEW YORK

S. 8053

A. 10163

## SENATE - ASSEMBLY

March 22, 2018

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the exemptions for railroads and railroad and railroad shipping facilities from the phase-out of creosote

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 27-2513 of the environmental conservation law, as  
2 added by chapter 172 of the laws of 2007, is amended to read as follows:  
3 § 27-2513. Exemptions.

4 Notwithstanding any inconsistent provision of law, this title shall  
5 not apply to:

6 1. [~~railroads, as defined in subdivisions twenty-four and twenty-nine~~  
7 ~~of section two of the transportation law or within the scope of titles~~  
8 ~~nine and eleven of article five of the public authorities law,~~

9 ~~2. the operation and/or maintenance of railroad and railroad shipping~~  
10 ~~facilities, including but not limited to the right of way, tracks, track~~  
11 ~~sidings, team tracks and bridges,~~

12 ~~3.]~~ any electric corporation, as defined by subdivision thirteen of  
13 section two of the public service law, nor shall it apply to the opera-  
14 tion, use, or maintenance of any new or existing utility pole or facili-  
15 ties owned or used, in whole or in part, by a telephone corporation,  
16 utility company, or cable television company, as defined by subdivisions  
17 seventeen and twenty-three of section two and subdivision one of section  
18 two hundred twelve of the public service law, respectively;

19 [~~4.~~] 2. the use of one or more utility poles by any person in  
20 connection with the suspension or support of power, communications,  
21 utility wires, lines or cables and related equipment, antennae, light-  
22 ing, signals, electric or electronic devices or similar equipment or  
23 apparatus;

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

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1     ~~[5.]~~ 3. any public authority that owns and operates electric trans-  
2 mission or distribution lines, a municipally owned electric utility or a  
3 rural electric cooperative, nor shall it apply to the operation, use, or  
4 maintenance of any new or existing utility pole or facilities owned or  
5 used, in whole or in part, by any such public authority, municipally  
6 owned electric utility, or rural electric cooperative; and

7     ~~[6.]~~ 4. until January first, two thousand ten, any existing marina or  
8 other facility for berthing and mooring of pleasure vessels, including  
9 rowboats and canoes, and the storage thereof, and any existing facility  
10 that services pleasure vessels other than an existing marina or other  
11 facility for berthing and mooring of pleasure vessels, or facility that  
12 services pleasure vessels owned and/or operated by a municipal entity.  
13 For the purpose of this section, pleasure vessel shall have the same  
14 meaning as in paragraph (c) of subdivision six of section two of the  
15 navigation law.

16     § 2. Severability clause. If any provision of this act or application  
17 thereof shall for any reason be adjudged by any court of competent  
18 jurisdiction to be invalid, such judgment shall not affect, impair, or  
19 invalidate the remainder of the act, but shall be confined in its opera-  
20 tion to the provision thereof directly involved in the controversy in  
21 which the judgment shall have been rendered.

22     § 3. This act shall take effect immediately.