

STATE OF NEW YORK

6322

2021-2022 Regular Sessions

IN SENATE

April 21, 2021

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

AN ACT to establish the East of Hudson watershed road salt reduction task force, pilot plan and test 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. This act shall be known and may be cited as the "Randy
2 Preston road salt reduction act".

3 § 2. 1. There is hereby established an East of Hudson watershed road
4 salt reduction task force, hereinafter referred to as the "task force",
5 to conduct a comprehensive review of road salt contamination and road
6 management best practices within the East of Hudson watershed. Such task
7 force shall consist of fourteen members which shall include the commis-
8 sioner of transportation or their designee, the commissioner of environ-
9 mental conservation or their designee, the commissioner of health or
10 their designee, the executive director of the East of Hudson watershed
11 agency or their designee, and ten other members to be appointed by the
12 governor as follows: two upon the recommendation of the temporary presi-
13 dent of the senate, two upon the recommendation of the speaker of the
14 assembly, one upon the recommendation of the minority leader of the
15 senate, one upon the recommendation of the minority leader of the assem-
16 bly, and four without recommendation from any other person.

17 2. Task force members shall receive no compensation for their services
18 but shall be reimbursed for actual and necessary expenses incurred in
19 the performance of their duties, to the extent funds are appropriated
20 for such purpose. The commissioner of environmental conservation and the
21 commissioner of transportation shall serve as joint chairs of the task
22 force. A majority of the members of the task force shall constitute a
23 quorum for the transaction of business or the exercise of any power or

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

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1 function of the task force. Any vacancies on the task force shall be
2 filled in the manner provided for in the initial appointment.

3 3. The task force shall be authorized to hold public hearings and
4 meetings, and to consult with any organization, educational institution,
5 or other government entity or person, to enable it to accomplish its
6 duties. To effectuate the purposes of this act, the task force may
7 request and shall receive from any department, division, board, bureau,
8 commission or other agency of the state or any state public authority
9 such assistance, information and data as will enable the task force to
10 properly carry out its powers and duties hereunder.

11 4. The task force shall undertake a review and assessment of road salt
12 contamination within the East of Hudson watershed, assess current
13 department of transportation policies and practices with respect to
14 state roadway management in winter weather within the East of Hudson
15 watershed, and roadway management best practices. This review and
16 assessment shall take into consideration the best available science
17 concerning road salt contamination and the nature, scope and magnitude
18 of associated impacts to surface and groundwaters, public and private
19 lands, property and infrastructure.

20 5. The task force shall prepare and submit to the governor, the tempo-
21 rary president of the senate, the speaker of the assembly, the chairs of
22 the senate committees on transportation, environmental conservation and
23 health, and the chairs of the assembly committees on transportation,
24 environmental conservation and health, on or before September first, two
25 thousand twenty-one, a report containing:

26 (a) findings of an initial assessment of the nature, scope and magni-
27 tude of associated impacts of road salt on surface and groundwaters,
28 public and private lands, property, health and infrastructure in the
29 East of Hudson watershed;

30 (b) a review of current state road management practices and levels of
31 service for state and local roadways in the East of Hudson watershed;

32 (c) recommendations for state and local governments and the public
33 with respect to:

34 i. enhancement of winter road maintenance levels of service and best
35 management practices and road salt reduction techniques to reduce road
36 salt contamination of surface and groundwaters in the East of Hudson
37 watershed;

38 ii. methods for rapid response to surface and groundwater contam-
39 ination in the East of Hudson with the intent to minimize impacts for
40 homeowners;

41 iii. establishment of a training program for state and local winter
42 road maintenance workers; and

43 iv. advancement of a public education campaign to inform the public
44 about road salt contamination and how the public can reduce the need for
45 road salt;

46 (d) a calculation of the average amount of road salt applied on state
47 roadways annually for the years 2008 through 2018 in the East of Hudson
48 watershed between October and April of each winter road management
49 season to serve as a baseline amount;

50 (e) recommendations for a publicly accessible record-keeping database
51 system for road salt purchases and applications within the East of
52 Hudson watershed;

53 (f) recommendations for road salt reduction targets for the East of
54 Hudson watershed to guide the department of transportation, department
55 of health, and department of environmental conservation in measurably
56 reducing sodium and chloride levels in surface and groundwaters; and

(g) recommendations for an East of Hudson watershed road salt reduction pilot plan and test program including monitoring and operational plan goals, objectives, and activities to be implemented pursuant to section three of this act.

§ 3. 1. There is hereby established an East of Hudson watershed road salt reduction pilot plan and test program to be conducted by the department of transportation, in cooperation with the department of environmental conservation, between October 15 and June 30 each year beginning 2021 through 2024, to test best management practices, updated levels of service, and overall road salt reduction targets within the East of Hudson watershed. The pilot plan and test shall be implemented on all state-owned roadways within the boundary of the East of Hudson watershed.

2. For the duration of the pilot plan and test, the department of transportation and department of environmental conservation shall test a variety of application techniques and road management strategies within the East of Hudson watershed, and shall issue a report on the effectiveness of such techniques and strategies which shall include the resulting impacts on water quality and state roadway levels of service for each technique and strategy. The techniques and strategies employed shall include, but not be limited to:

(a) varying application methods, rates and frequencies with the intent to measurably reduce road salt applied to state roadways within the East of Hudson watershed. This shall include test comparisons of applications consisting primarily of abrasives and applications consisting primarily of deicers, especially anti-icing and deicing brines;

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

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

(d) changes to traffic management when weather events make road conditions hazardous;

(e) monitoring of water quality of surface and ground waters on downhill slopes of state roadways in the East of Hudson watershed;

(f) monitoring of road conditions along state roadways within the East of Hudson watershed;

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

(h) tracking of weather-related crash rates on state roadways within the East of Hudson watershed; and

(i) the conducting of a public education and outreach campaign to inform East of Hudson watershed residents and visitors of changes to winter road maintenance practices and engaging the public in changing behaviors to support road salt reduction efforts.

3. Following the completion of the pilot plan and test, the department of transportation and department of environmental conservation shall submit a summary report to the governor, temporary president of the senate, and speaker of the assembly by August 30, 2024, of the results of such pilot plan and test, including the identification of effective and ineffective techniques for winter road maintenance and revised levels of service in the East of Hudson watershed.

§ 4. This act shall take effect immediately and shall expire December 31, 2024 when upon such date the provisions of this act shall be deemed repealed.