

# STATE OF NEW YORK

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4922

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

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Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to direct the metropolitan transportation authority to identify flammable or hazardous materials near above-ground and grade level tracks

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

1 Section 1. The metropolitan transportation authority, in consultation  
2 with the Long Island Rail Road and other relevant agencies, including  
3 but not limited to the New York city department of transportation and  
4 the state department of transportation, shall conduct a study to examine  
5 the industrial areas located under above-ground LIRR tracks and adjacent  
6 to grade level tracks to identify unsafe and flammable materials that  
7 are exposed to commuter operations.

8 § 2. For purposes of this act:

9 (a) "LIRR" shall mean the Long Island Rail Road; and

10 (b) "grade level" shall mean where a track intersects with a highway  
11 on the same level as the highway.

12 § 3. Such study shall include, but not be limited to:

13 (a) an inspection of the industrial areas located under above-ground  
14 LIRR tracks and adjacent to grade level tracks for the purpose of identifying materials that may be hazardous or flammable. The size of such  
15 area of inspection shall be determined by the metropolitan transportation authority;  
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18 (b) an analysis of potential methods for removal of the hazardous or  
19 flammable materials, if such materials are identified;

20 (c) an analysis of the cost and economic impact of removing such materials;  
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22 (d) recommendations on how to maintain areas below or adjacent to such  
23 tracks to keep them free from hazardous or flammable materials; and

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

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1 (e) any other issues related to the safety of such areas as determined  
2 by the chairman of the metropolitan transportation authority.

3 § 4. All departments, divisions, bureaus, commissions, districts or  
4 agencies of the state or any political subdivisions thereof shall, at  
5 the request of the chairman of the metropolitan transportation authori-  
6 ty, provide the authority with facilities, assistance and data that will  
7 enable the authority to carry out its powers and duties under this act.

8 § 5. Within one hundred twenty days after the effective date of this  
9 act, the chairman of the metropolitan transportation authority shall  
10 submit a written report to the governor, temporary president of the  
11 senate, speaker of the assembly and mayor of the city of New York, with  
12 the findings and recommendations of the study conducted pursuant to this  
13 act.

14 § 6. This act shall take effect immediately.