

# STATE OF NEW YORK

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6322--A

Cal. No. 1244

2021-2022 Regular Sessions

## IN SENATE

April 21, 2021

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Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to establish the East of Hudson watershed road salt reduction task force and pilot program; and providing for the repeal of such provisions upon expiration thereof

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 an East of Hudson watershed  
2 road salt reduction task force, hereinafter referred to as the "task  
3 force", to conduct a comprehensive review of road salt contamination and  
4 roadway, parking lot, driveway, and sidewalk management best practices  
5 within the East of Hudson watershed. Such task force shall consist of  
6 fourteen members which shall include the commissioner of transportation  
7 or their designee, the commissioner of environmental conservation or  
8 their designee, the commissioner of health or their designee, the  
9 commissioner of the department of environmental protection, or their  
10 designee, and ten other members to be appointed by the governor as  
11 follows: two upon the recommendation of the temporary president of the  
12 senate, two upon the recommendation of the speaker of the assembly, one  
13 upon the recommendation of the minority leader of the senate, one upon  
14 the recommendation of the minority leader of the assembly, and four  
15 without recommendation from any other person. The appointed members of  
16 the task force shall include a representative of local governments with-  
17 in the East of Hudson watershed and individuals with expertise in at  
18 least one of the following: civil engineering, hydrology, geology, the  
19 science of road salt contamination, highway maintenance and operations,  
20 and public health. For the purposes of this act, the East of Hudson  
21 watershed shall include portions of Dutchess, Putnam and Westchester

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

LBD11018-05-1

1 counties that make up the drainage basin for the New York city reservoir  
2 system, consistent with the boundaries delineated by geographic informa-  
3 tion system maps created by the department of environmental protection.

4 2. Task force members shall receive no compensation for their services  
5 but shall be reimbursed for actual and necessary expenses incurred in  
6 the performance of their duties, to the extent funds are appropriated  
7 for such purpose. The commissioner of environmental conservation and the  
8 commissioner of transportation shall serve as joint chairs of the task  
9 force. A majority of the members of the task force shall constitute a  
10 quorum for the transaction of business or the exercise of any power or  
11 function of the task force. Any vacancies on the task force shall be  
12 filled in the manner provided for in the initial appointment.

13 3. The task force shall be authorized to hold public hearings and  
14 meetings, and to consult with any organization, educational institution,  
15 or other government entity or person, to enable it to accomplish its  
16 duties. To effectuate the purposes of this act, the task force may  
17 request and shall receive from any department, division, board, bureau,  
18 commission or other agency of the state or any state public authority  
19 such assistance to the extent funds are available, and any such informa-  
20 tion and data as will enable the task force to properly carry out its  
21 powers and duties hereunder, provided however that any request for  
22 information and data shall be reasonable in scope and volume, and  
23 provided further that any and all information received by the task force  
24 from the department of transportation shall not be redisclosed absent  
25 specific authorization by the department of transportation.

26 4. The task force shall undertake a review and assessment of road salt  
27 contamination within the East of Hudson watershed and assess current  
28 state, local, and commercial policies and practices with respect to  
29 state and local roadway, parking lot, driveway, and sidewalk management  
30 in winter weather within the East of Hudson watershed. This review and  
31 assessment shall take into consideration the best available science  
32 concerning road salt contamination and the nature, scope and magnitude  
33 of associated impacts to surface and ground waters, public and private  
34 lands, property and infrastructure. This assessment shall also be based  
35 on due consideration of public safety and the safety of the traveling  
36 public.

37 5. The task force shall prepare and submit to the governor, the tempo-  
38 rary president of the senate, the speaker of the assembly, the chairs of  
39 the senate committees on transportation, environmental conservation and  
40 health, and the chairs of the assembly committees on transportation,  
41 environmental conservation and health, on or before December first, two  
42 thousand twenty-four, a report containing:

43 (a) findings of an initial assessment of the nature, scope and magni-  
44 tude of associated impacts of road salt on surface and ground waters,  
45 public and private lands, property, health and infrastructure in the  
46 East of Hudson watershed. This assessment shall include the identifica-  
47 tion of possible sources of salt contamination;

48 (b) a review of current state, local, and commercial winter road  
49 management practices and levels of service for state and local roadways,  
50 parking lots, driveways, and sidewalks in the East of Hudson watershed;

51 (c) recommendations, including consideration of estimate environ-  
52 mental, implementation, and liability costs for state and local govern-  
53 ments and the public with respect to:

54 i. enhancement of winter road maintenance levels of service and best  
55 management practices and road salt reduction techniques to reduce state  
56 and local roadway, parking lot, driveway, and sidewalk salt contam-

1 ination of surface and ground waters in the East of Hudson watershed,  
2 with due consideration of public safety and the safety of the traveling  
3 public;

4 ii. recommendations for rapid response best practices to surface and  
5 ground water contamination in the East of Hudson watershed, including a  
6 determination of cost, with the intent to minimize impacts for homeowners  
7 to be developed in cooperation with the department of health and the  
8 department of environmental conservation;

9 iii. establishment of a training program for state and local winter  
10 road maintenance workers and best practices for commercial applications  
11 of road salt used on any surfaces; and

12 iv. advancement of a public education campaign to inform the public  
13 about road salt contamination and how the public can reduce the need for  
14 road salt;

15 (d) recommendations for a publicly accessible record-keeping database  
16 system for road salt purchases and applications within the East of  
17 Hudson watershed;

18 (e) recommendations for road salt reduction targets for the East of  
19 Hudson watershed that may be used to guide the department of transportation,  
20 department of health, department of environmental conservation,  
21 local governments in the East of Hudson watershed and commercial entities  
22 in measurably reducing sodium and chloride levels in surface and  
23 ground waters, provided, however, that such targets represent recommendations  
24 that may be adjusted by the department of transportation or  
25 local governments if the department of transportation or local governments  
26 determine that adjustments are necessary to maintain the state and  
27 local roadways in a reasonably safe condition; and

28 (f) recommendations for an East of Hudson watershed road salt  
29 reduction pilot program including monitoring and operational plan goals,  
30 objectives, and activities that may be used as guidance for a future  
31 pilot program, subject to appropriation, including:

32 i. varying application methods, rates and frequencies with the intent  
33 to measurably reduce road salt applied to state and local roadways,  
34 parking lots, driveways, and sidewalks within the East of Hudson  
35 watershed. This shall include test comparisons of applications consisting  
36 primarily of abrasives and applications consisting primarily of  
37 deicers, especially anti-icing and deicing brines;

38 ii. implementation of well-established best practices such as cutting  
39 back the canopy where legal and appropriate, and pre-wetting abrasives  
40 or solid deicers;

41 iii. use of the best available technology and equipment for winter  
42 road management;

43 iv. changes to traffic management when weather events make road conditions  
44 hazardous;

45 v. monitoring of water quality of surface and ground waters on downhill  
46 slopes of state and local roadways, parking lots, driveways, and  
47 sidewalks in the East of Hudson watershed;

48 vi. monitoring of road conditions along state roadways within the East  
49 of Hudson watershed;

50 vii. monitoring of truck operators using post-trip reporting;

51 viii. tracking of weather-related crash rates on state and local roadways  
52 within the East of Hudson watershed; and

53 ix. the conducting of a public education and outreach campaign to  
54 inform East of Hudson watershed residents and visitors of changes to  
55 winter road maintenance practices and engaging the public in changing  
56 behaviors to support road salt reduction efforts.

1     § 2. 1. The department of transportation and the department of envi-  
2     ronmental conservation shall review the report of the East of Hudson  
3     watershed road salt reduction task force, established pursuant to  
4     section one of this act, shall conduct water sampling and analysis, and  
5     shall incorporate into a road salt pilot program in the East of Hudson  
6     watershed those recommendations that, in the discretion of the commis-  
7     sioner of transportation, will not jeopardize the health and safety of  
8     the traveling public and for which an appropriation is available. Such  
9     road salt pilot program shall be established two years after such water  
10    sampling and analysis has been completed to establish necessary baseline  
11    data. Local governments in the East of Hudson watershed may review the  
12    report of the East of Hudson watershed road salt reduction task force,  
13    established pursuant to section one of this act, and may incorporate  
14    into a road salt pilot program in their jurisdiction those recommenda-  
15    tions that, in the discretion of the commissioner of transportation and  
16    the local government, will not jeopardize the health and safety of the  
17    traveling public and for which funding is available.

18    2. Following the incorporation of the recommendations into a road salt  
19    pilot program, the department of transportation and department of envi-  
20    ronmental conservation shall submit a summary report to the governor,  
21    temporary president of the senate, and speaker of the assembly by August  
22    30, 2026, of the results of such pilot program, including the identifi-  
23    cation of effective and ineffective techniques for winter road mainte-  
24    nance and revised levels of service in the East of Hudson watershed.

25    § 3. This act shall take effect immediately and shall expire 5 years  
26    after the pilot program established pursuant to section two of this act  
27    is conducted when upon such date the provisions of this act shall be  
28    deemed repealed.