STATE OF NEW YORK

10675

IN ASSEMBLY

August 28, 2024

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

AN ACT to amend the railroad law, in relation to requiring railroad corporations to inform the division of homeland security and emergency services, department of environmental conservation, and department of transportation about freight rail trains transporting hazardous materials prior to traveling on tracks within the state

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

Section 1. The railroad law is amended by adding a new section 109 to read as follows:

§ 109. Transportation of hazardous materials. 1. Every railroad corporation which operates any freight train within the state shall inform the division of homeland security and emergency services, department of environmental conservation, and department of transportation about freight rail trains transporting hazardous materials prior to traveling on tracks within the state, and shall promptly update the hazardous waste manifest. Such information to be provided pursuant to this section shall include the same information required to be provided to local municipalities pursuant to Public Law 114-94, the federal Fixing America's Surface Transportation Act.

2. Information provided pursuant to subdivision one of this section shall be confidential and shall not be subject to disclosure under article six of the public officers law or any other provision of law.

3. The commissioners shall promulgate all rules and regulations necessary for the implementation of this section.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that this act shall be deemed repealed if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation; and provided that the commissioner of transportation shall notify the legislative bill drafting commission upon any such determination in

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

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order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.