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# RAILROADS OF NEW YORK

## RONY



### MEMORANDUM OF OPPOSITION

**BILL:** S7684 (Lanza)/A5585 (Kavanagh)  
**SUBJECT:** NOTIFICATION OF THE RELEASE OF HAZARDOUS SUBSTANCES  
**DATE:** February 21, 2014  
**CONTACTS:** SCOTT WIGGER (518-463-2603)  
DAN PLUMMER (518-463-2603)

Railroads of New York, Inc. (RONY) opposes the above-referenced legislation which would impose unnecessarily duplicative and burdensome reporting requirements on railroads regarding the notification procedures in the event of an accidental release of hazardous substances. RONY is a not-for-profit statewide association representing four Class I Railroads (CSX, Canadian National, Canadian Pacific and Norfolk Southern) and 33 short line and regional railroads. RONY members employ over 3,700 individuals and carry nearly 77 million tons of freight in 2 million rail carloads annually statewide.

This legislation would impose criminal penalties on any person who fails to notify the NYS Department of Environmental Conservation within two hours of any accidental release of hazardous substances. **Currently, all freight railroads in the United States are under strict, thorough, and mandatory Federal requirements to report any unintentional release of hazardous substances of any size.**

Federal law states that as soon as practical, but no later than 12 hours after the occurrence of any incident, each person involved in the transportation and in physical possession of hazardous materials that are accidentally released must provide notice by telephone to the U.S. Department of Transportation National Response Center. Such notice must include extensive information including a description of the incident, a description of the nature and quantity of the hazardous materials released, whether the incident poses a public health or safety risk and if any injuries or disruptions to transportation routes occurred. In addition, a more detailed written report is then required to be submitted within 30 days of the incident.

These Federal notification and reporting requirements are very extensive and imposing similar requirements on the state level is duplicative and creates an unnecessary burden on railroad operators. Burdening rail freight operators with duplicative and non-value added state reporting does nothing but possibly take rail management attention away from handling the HAZMAT release.

For these reasons, we respectfully request your opposition to this legislation.

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