S T A T E O F N E W Y O R K

5350

2011-2012 Regular Sessions

I N S E N A T E

May 10, 2011

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

AN ACT to amend the transportation law and the executive law, in relation to work requiring members of the state police at certain work zones

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as "DJ's Law".

S 2. Section 22 of the transportation law, as added by chapter 223 of the laws of 2005, is amended to read as follows:

S 22. Work zone safety and enforcement. 1. The department shall, in cooperation with the superintendent of state police, the commissioner of motor vehicles, the chairman of the New York state thruway authority, local law enforcement agencies and representatives for contractors and laborers, develop and implement rules and regulations for the increased safety of work zones. Such rules and regulations shall include, but shall not be limited to[,]:

(A) REQUIRING a police presence at all major active work zones as defined by rules and regulations set forth by the commissioner, PROVIDED, HOWEVER, THAT ANY CONSTRUCTION, REPAIR OR STRIPING ON OR AROUND ANY EXPRESSWAY ON WHICH AVERAGE DAILY TRAFFIC EXCEEDS FIVE THOUSAND VEHICLES PER DAY AND THE REGULARLY POSTED SPEED LIMIT EXCEEDS FORTY-FIVE MILES PER HOUR SHALL HAVE A NEW YORK STATE TROOPER PRESENT WITH A RADAR DETECTOR AND RED AND BLUE FLASHING LIGHTS TURNED ON ANY TIME A WORK CREW IS PRESENT;

(B) the use of radar speed display signs at all major active work zones as defined by rules and regulations set forth by the commissioner[,]; and

(C) a system for reviewing work zone safety and design for all work zones under the jurisdiction of the department.

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

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2. THE DEPARTMENT SHALL INCLUDE THE COSTS ASSOCIATED WITH POLICING PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION AS PART OF THE OVERALL PROJECT COST THEREBY INCLUDING SUCH COST IN THE BIDDING PROCESS. THE COSTS SHALL BE INCLUDED AND ITEMIZED UNDER THAT PORTION OF THE BID LABELED MAINTENANCE AND PROTECTION OF TRAFFIC.

S 3. The executive law is amended by adding a new section 215-a to read as follows:

S 215-A. STATE POLICE AT CERTAIN WORK ZONES. 1. ANY MEMBER OF THE STATE POLICE MAY VOLUNTEER TO WORK FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWENTY-TWO OF THE TRANSPORTATION LAW.

2. PAYMENT FOR SUCH WORK SHALL BE AT SUCH MEMBER'S CURRENT PAY SCALE, PROVIDED, HOWEVER, THAT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION SHALL PAY SUCH MEMBERS.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such effective date.