

STATE OF NEW YORK

9825--A

IN ASSEMBLY

February 13, 2020

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish the New York city watershed road salt reduction task force, pilot plan and test program

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

- 1 Section 1. 1. There is hereby established a New York city watershed
- 2 road salt reduction task force which shall consist of the following
- 3 fifteen members:
- 4 (a) the commissioner of the department of transportation, commissioner
- 5 of department of environmental conservation, commissioner of the depart-
- 6 ment of health, or the designees of such commissioners;
- 7 (b) the mayor of the city of New York, or his or her designee;
- 8 (c) four appointees by the governor;
- 9 (d) one designee of the attorney general;
- 10 (e) two at large appointees by the Senate majority;
- 11 (f) two at large appointees by the Assembly majority;
- 12 (g) one appointee by the Assembly minority;
- 13 (h) one appointee by the Senate minority.
- 14 2. The at large members of the task force shall include individuals
- 15 with expertise in the science of road salt contamination and the best
- 16 practices of road management. Task force members shall receive no
- 17 compensation for their services but shall be reimbursed for actual and
- 18 necessary expenses incurred in the performance of their duties, to the
- 19 extent funds are appropriated for such purpose. The co-chairpersons of
- 20 the task force shall be the commissioners of environmental conservation
- 21 and transportation or their designees. Each member of the council shall
- 22 be entitled to one vote. The task force's approval and adoption of the
- 23 final report pursuant to this section, and any subsequent interim
- 24 updates thereto, shall require a supermajority of the task force. No
- 25 action may be taken by the task force unless there is a quorum, which
- 26 shall be a majority of the members of the task force. Any vacancies on

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

LBD14723-03-0

1 the task force shall be filled in the manner provided for the initial
2 appointment.

3 3. The task force shall assess current department of transportation
4 policies and practices, establishing levels of service for state roadway
5 management in winter weather for the New York city watershed. This
6 assessment shall be based on the best available science concerning road
7 salt contamination and the nature, scope and magnitude of associated
8 impacts to our surface and ground waters, public and private lands,
9 property and infrastructure.

10 4. The task force shall prepare and submit to the governor, the tempo-
11 rary president of the senate, the speaker of the assembly, the chairs of
12 the senate committees on transportation, environmental conservation and
13 health, the chairs of the assembly committees on transportation, envi-
14 ronmental conservation and health, on or before September first, two
15 thousand twenty-one, a report containing:

16 (a) findings of an initial assessment of nature, scope and magnitude
17 of associated impacts to surface and ground waters, public and private
18 lands, property, health and infrastructure in the New York city
19 watershed using the best available science. This assessment shall
20 include but not be limited to measures of salt contamination to drinking
21 water and estimates of the cost of salt-induced property damage across
22 the New York city watershed;

23 (b) a review of current state road management practices and levels of
24 service for state and local roadways in the New York city watershed;

25 (c) a list of actions to be taken by members of the task force, state
26 and local governments and the public to:

27 i. enhance winter road maintenance levels of service and best manage-
28 ment practices and road salt reduction techniques to reduce road salt
29 contamination of surface and ground waters in the New York city
30 watershed;

31 ii. respond rapidly to surface and groundwater contamination in the
32 New York city watershed with the intent to mitigate and remediate
33 impacts of sodium and chloride pollution for homeowners;

34 iii. establish a training program for state and local winter road
35 maintenance workers; and

36 iv. advance a public education campaign to inform the public about
37 road salt contamination and how the public can reduce the need for road
38 salt;

39 (d) a proposal to offer relief for owners of property in the New York
40 city watershed who can demonstrate harm as a result of the application
41 of road salt along state roadways;

42 (e) a calculation of the amount of road salt applied on state roadways
43 annually for the years 2008 through 2018 in the New York city watershed
44 between October and April of each winter road management season to serve
45 as a baseline amount;

46 (f) a publicly accessible record-keeping database system for road salt
47 purchases with information on applications across the New York city
48 watershed;

49 (g) road salt reduction targets for the New York city watershed which
50 shall serve to guide the department of transportation, department of
51 health, and department of environmental conservation in measurably
52 reducing sodium and chloride levels in surface and ground waters; and

53 (h) recommendations for a robust New York city watershed road salt
54 reduction pilot plan and test program including monitoring and opera-
55 tional plan goals, objectives, and activities that will subsequently be
56 implemented during a multi-year pilot program from 2021 through 2024.

§ 2. 1. There is hereby established a New York city watershed road salt reduction pilot plan and test program. The department of transportation, in partnership with the department of environmental conservation, shall conduct a multi-year pilot study, between October 15 and June 30, for the years of 2021 through 2024, to test best management practices, updated levels of service, and overall road salt reduction targets. The pilot plan shall be implemented on all state-owned roadways within the boundary of the New York city watershed.

2. For the duration of the pilot plan, the department of transportation and department of environmental conservation shall test a variety of application techniques and road management strategies, and shall issue a report on the effectiveness of such techniques and strategies which shall include the resulting impacts to water quality and levels of service for each technique and strategy. The techniques and strategies employed shall include, but not be limited to:

(a) varying application methods, rates and frequencies with the intent to measurably reduce road salt applied to state roadways. This shall include test comparisons of applications consisting primarily of abrasives and applications consisting primarily of deicers, especially anti-icing and deicing brines;

(b) implementation of well-established best practices such as cutting back the canopy where legal and appropriate, and pre-wetting abrasives or solid deicers;

(c) use of the best available technology and equipment for winter road management;

(d) changes to traffic management or reducing speed limits when weather events make road conditions unsafe;

(e) third party organizations monitoring water quality of surface and ground waters on downhill slopes of state roadways in the New York city watershed, with all results disclosed to the public in the pilot plan report;

(f) monitoring road conditions with cameras along state roadways;

(g) monitoring truck operators using post-trip reporting and real time truck operation monitoring;

(h) tracking accident rates in the New York city watershed that have a connection to poor weather; and

(i) launching a public education and outreach campaign keeping New York city watershed residents and visitors informed of changes to winter road maintenance practices, speed limits and engaging the public to change behaviors to support salt reduction efforts.

3. Following the completion of the pilot plan, the department of transportation and department of environmental conservation shall submit a summary report to the New York city watershed road salt reduction task force by August 30, 2024, identifying effective and ineffective techniques for winter road maintenance and revised levels of service in the New York city watershed.

§ 3. This act shall take effect immediately.