STATE OF NEW YORK

2545

2019-2020 Regular Sessions

IN SENATE

January 28, 2019

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

AN ACT to direct the metropolitan transportation authority to identify flammable or hazardous materials near above-ground and grade level tracks

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

Section 1. The metropolitan transportation authority, in consultation with the Long Island Rail Road, the Metro-North Commuter Railroad and other relevant agencies, including but not limited to the New York city department of transportation and the state department of transportation, shall conduct a study to examine the industrial areas located under above-ground LIRR and Metro-North tracks and adjacent to grade level tracks to identify unsafe and flammable materials that are exposed to commuter operations.

§ 2. For purposes of this act:

(a) "LIRR" shall mean the Long Island Rail Road;

(b) "Metro-North" shall mean the Metro-North Commuter Railroad; and

(c) "grade level" shall mean where a track intersects with a highway on the same level as the highway.

§ 3. Such study shall include, but not be limited to:

(a) an inspection of the industrial areas located under above-ground LIRR and Metro-North tracks and adjacent to grade level tracks for the purpose of identifying materials that may be hazardous or flammable. The size of such area of inspection shall be determined by the metropolitan transportation authority;

(b) an analysis of potential methods for removal of the hazardous or flammable materials, if such materials are identified;

(c) an analysis of the cost and economic impact of removing such materials;

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

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(d) recommendations on how to maintain areas below or adjacent to such tracks to keep them free from hazardous or flammable materials; and

(e) any other issues related to the safety of such areas as determined by the chairman of the metropolitan transportation authority.

§ 4. All departments, divisions, bureaus, commissions, districts or agencies of the state or any political subdivisions thereof shall, at the request of the chairman of the metropolitan transportation authority, provide the authority with facilities, assistance and data that will enable the authority to carry out its powers and duties under this act.

§ 5. Within one hundred twenty days after the effective date of this act, the chairman of the metropolitan transportation authority shall submit a written report to the governor, temporary president of the senate, speaker of the assembly and mayor of the city of New York, with the findings and recommendations of the study conducted pursuant to this act.

§ 6. This act shall take effect immediately.