STATE OF NEW YORK

2706

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

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

AN ACT to establish the East of Hudson watershed road salt reduction task force and pilot program; 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 an East of Hudson watershed road salt reduction task force, hereinafter referred to as the "task force", to conduct a comprehensive review of road salt contamination and roadway, parking lot, driveway, and sidewalk management best practices within the East of Hudson watershed. Such task force shall consist of fourteen members which shall include the commissioner of transportation or their designee, the commissioner of environmental conservation or their designee, the commissioner of health or their designee, the commissioner of the department of environmental protection, or their designee, and ten other members to be appointed by the governor as follows: two upon the recommendation of the temporary president of the senate, two upon the recommendation of the speaker of the assembly, one upon the recommendation of the minority leader of the senate, one upon the recommendation of the minority leader of the assembly, and four without recommendation from any other person. The appointed members of the task force shall include a representative of local governments within the East of Hudson watershed and individuals with expertise in at least one of the following: civil engineering, hydrology, geology, the science of road salt contamination, highway maintenance and operations, and public health. For the purposes of this act, the East of Hudson watershed shall include portions of Dutchess, Putnam and Westchester counties that make up the drainage basin for the New York city reservoir system, consistent with the boundaries delineated by geographic information system maps created by the department of environmental protection.

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

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2. 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. The commissioner of environmental conservation and the commissioner of transportation shall serve as joint chairs of the task force. A majority of the members of the task force shall constitute a quorum for the transaction of business or the exercise of any power or function of the task force. Any vacancies on the task force shall be filled in the manner provided for in the initial appointment.

3. 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. 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 assistance to the extent funds are available, and any such information and data as will enable the task force to properly carry out its powers and duties hereunder, provided however that any request for information and data shall be reasonable in scope and volume, and provided further that any and all information received by the task force from the department of transportation shall not be redisclosed absent specific authorization by the department of transportation.

4. The task force shall undertake a review and assessment of road salt contamination within the East of Hudson watershed and assess current state, local, and commercial policies and practices with respect to state and local roadway, parking lot, driveway, and sidewalk management in winter weather within the East of Hudson watershed. This review and assessment shall take into consideration the best available science concerning road salt contamination and the nature, scope and magnitude of associated impacts to surface and ground waters, public and private lands, property and infrastructure. This assessment shall also be based on due consideration of public safety and the safety of the traveling public.

5. The task force shall prepare and submit to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate committees on transportation, environmental conservation and health, and the chairs of the assembly committees on transportation, environmental conservation and health, on or before December first, two thousand twenty-four, a report containing:

(a) findings of an initial assessment of the nature, scope and magnitude of associated impacts of road salt on surface and ground waters, public and private lands, property, health and infrastructure in the East of Hudson watershed. This assessment shall include the identification of possible sources of salt contamination;

(b) a review of current state, local, and commercial winter road management practices and levels of service for state and local roadways, parking lots, driveways, and sidewalks in the East of Hudson watershed;

(c) recommendations, including consideration of estimate environmental, implementation, and liability costs for state and local governments and the public with respect to:

i. enhancement of winter road maintenance levels of service and best management practices and road salt reduction techniques to reduce state and local roadway, parking lot, driveway, and sidewalk salt contamination of surface and ground waters in the East of Hudson watershed, with due consideration of public safety and the safety of the traveling public;

ii. recommendations for rapid response best practices to surface and ground water contamination in the East of Hudson watershed, including a determination of cost, with the intent to minimize impacts for homeowners to be developed in cooperation with the department of health and the department of environmental conservation;

iii. establishment of a training program for state and local winter road maintenance workers and best practices for commercial applications of road salt used on any surfaces; and

iv. advancement of a public education campaign to inform the public about road salt contamination and how the public can reduce the need for road salt;

(d) recommendations for a publicly accessible record-keeping database system for road salt purchases and applications within the East of Hudson watershed;

(e) recommendations for road salt reduction targets for the East of Hudson watershed that may be used to guide the department of transportation, department of health, department of environmental conservation, local governments in the East of Hudson watershed and commercial entities in measurably reducing sodium and chloride levels in surface and ground waters, provided, however, that such targets represent recommendations that may be adjusted by the department of transportation or local governments if the department of transportation or local governments determine that adjustments are necessary to maintain the state and local roadways in a reasonably safe condition; and

(f) recommendations for an East of Hudson watershed road salt reduction pilot program including monitoring and operational plan goals, objectives, and activities that may be used as guidance for a future pilot program, subject to appropriation, including:

i. varying application methods, rates and frequencies with the intent to measurably reduce road salt applied to state and local roadways, parking lots, driveways, and sidewalks within the East of Hudson watershed. This shall include test comparisons of applications consisting primarily of abrasives and applications consisting primarily of deicers, especially anti-icing and deicing brines;

ii. implementation of well-established best practices such as cutting back the canopy where legal and appropriate, and pre-wetting abrasives or solid deicers;

iii. use of the best available technology and equipment for winter road management;

iv. changes to traffic management when weather events make road conditions hazardous;

v. monitoring of water quality of surface and ground waters on downhill slopes of state and local roadways, parking lots, driveways, and sidewalks in the East of Hudson watershed;

vi. monitoring of road conditions along state roadways within the East of Hudson watershed;

vii. monitoring of truck operators using post-trip reporting;

viii. tracking of weather-related crash rates on state and local roadways within the East of Hudson watershed; and

ix. the conducting of a public education and outreach campaign to inform East of Hudson watershed residents and visitors of changes to winter road maintenance practices and engaging the public in changing behaviors to support road salt reduction efforts.

§ 2. 1. The department of transportation and the department of environmental conservation shall review the report of the East of Hudson watershed road salt reduction task force, established pursuant to

section one of this act, shall conduct water sampling and analysis, and shall incorporate into a road salt pilot program in the East of Hudson watershed those recommendations that, in the discretion of the commissioner of transportation, will not jeopardize the health and safety of the traveling public and for which an appropriation is available. Such road salt pilot program shall be established two years after such water sampling and analysis has been completed to establish necessary baseline data. Local governments in the East of Hudson watershed may review the report of the East of Hudson watershed road salt reduction task force, established pursuant to section one of this act, and may incorporate into a road salt pilot program in their jurisdiction those recommendations that, in the discretion of the commissioner of transportation and the local government, will not jeopardize the health and safety of the traveling public and for which funding is available.

2. Following the incorporation of the recommendations into a road salt pilot program, the department of transportation and department of environmental conservation shall submit a summary report to the governor, temporary president of the senate, and speaker of the assembly by August 30, 2028, of the results of such pilot program, including the identification of effective and ineffective techniques for winter road maintenance and revised levels of service in the East of Hudson watershed.

§ 3. This act shall take effect immediately and shall expire 5 years after the pilot program established pursuant to section two of this act is conducted when upon such date the provisions of this act shall be deemed repealed.