STATE OF NEW YORK

7367

IN SENATE

January 22, 2020

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to establish the New York city watershed east of the Hudson river 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:

Section 1. 1. There is hereby established a New York city watershed east of the Hudson river road salt reduction task force which shall consist of the following fifteen members:

(a) the commissioner of the department of transportation, commissioner of department of environmental conservation, commissioner of the department of health, or the designees of such commissioners;

(b) the mayor of the city of New York, or his or her designee;

(c) four appointees by the governor;

(d) one designee of the attorney general;

(e) two at large appointees by the Senate majority;

(f) two at large appointees by the Assembly majority;

(g) one appointee by the Assembly minority;

(h) one appointee by the Senate minority.

2. The at large members of the task force shall include individuals with expertise in the science of road salt contamination and the best practices of road management. Task force members shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, to the extent funds are appropriated for such purpose. The co-chairpersons of the task force shall be the commissioners of environmental conservation and transportation or their designees. Each member of the council shall be entitled to one vote. The task force's approval and adoption of the final report pursuant to this section, and any subsequent interim updates thereto, shall require a supermajority of the task force. No action may be taken by the task force unless there is a quorum, which shall be a majority of the members of the task force. Any vacancies on the task force shall be filled in the manner provided for the initial appointment.

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

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

4. The task force shall prepare and submit to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate committees on transportation, environmental conservation and health, the chairs of the assembly committees on transportation, environmental conservation and health, on or before September first, two thousand twenty-one, a report containing:

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

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

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

i. enhance winter road maintenance levels of service and best management practices and road salt reduction techniques to reduce road salt contamination of surface and ground waters in the New York city watershed east of the Hudson river;

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

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

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

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

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

(f) a publicly accessible record-keeping database system for road salt purchases with information on applications across the New York city watershed east of the Hudson river;

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

(h) recommendations for a robust New York city watershed east of the Hudson river road salt reduction pilot plan and test program including

monitoring and operational plan goals, objectives, and activities that will subsequently be implemented during a multi-year pilot program from 2021 through 2024.

§ 2. 1. There is hereby established a New York city watershed east of the Hudson river 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 east of the Hudson river.

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 east of the Hudson river, 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 east of the Hudson river that have a connection to poor weather; and

(i) launching a public education and outreach campaign keeping New York city watershed east of the Hudson river 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 east of the Hudson river 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 east of the Hudson river.

§ 3. This act shall take effect immediately.