

STATE OF NEW YORK

9658

IN SENATE

May 16, 2024

Introduced by Sen. HARCKHAM -- 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 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 1. "Advisory committee" means the New York road salt reduction advisory
2 committee established by section five hundred three of this article.
3 cle.

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

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

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

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

13 § 502. New York road salt reduction council. 1. There is hereby estab-
14 lished the New York road salt reduction council. Such council shall
15 consist of a total of fifteen members and shall include:

16 (a) the commissioner;

17 (b) the commissioner of environmental conservation;

18 (c) the commissioner of health;

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

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

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

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

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

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

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

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

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

44 4. The council shall, without limitation:

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

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

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

54 (d) Recommend scientifically defensible drinking water maximum contam-
55 inant levels and water quality standards that protect freshwater ecology

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

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

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

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

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

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

20 5. The council shall prepare an annual report describing its activ-
21 ities during the preceding twelve months. Such report shall be submitted
22 to the governor and legislature and made available to the public.

23 § 503. New York road salt reduction advisory committee. 1. There is
24 hereby established the New York road salt reduction advisory committee
25 that is comprised of individuals representing nongovernmental organiza-
26 tions with knowledge about the public health, environmental and road
27 safety implications of road salt use. Such advisory committee shall have
28 up to twenty-five members, with up to seven members selected by the
29 commissioner and commissioners of environmental conservation and health,
30 up to six members selected by the senate majority, up to six members
31 selected by the assembly majority, up to three members selected by the
32 senate minority and up to three members selected by the assembly minori-
33 ty, with at least one member from each of the following:

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

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

36 (c) Hudson riverkeeper;

37 (d) Lake George association;

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

39 (f) Snow and ice management association;

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

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

42 (i) Cary institute; and

43 (j) New York state federation of lake associations.

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

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

9 4. The members of the advisory committee shall serve without compen-
10 sation, except members shall be allowed their necessary and actual
11 expenses incurred in the performance of their duties under this section.

12 § 2. This act shall take effect immediately.