

STATE OF NEW YORK

6435

2023-2024 Regular Sessions

IN SENATE

April 19, 2023

Introduced by Sens. WEBER, ROLISON -- read twice and ordered printed,
and when printed to be committed 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 recent
2 events in Rockland County that caused massive damage and the Norfolk
3 Southern derailment that released flammable chemicals into surrounding
4 areas of East Palestine, Ohio, it is imperative to protect New Yorkers
5 from the disastrous effects of train accidents. Railroad companies must
6 ensure that their trains are safe before they drive them through our
7 communities and minimize the risk to the citizens they roll by. The
8 legislature finds that it is critical to hold rail companies that
9 woefully act in a negligent manner accountable for the personal and
10 environmental harm that they cause.

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12 tion law is REPEALED and a new paragraph (b) is added to read as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

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

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

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1 more than ninety days, or by both such fine and imprisonment shall be
2 administered.

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

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

14 (iv) Any railroad company, corporation, association, or partnership
15 found guilty of violating any provision of this section shall be liable
16 for any damage incurred as a result of the violation and shall be
17 ordered to pay restitution or reparation for any costs incurred from a
18 violation of this section, including but not limited to, costs related
19 to environmental remediation and residential relocation of affected
20 areas, or costs incurred by the state of New York or a municipality.

21 § 3. This act shall take effect immediately.