

STATE OF NEW YORK

4067

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Transportation

AN ACT to establish the New York city watershed 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 road salt reduction task force which shall consist of the following
3 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

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

LBD01789-01-1

1 shall be a majority of the members of the task force. Any vacancies on
2 the task force shall be filled in the manner provided for the initial
3 appointment.

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

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

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

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

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

28 i. enhance winter road maintenance levels of service and best manage-
29 ment practices and road salt reduction techniques to reduce road salt
30 contamination of surface and ground waters in the New York city
31 watershed;

32 ii. respond rapidly to surface and groundwater contamination in the
33 New York city watershed with the intent to mitigate and remediate
34 impacts of sodium and chloride pollution for 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 who can demonstrate harm as a result of the application
42 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 2009 through 2019 in the New York city watershed
45 between October and April of each winter road management season to serve
46 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;

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

54 (h) recommendations for a robust New York city watershed road salt
55 reduction pilot plan and test program including monitoring and opera-

1 tional plan goals, objectives, and activities that will subsequently be
2 implemented during a multi-year pilot program from 2022 through 2025.

3 § 2. 1. There is hereby established a New York city watershed road
4 salt reduction pilot plan and test program. The department of transpor-
5 tation, in partnership with the department of environmental conserva-
6 tion, shall conduct a multi-year pilot study, between October 15 and
7 June 30, for the years of 2022 through 2025, to test best management
8 practices, updated levels of service, and overall road salt reduction
9 targets. The pilot plan shall be implemented on all state-owned roadways
10 within the boundary of the New York city watershed.

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

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

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

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

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

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

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

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

37 (h) tracking accident rates in the New York city watershed that have a
38 connection to poor weather; and

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

43 3. Following the completion of the pilot plan, the department of
44 transportation and department of environmental conservation shall submit
45 a summary report to the New York city watershed road salt reduction task
46 force by August 30, 2025, identifying effective and ineffective tech-
47 niques for winter road maintenance and revised levels of service in the
48 New York city watershed.

49 § 3. This act shall take effect immediately.