

# STATE OF NEW YORK

8663

## IN SENATE

July 1, 2020

Introduced by Sens. KENNEDY, LITTLE, KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to establish the Adirondack 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. This act shall be known and may be cited as the "Randy  
2 Preston road salt reduction act".

3 § 2. 1. There is hereby established an Adirondack road salt reduction  
4 task force which shall consist of the following fifteen members:

5 (a) the commissioner of the department of transportation, commissioner  
6 of department of environmental conservation, commissioner of the depart-  
7 ment of health, or the designees of such commissioners;

8 (b) the executive director of the Adirondack park agency or their  
9 designee;

10 (c) four appointees by the governor;

11 (d) one designee of the attorney general;

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

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

14 (g) one appointee by the Assembly minority;

15 (h) one appointee by the Senate minority.

16 2. The at large members of the task force shall include individuals  
17 with expertise in the science of road salt contamination and the best  
18 practices of road management. Task force members shall receive no  
19 compensation for their services but shall be reimbursed for actual and  
20 necessary expenses incurred in the performance of their duties, to the  
21 extent funds are appropriated for such purpose. The co-chairpersons of  
22 the task force shall be the commissioners of environmental conservation  
23 and transportation or their designees. Each member of the council shall  
24 be entitled to one vote. The task force's approval and adoption of the  
25 final report pursuant to this section, and any subsequent interim  
26 updates thereto, shall require a supermajority of the task force. No  
27 action may be taken by the task force unless there is a quorum, which  
28 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.

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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 Adirondack park. This assessment  
6 shall be based on the best available science concerning road salt  
7 contamination and the nature, scope and magnitude of associated impacts  
8 to our surface and ground waters, public and private lands, property and  
9 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 Adirondacks using the  
19 best available science. This assessment shall include but not be limited  
20 to measures of salt contamination to drinking water and estimates of the  
21 cost of salt-induced property damage across the Adirondack park;

22 (b) a review of current state road management practices and levels of  
23 service for state and local roadways in the Adirondack park;

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

26 i. enhance winter road maintenance levels of service and best manage-  
27 ment practices and road salt reduction techniques to reduce road salt  
28 contamination of surface and ground waters in the Adirondacks;

29 ii. respond rapidly to surface and groundwater contamination in the  
30 Adirondack park with the intent to mitigate and remediate impacts of  
31 sodium and chloride pollution for homeowners;

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

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

37 (d) a proposal to offer relief for owners of property in the Adiron-  
38 dacks who can demonstrate harm as a result of the application of road  
39 salt along state roadways;

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

44 (f) a publicly accessible record-keeping database system for road salt  
45 purchases with information on applications across the Adirondack park;

46 (g) road salt reduction targets for the Adirondack park which shall  
47 serve to guide the department of transportation, department of health,  
48 and department of environmental conservation in measurably reducing  
49 sodium and chloride levels in surface and ground waters; and

50 (h) recommendations for a robust Adirondack park road salt reduction  
51 pilot plan and test program including monitoring and operational plan  
52 goals, objectives, and activities that will subsequently be implemented  
53 during a multi-year pilot program from 2021 through 2024.

54 § 3. 1. There is hereby established an Adirondack park road salt  
55 reduction pilot plan and test program. The department of transportation,  
56 in partnership with the department of environmental conservation, shall

1 conduct a multi-year pilot study, between October 15 and June 30, for  
2 the years of 2021 through 2024, to test best management practices,  
3 updated levels of service, and overall road salt reduction targets. The  
4 pilot plan shall be implemented on all state-owned roadways within the  
5 boundary of the Adirondack park.

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

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

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

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

23 (d) changes to traffic management or reducing speed limits when weath-  
24 er events make road conditions unsafe;

25 (e) third party organizations monitoring water quality of surface and  
26 ground waters on downhill slopes of state roadways in the Adirondack  
27 park, with all results disclosed to the public in the pilot plan report;

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

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

31 (h) tracking accident rates in the Adirondacks that have a connection  
32 to poor weather; and

33 (i) launching a public education and outreach campaign keeping Adiron-  
34 dack residents and visitors informed of changes to winter road mainte-  
35 nance practices, speed limits and engaging the public to change behav-  
36 iors to support salt reduction efforts.

37 3. Following the completion of the pilot plan, the department of  
38 transportation and department of environmental conservation shall submit  
39 a summary report to the Adirondack road salt reduction task force by  
40 August 30, 2024, identifying effective and ineffective techniques for  
41 winter road maintenance and revised levels of service in the Adirondack  
42 park.

43 § 4. This act shall take effect immediately.