STATE OF NEW YORK

6935

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

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

AN ACT in relation to establishing a freight rail safety task force; 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:

Section 1. 1. There is hereby established the freight rail safety task force. The purpose of such task force is to review the state of freight rail safety in the state and make policy and budgetary recommendations related thereto.

2. The freight rail safety task force shall consist of 11 members as follows: the commissioner of transportation or their designee, two members appointed by the temporary president of the senate, one member appointed by the minority leader of the senate, two members appointed by the speaker of the assembly, one member appointed by the minority leader of the assembly, and four members appointed by the governor.

3. The commissioner of transportation shall be designated as the chairperson of the freight rail safety task force. The members of the freight rail safety task force shall serve without compensation, except that members shall be allowed their necessary and actual expenses incurred in the performance of their duties under this act.

4. The task force shall be authorized to hold public hearings and meetings, and to consult with any organization, educational institution, or other government entity or person, to enable it to accomplish its duties. Such task force shall hold at least one public hearing in the state for the purpose of soliciting public comment on freight rail safety.

5. To effectuate the purposes of this act, the task force may request and shall receive from any department, division, board, bureau, commission, or other agency of the state or any state public authority such

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

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assistance, information, and data as will enable the task force to properly carry out its powers and duties hereunder.

6. The task force shall undertake a review of the actions and measures that are needed to ensure safe, adequate, efficient, and reliable freight rail transportation and make recommendations regarding:

a. enhanced coordination between the federal, state, and local regulators and officials regarding freight rail regulations, including an examination into how the relevant state agencies can share necessary information related to freight rail trains and their operators including, but not limited to, inspection status, registration status, heat safety gauge and other real-time safety information, safety plans, and other metrics that can help prevent catastrophic incidents;

b. the establishment and adoption of a uniform safety training program for department of transportation engineers and local regulators;

c. a review of federal laws and rules as they relate to the regulation of freight rail operations and operators, including but not limited to, identification of the subject areas specifically regulated by federal laws and rules, whether and to what extent such federal laws and rules preempt state action with respect to the regulation of freight rail safety, and areas of freight rail safety regulation which are subject to oversight by the state; and

d. the need for additional freight rail safety measures.

7. The freight rail safety task force shall issue a report of its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly no later than one year after the effective date of this act.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed two years after such date.