

# STATE OF NEW YORK

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6808

2023-2024 Regular Sessions

## IN ASSEMBLY

May 8, 2023

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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:

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

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11 tion law is REPEALED and a new paragraph (b) is added to read as  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

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

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

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

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

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

18    § 3. This act shall take effect immediately.