

STATE OF NEW YORK

1306

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

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

AN ACT to amend a chapter of the laws of 2020 establishing the Adirondack road salt reduction task force, pilot plan and test program, as proposed in legislative bills numbers S. 8663-A and A. 8767-A, in relation to establishing the Adirondack road salt reduction task force and pilot program

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

1 Section 1. Sections 2 and 3 of a chapter of the laws of 2020 estab-
2 lishing the Adirondack road salt reduction task force, pilot plan and
3 test program, as proposed in legislative bills numbers S. 8663-A and A.
4 8767-A, are amended to read as follows:
5 § 2. 1. There is hereby established an Adirondack road salt reduction
6 task force, hereinafter referred to as the "task force", to conduct a
7 comprehensive review of road salt contamination and [~~road~~] roadway,
8 parking lot, driveway, and sidewalk management best practices within the
9 Adirondack park. Such task force shall consist of fourteen members which
10 shall include the commissioner of transportation or their designee, the
11 commissioner of environmental conservation or their designee, the
12 commissioner of health or their designee, the executive director of the
13 Adirondack park agency or their designee, and ten other members to be
14 appointed by the governor as follows: two upon the recommendation of the
15 temporary president of the senate, two upon the recommendation of the
16 speaker of the assembly, one upon the recommendation of the minority
17 leader of the senate, one upon the recommendation of the minority leader
18 of the assembly, and four without recommendation from any other person.
19 The appointed members of the task force shall include a representative
20 of local governments within the Adirondack park and individuals with
21 expertise in at least one of the following: civil engineering, hydrolo-

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

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1 gy, geology, the science of road salt contamination, highway maintenance
2 and operations, and public health.

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

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

25 4. The task force shall undertake a review and assessment of road salt
26 contamination within the Adirondack park[~~7~~] and assess current [~~depart-~~
27 ~~ment of transportation~~] state, local, and commercial policies and prac-
28 tices with respect to state and local roadway, parking lot, driveway,
29 and sidewalk management in winter weather within the Adirondack park[~~7~~
30 ~~and roadway management best practices~~]. This review and assessment shall
31 take into consideration the best available science concerning road salt
32 contamination and the nature, scope and magnitude of associated impacts
33 to surface and ground waters, public and private lands, property and
34 infrastructure. This assessment shall also be based on due consideration
35 of public safety and the safety of the traveling public.

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

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

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

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

53 i. enhancement of winter road maintenance levels of service and best
54 management practices and road salt reduction techniques to reduce [~~road~~]
55 state and local roadway, parking lot, driveway, and sidewalk salt
56 contamination of surface and ground waters in the Adirondack park, with

1 due consideration of public safety and the safety of the traveling
2 public;

3 ii. [~~methods~~] recommendations for rapid response best practices to
4 surface and groundwater contamination in the Adirondack park, including
5 a determination of cost, with the intent to minimize impacts for home-
6 owners to be developed in cooperation with the department of health and
7 the department of environmental conservation;

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

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

14 (d) [~~a calculation of the average amount of road salt applied on state~~
15 ~~roadways annually for the years 2008 through 2018 in the Adirondack park~~
16 ~~between October and April of each winter road management season to serve~~
17 ~~as a baseline amount;~~

18 ~~(e)~~] recommendations for a publicly accessible record-keeping database
19 system for road salt purchases and applications within the Adirondack
20 park;

21 [~~(f)~~] (e) recommendations for road salt reduction targets for the
22 Adirondack park that may be used to guide the department of transporta-
23 tion, department of health, [~~and~~] department of environmental conserva-
24 tion, local governments in the Adirondack park and commercial entities
25 in measurably reducing sodium and chloride levels in surface and ground
26 waters, provided, however, that such targets represent recommendations
27 that may be adjusted by the department of transportation or local
28 governments if the department of transportation or local governments
29 determine that adjustments are necessary to maintain the state and local
30 roadways in a reasonably safe condition; and

31 [~~(g)~~] (f) recommendations for an Adirondack park road salt reduction
32 pilot [~~plan and test~~] program including monitoring and operational plan
33 goals, objectives, and activities [~~to~~] that may be [~~implemented pursuant~~
34 ~~to section three of this act~~] used as guidance for a future pilot
35 program, subject to appropriation, including:

36 i. varying application methods, rates and frequencies with the intent
37 to measurably reduce road salt applied to state and local roadways,
38 parking lots, driveways, and sidewalks within the Adirondack park. This
39 shall include test comparisons of applications consisting primarily of
40 abrasives and applications consisting primarily of deicers, especially
41 anti-icing and deicing brines;

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

45 iii. use of the best available technology and equipment for winter
46 road management;

47 iv. changes to traffic management when weather events make road condi-
48 tions hazardous;

49 v. monitoring of water quality of surface and ground waters on down-
50 hill slopes of state and local roadways, parking lots, driveways, and
51 sidewalks in the Adirondack park;

52 vi. monitoring of road conditions along state roadways within the
53 Adirondack park;

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

55 viii. tracking of weather-related crash rates on state and local road-
56 ways within the Adirondack park; and

1 ix. the conducting of a public education and outreach campaign to
2 inform Adirondack park residents and visitors of changes to winter road
3 maintenance practices and engaging the public in changing behaviors to
4 support road salt reduction efforts.

5 ~~§ 3. 1. [There is hereby established an Adirondack park road salt~~
6 ~~reduction pilot plan and test program to be conducted by the department~~
7 ~~of transportation, in cooperation with the department of environmental~~
8 ~~conservation, between October 15 and June 30 each year beginning 2021~~
9 ~~through 2024, to test best management practices, updated levels of~~
10 ~~service, and overall road salt reduction targets within the Adirondack~~
11 ~~park. The pilot plan and test shall be implemented on all state owned~~
12 ~~roadways within the boundary of the Adirondack park.~~

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

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

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

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

31 ~~(d) changes to traffic management when weather events make road condi-~~
32 ~~tions hazardous;~~

33 ~~(e) monitoring of water quality of surface and ground waters on down-~~
34 ~~hill slopes of state roadways in the Adirondack park;~~

35 ~~(f) monitoring of road conditions along state roadways within the~~
36 ~~Adirondack park;~~

37 ~~(g) monitoring of truck operators using post-trip reporting;~~

38 ~~(h) tracking of weather-related crash rates on state roadways within~~
39 ~~the Adirondack park; and~~

40 ~~(i) the conducting of a public education and outreach campaign to~~
41 ~~inform Adirondack park residents and visitors of changes to winter road~~
42 ~~maintenance practices and engaging the public in changing behaviors to~~
43 ~~support road salt reduction efforts.~~

44 3.] The department of transportation and the department of environ-
45 mental conservation shall review the report of the Adirondack road salt
46 reduction task force, established pursuant to section two of this act,
47 and shall incorporate into a road salt pilot program in the Adirondack
48 park those recommendations that, in the discretion of the commissioner
49 of transportation, will not jeopardize the health and safety of the
50 traveling public and for which an appropriation is available. Local
51 governments in the Adirondack park may review the report of the Adiron-
52 dack road salt reduction task force, established pursuant to section two
53 of this act, and may incorporate into a road salt pilot program in their
54 jurisdiction those recommendations that, in the discretion of the
55 commissioner of transportation and the local government, will not jeop-

1 ardize the health and safety of the traveling public and for which fund-
2 ing is available.

3 2. Following the [~~completion of the~~] incorporation of the recommenda-
4 tions into a road salt pilot [~~plan and test~~] program, the department of
5 transportation and department of environmental conservation shall submit
6 a summary report to the governor, temporary president of the senate, and
7 speaker of the assembly by August 30, 2024, of the results of such pilot
8 [~~plan and test~~] program, including the identification of effective and
9 ineffective techniques for winter road maintenance and revised levels of
10 service in the Adirondack park.

11 § 2. This act shall take effect on the same date and in the same
12 manner as a chapter of the laws of 2020 establishing the Adirondack road
13 salt reduction task force, pilot plan and test program, as proposed in
14 legislative bills numbers S. 8663-A and A. 8767-A, takes effect,
15 provided, however, that the amendments to sections 2 and 3 of a chapter
16 of the laws of 2020 establishing the Adirondack road salt reduction task
17 force, pilot plan and test program, as proposed in legislative bills
18 numbers S. 8663-A and A. 8767-A, made by section one of this act, shall
19 not affect the expiration and repeal of such act, and shall expire and
20 be deemed repealed therewith.