STATE OF NEW YORK

10608

IN ASSEMBLY

June 20, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jones) -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to establishing the New York road salt reduction council and the New York road salt reduction advisory committee

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

Section 1. The transportation law is amended by adding a new article 23 to read as follows:

ARTICLE 23

NEW YORK ROAD SALT REDUCTION PROGRAM

Section 500. Legislative findings.
501. Definitions.
502. New York road salt reduction council.
503. New York road salt reduction advisory committee.

§ 500. Legislative findings. The legislature finds that the report of the Adirondack road salt reduction task force complies with the Randy Preston road salt reduction act, and that its recommendations should be implemented to protect public health and the environment from contamination by road salt. The legislature further finds that effective implementation requires interagency cooperation and coordination, attention extending beyond the boundaries of the Adirondack park. A mechanism for such does not currently exist but should be created. The legislature further recognizes that both state and local agencies need the expertise and experience of scientists, engineers, nongovernmental institutions advocating for clean water, highway users, and others in developing solutions to the problems posed by the need to control ice and snow for the safety of the traveling public without contaminating drinking water and impairing natural resources supporting life, a sound economy, and healthful recreation. The legislature also finds that the public has a right to know about the purchase, storage, and use of road salt by governmental entities and the effects thereof.

§ 501. Definitions. As used in this article the following terms shall have the following meanings:

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

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1. "Advisory committee" means the New York road salt reduction advisory committee established by section five hundred three of this article.

2. "Council" means the New York salt reduction council established by section five hundred two of this article.

3. "Pilot program" means the road salt reduction pilot studies described in the Report.

4. "Report" means the two thousand twenty-three report of the task force to the governor and legislature, including its recommendations and background and technical appendix.

6. "Task force" means the Adirondack road salt reduction task force established under the Randy Preston road salt reduction act.

§ 502. New York road salt reduction council. 1. There is hereby established the New York road salt reduction council. Such council shall consist of a total of fifteen members and shall include:

(a) the commissioner;

(b) the commissioner of environmental conservation;

(c) the commissioner of health;

(d) the chairperson of the New York state thruway authority;

(e) the commissioner of the New York city department of environmental protection;

(f) the presidents of the New York state association of counties, New York association of towns and the New York conference of mayors;

(g) three appointees upon recommendation of the senate majority;

(h) three appointees upon recommendation of the assembly majority; and

(i) the chair of the road salt reduction advisory committee.

With the exception of the chair of the road salt reduction advisory committee and any members appointed by the legislature, all other members may appoint a designee to serve on their behalf.

2. The commissioner and the commissioner of environmental conservation or their designees shall serve as joint chairs of the council.

3. The members of the council shall include individuals with expertise in the science of road salt contamination and the best practices of road management. Task force members shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, to the extent funds are appropriated for such purpose. Each member of the council shall be entitled to one vote. Any approvals or adoptions of recommendations by the council shall require a supermajority of its members. No action may be taken by the council unless there is a quorum, which shall be a majority of the members of the council. Any vacancies on the council shall be filled in the manner provided for the initial appointment. The council shall meet at least quarterly.

4. The council shall, without limitation:

(a) From time to time assess the nature, scope and magnitude of the environmental, ecological, agricultural, economic, recreational, and social impacts caused by the use of road salt in the state;

(b) By two thousand twenty-seven, recommend quantifiable limits in regulation for road salt use that are protective of water quality standards and drinking water maximum contaminant levels, while preserving acceptable levels of service for the driving public;

(c) Recommend incentives for the local adoption of best management practices for minimum salt use during winter road maintenance;

(d) Recommend scientifically defensible drinking water maximum contaminant levels and water quality standards that protect freshwater ecology

and public health, to be adopted by the department of environmental conservation and department of health, respectively;

(e) Recommend actions for state agencies to undertake to comply with quantifiable limits for road salt use as proposed under paragraph (b) of this subdivision;

(f) Recommend budget allocations and/or legislation necessary to reduce road salt use while maintaining acceptable levels of service for the driving public;

(g) From time to time make a record of actions taken by members of the council, state and local governments, and the public to implement the recommendations of the task force in the report;

(h) Monitor the progress of the Adirondack road salt reduction pilot programs and determine what follow up steps are in the public interest to implement recommendations statewide; and

(i) Regularly share data, including that provided by the advisory committee, among members of the council, state and local governments, the advisory committee, and the public to inform decision-making, reduce inconsistent and redundant actions, and identify problems requiring coordinated actions.

5. The council shall prepare an annual report describing its activities during the preceding twelve months. Such report shall be submitted to the governor and legislature and made available to the public.

§ 503. New York road salt reduction advisory committee. 1. There is hereby established the New York road salt reduction advisory committee that is comprised of individuals representing nongovernmental organizations with knowledge about the public health, environmental and road safety implications of road salt use. Such advisory committee shall have up to twenty-five members, with up to seven members selected by the commissioner and commissioners of environmental conservation and health, up to six members selected by the senate majority, up to six members selected by the assembly majority, up to three members selected by the senate minority and up to three members selected by the assembly minority, with at least one member from each of the following:

(a) Adirondack watershed institute at Paul Smith's college;

(b) College of agriculture and life sciences of Cornell university;

(c) Hudson riverkeeper;

(d) Lake George association;

(e) any New York based branch of the American Automobile Association;

(f) Snow and ice management association;

(g) the New York section of the American water works association;

(h) the New York state drinking water quality council;

(i) Cary institute; and

(j) New York state federation of lake associations.

2. Promptly upon the selection of at least twelve members to the advisory committee, the commissioner and the commissioner of environmental conservation shall convene a meeting of the advisory committee at which the advisory committee by majority vote of those present shall select a chair from among the members to preside over the meeting and future meetings. Thereafter, meetings may be held as shall be determined by the chair or upon the written request of at least five members. Any member can attend advisory committee meetings in person or by means of communications equipment allowing all persons participating to hear each other at the same time. A majority of the selected and then serving members shall constitute a quorum for the conduct of business at advisory committee meetings.

3. The advisory committee shall provide information, advice, and guidance to the council concerning the use, management, and effects of road salt on public highways including, but not limited to, implementing the recommendations of the task force, conducting the pilot program, new relevant scientific data and findings, changes in snow and ice management technologies, and factors relating to the appropriate balance between maintaining safe roads and otherwise protecting clean drinking water and other natural resources from contamination.

4. The members of the advisory committee shall serve without compensation, except members shall be allowed their necessary and actual expenses incurred in the performance of their duties under this section.

§ 2. This act shall take effect immediately.