STATE OF NEW YORK

6435

2023-2024 Regular Sessions

IN SENATE

April 19, 2023

Introduced by Sens. WEBER, ROLISON -- read twice and ordered printed, and when printed to be committed 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 recent events in Rockland County that caused massive damage and the Norfolk Southern derailment that released flammable chemicals into surrounding areas of East Palestine, Ohio, it is imperative to protect New Yorkers from the disastrous effects of train accidents. Railroad companies must ensure that their trains are safe before they drive them through our communities and minimize the risk to the citizens they roll by. 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 Paragraph (b) of subdivision 4 of section 14-f of the transportation law is REPEALED and a new paragraph (b) is added to read as follows: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 of 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

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

LBD10729-04-3

more than ninety days, or by both such fine and imprisonment shall be administered.

(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 provision of this section shall be liable for any damage incurred as a result of the violation and 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, or costs incurred by the state of New York or a municipality.

§ 3. This act shall take effect immediately.