STATE OF NEW YORK

6808

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

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

AN ACT to amend the transportation law, in relation to penalties for individuals, corporations, companies, and associations that violate rules and regulations related to braking systems, steering components, coupling devices, and the transportation of hazardous materials; and to repeal certain provisions of such law relating thereto

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

Section 1. Legislative findings and intent. In response to a Northern Southern corporation derailment that released flammable chemicals into surrounding areas of East Palestine, Ohio, it is imperative to protect New Yorkers from incidents involving the transportation of hazardous materials. Railroad companies transporting hazardous materials must minimize the risk to the communities that the trains run through. The legislature finds that it is critical to hold rail companies that woefully act in a negligent manner accountable for the personal and environmental harm that they cause.

§ 2. Paragraph (b) of subdivision 4 of section 14-f of the transportation law is REPEALED and a new paragraph (b) is added to read as follows:

(b) (i) Any person found guilty of violating any such rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices shall be subject to a fine no more than one thousand dollars, by imprisonment for not more than sixty days, or by both such fine and imprisonment. Upon being found guilty of a second or subsequent offense committed within eighteen months, a fine of not less than one thousand five hundred dollars nor more than two thousand five hundred dollars, by imprisonment for not more than ninety days, or by both such fine and imprisonment shall be administered.

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

LBD10729-01-3

(ii) Any railroad corporation, company, association or partnership found guilty of violating any such rules or regulations involving an out-of-service defect relating to brake systems, steering components, and/or coupling devices shall be subject to a fine of not less than twenty-five thousand dollars nor more than one hundred fifty thousand dollars.

(iii) Any railroad company, corporation, association, or partnership found guilty of violating any such rule or regulation involving the transportation of hazardous materials shall be subject to a fine of not less than fifty thousand dollars nor more than two hundred fifty thousand dollars.

(iv) Any railroad company, corporation, association, or partnership found guilty of violating any such rule or regulation involving the transportation of hazardous materials shall be ordered to pay restitution or reparation for any costs incurred from a violation of this section, including but not limited to, costs related to environmental remediation and residential relocation of affected areas.

§ 3. This act shall take effect immediately.