

STATE OF NEW YORK

6322--A

Cal. No. 1244

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 -- 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.

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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 homeown-
7 ers 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 transporta-
20 tion, department of health, department of environmental conservation,
21 local governments in the East of Hudson watershed and commercial enti-
22 ties in measurably reducing sodium and chloride levels in surface and
23 ground waters, provided, however, that such targets represent recommen-
24 dations that may be adjusted by the department of transportation or
25 local governments if the department of transportation or local govern-
26 ments 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 consist-
36 ing 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 condi-
44 tions hazardous;

45 v. monitoring of water quality of surface and ground waters on down-
46 hill 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 road-
52 ways 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.