

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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

AN ACT to amend the administrative code of the city of New York, in relation to enacting the traffic safety compliance act relative to requests for and study of implementation of traffic control devices in the city

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

1     Section 1. This act shall be known and may be cited as the "traffic  
2     safety compliance act".

3     S 2. Chapter 1 of title 19 of the administrative code of the city of  
4     New York is amended by adding a new subchapter 4 to read as follows:

5                                 SUBCHAPTER 4

6                                 TRAFFIC SAFETY COMPLIANCE ACT

7     S 19-190     TRAFFIC CONTROL DEVICE STUDY AND REPORT. 1. WITHIN THREE  
8     MONTHS OF RECEIVING A REQUEST TO IMPLEMENT A TRAFFIC CONTROL DEVICE, THE  
9     DEPARTMENT SHALL PERFORM AN ENGINEERING STUDY OR INTERSECTION CONTROL  
10    STUDY PURSUANT TO THE REQUIREMENTS OF THE NATIONAL MANUAL ON UNIFORM  
11    TRAFFIC CONTROL DEVICES (HEREINAFTER REFERRED TO IN THIS SECTION AS  
12    "MUTCD"), PROMULGATED BY THE FEDERAL HIGHWAY ADMINISTRATION PURSUANT TO  
13    SUBPART F OF PART 655 OF TITLE 23 OF THE CODE OF FEDERAL REGULATIONS.

14    2. UPON COMPLETION OF SUCH STUDY, THE DEPARTMENT SHALL PREPARE A WRIT-  
15    TEN REPORT DETAILING THE ANALYSES DONE DURING THE STUDY, INCLUDING AN  
16    EXPLANATION OF THE ANALYSIS OF CRITERIA OR WARRANTS CONSIDERED PURSUANT  
17    TO THE MUTCD. IF A SPECIFIC TRAFFIC CONTROL DEVICE LOCATION IS DEEMED TO  
18    HAVE FAILED TO MEET ANY OF THE CRITERIA OR WARRANTS CONSIDERED, THE  
19    WRITTEN REPORT SHALL PROVIDE A DETAILED EXPLANATION OF THE REASONS  
20    THEREFORE.

21    3. A COPY OF THE DEPARTMENT'S REPORT SHALL BE PROVIDED TO THE PARTY OR  
22    PARTIES THAT REQUESTED IMPLEMENTATION OF THE TRAFFIC CONTROL DEVICE AND  
23    SHALL BE AVAILABLE TO THE PUBLIC WITHOUT COST AT THE OFFICE OF THE  
24    DEPARTMENT.

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

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1 4. IF IN RESPONSE TO A REQUEST AND AFTER COMPLETION OF THE STUDY AND  
2 REPORT REQUIRED BY THIS SECTION, THE DEPARTMENT DETERMINES THAT NO TRAF-  
3 FIC CONTROL DEVICE IS WARRANTED, THE PARTY OR PARTIES THAT REQUESTED  
4 IMPLEMENTATION OF THE TRAFFIC CONTROL DEVICE SHALL BE ENTITLED TO APPLY  
5 TO THE COMMISSIONER FOR A REVIEW OF THE FINDINGS WITHIN SIXTY DAYS OF  
6 THE DATE OF NOTIFICATION. THE APPEALING PARTY OR PARTIES SHALL BE ENTI-  
7 TLED TO SUBMIT NEW DATA WITH THE APPEAL, WHICH NEW DATA MUST BE CONSID-  
8 ERED BY THE DEPARTMENT AND ADDRESSED IN A SUPPLEMENTARY REPORT. IF AFTER  
9 CONSIDERATION OF ANY NEW DATA, THE DEPARTMENT STILL DETERMINES THAT NO  
10 TRAFFIC CONTROL DEVICE IS WARRANTED, THE COMMISSIONER SHALL REFER THE  
11 MATTER TO AN INDEPENDENT ADVISORY BOARD TO REVIEW THE DEPARTMENT'S FIND-  
12 INGS. A COPY OF THE ADVISORY BOARD'S RECOMMENDATIONS SHALL BE PROMPTLY  
13 FORWARDED TO THE PARTY OR PARTIES AND TO THE COMMISSIONER. IF THE ADVI-  
14 SORY BOARD'S RECOMMENDATION IS REJECTED BY THE COMMISSIONER, WHOLLY OR  
15 IN PART, THE COMMISSIONER SHALL STATE HIS OR HER REASONS FOR SUCH  
16 REJECTION IN WRITING.

17 5. THE ADVISORY BOARD SHALL CONSIST OF FIVE MEMBERS. THE MEMBERSHIP OF  
18 THE BOARD SHALL CONSIST OF THE DEPUTY MAYOR FOR PUBLIC SAFETY OR HIS OR  
19 HER ASSIGNEE, THE POLICE COMMISSIONER OR HIS OR HER ASSIGNEE, ONE PERSON  
20 APPOINTED BY THE COMMISSIONER AND TWO RESIDENTS OF THE CITY APPOINTED BY  
21 THE NEW YORK CITY COUNCIL. EACH OF THE MEMBERS OF THE ADVISORY BOARD  
22 SHALL SERVE DURING THE TERM OF THEIR RESPECTIVE OFFICES OR, IN THE CASE  
23 OF AN ASSIGNEE OF SUCH AN OFFICER AND THE MEMBER APPOINTED BY THE  
24 COMMISSIONER, AT THE PLEASURE OF SUCH OFFICER AND THE COMMISSIONER OR,  
25 IN THE CASE OF AN ASSIGNEE OF THE NEW YORK CITY COUNCIL, FOR A PERIOD OF  
26 FOUR YEARS, RESPECTIVELY. NO MEMBER OF THE ADVISORY BOARD SHALL BE  
27 DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE, NOR SHALL EMPLOYMENT  
28 BE FORFEITED BY REASON OF THE MEMBER'S APPOINTMENT HEREUNDER, NOTWITH-  
29 STANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE,  
30 COUNTY OR CITY CHARTER. ALL MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE  
31 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR  
32 DUTIES.

33 6. AFTER COMPLETING A STUDY PURSUANT TO THIS SECTION, THE DEPARTMENT  
34 SHALL NOT BE REQUIRED TO COMPLETE ANOTHER STUDY AT THE SAME LOCATION FOR  
35 TWELVE MONTHS FOLLOWING SUCH STUDY, UNLESS IT IS DETERMINED BY THE  
36 DEPARTMENT THAT TRAFFIC CONDITIONS AT THE LOCATION HAVE CHANGED SIGNIF-  
37 ICANTLY SINCE THE COMPLETION OF SUCH STUDY.

38 S 19-191 COLLECTION OF ACCIDENT DATA. IN PERFORMING A STUDY REQUIRED  
39 BY SECTION 19-190 OF THIS SUBCHAPTER, THE DEPARTMENT SHALL COLLECT AND  
40 CONSIDER ACCIDENT DATA. IN ADDITION TO INFORMATION RETRIEVED FROM THE  
41 STATE POLICE DEPARTMENT ACCIDENT INDEX SYSTEM AND INDIVIDUAL ACCIDENT  
42 REPORTS, SUCH ACCIDENT DATA SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

43 1. REPORTS OF ACCIDENTS CONTAINED IN AFFIDAVITS SIGNED BY MEMBERS OF  
44 THE PUBLIC. A PERSON MAKING A FALSE STATEMENT OR PROVIDING FALSE INFOR-  
45 MATION OF FALSE TESTIMONY IN A REPORT UNDER THIS SECTION SHALL BE  
46 SUBJECT TO CRIMINAL PROSECUTION PURSUANT TO ARTICLE ONE HUNDRED SEVEN-  
47 TY-FIVE OR ARTICLE TWO HUNDRED TEN OF THE PENAL LAW.

48 2. TRAFFIC ACCIDENT DATA COLLECTED BY THE STATE DEPARTMENT OF FINAN-  
49 CIAL SERVICES AS A RESULT OF AUTOMOBILE INSURANCE CLAIMS RELATING TO  
50 TRAFFIC ACCIDENTS. SUCH DATA, WHICH RELATES TO TRAFFIC ACCIDENTS OCCUR-  
51 RING WITHIN THE CITY, SHALL BE PROVIDED BY THE STATE DEPARTMENT OF  
52 FINANCIAL SERVICES, WITH SPECIFIC INFORMATION IDENTIFYING THE LOCATION  
53 OF REPORTED ACCIDENTS.

54 S 3. This act shall take effect on the one hundred eightieth day after  
55 it shall have become a law.