

# STATE OF NEW YORK

9825

## IN ASSEMBLY

February 13, 2020

Introduced by M. of A. ABINANTI -- read once and referred 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:

1 Section 1. 1. There is hereby established a New York city watershed  
2 east of the Hudson river road salt reduction task force which shall  
3 consist of the following 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  
27 the task force shall be filled in the manner provided for the initial  
28 appointment.

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

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

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

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

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

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 east of the Hudson river;

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

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

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

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

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

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

50 (g) road salt reduction targets for the New York city watershed east  
51 of the Hudson river which shall serve to guide the department of trans-  
52 portation, department of health, and department of environmental conser-  
53 vation in measurably reducing sodium and chloride levels in surface and  
54 ground waters; and

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

1 monitoring and operational plan goals, objectives, and activities that  
2 will subsequently be implemented during a multi-year pilot program from  
3 2021 through 2024.

4 § 2. 1. There is hereby established a New York city watershed east of  
5 the Hudson river road salt reduction pilot plan and test program. The  
6 department of transportation, in partnership with the department of  
7 environmental conservation, shall conduct a multi-year pilot study,  
8 between October 15 and June 30, for the years of 2021 through 2024, to  
9 test best management practices, updated levels of service, and overall  
10 road salt reduction targets. The pilot plan shall be implemented on all  
11 state-owned roadways within the boundary of the New York city watershed  
12 east of the Hudson river.

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

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

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

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

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

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

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

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

39 (h) tracking accident rates in the New York city watershed east of the  
40 Hudson river that have a connection to poor weather; and

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

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

53 § 3. This act shall take effect immediately.