STATE OF NEW YORK

S. 4982 A. 7005

2019-2020 Regular Sessions

SENATE - ASSEMBLY

April 3, 2019

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, STECK, GLICK, OTIS, L. ROSENTHAL, GALEF -- Multi-Sponsored by -- M. of A. EPSTEIN -- 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:

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

§ 27-2513. Exemptions.

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

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

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

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

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

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[~~4.~~] **2.** the use of one or more utility poles by any person in connection with the suspension or support of power, communications, utility wires, lines or cables and related equipment, antennae, lighting, signals, electric or electronic devices or similar equipment or apparatus;

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

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

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

§ 3. This act shall take effect immediately.