

327--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to enacting Allison's law - 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 "Allison's law
2 - the traffic 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

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

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1 WRITTEN REPORT SHALL PROVIDE A DETAILED EXPLANATION OF THE REASONS
2 THEREFORE.

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

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

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

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

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

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

54 2. TRAFFIC ACCIDENT DATA COLLECTED BY THE STATE DEPARTMENT OF FINAN-
55 CIAL SERVICES AS A RESULT OF AUTOMOBILE INSURANCE CLAIMS RELATING TO
56 TRAFFIC ACCIDENTS. SUCH DATA, WHICH RELATES TO TRAFFIC ACCIDENTS OCCUR-

1 RING WITHIN THE CITY, SHALL BE PROVIDED BY THE STATE DEPARTMENT OF
2 FINANCIAL SERVICES, WITH SPECIFIC INFORMATION IDENTIFYING THE LOCATION
3 OF REPORTED ACCIDENTS.
4 S 3. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law.