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

5485--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MILLMAN -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CAMARA, COLTON, COOK, DelMONTE, DIAZ, GOTTFRIED, GUNTHER, KELLNER, KOON, LIFTON, LUPARDO, MAISEL, MARKEY, PHEFFER, PRETLOW, ROBINSON, ROSENTHAL, TITONE -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to enacting the "pedestrian safety enhancement act of 2009"

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

Section 1. This act shall be known and may be cited as the "pedestrian safety enhancement act of 2009".

S 2. Legislative intent: (a) The legislature hereby finds that:

(1) Vehicles designed to provide the desirable benefits of reducing harmful pollutants and operating with greater fuel efficiency include gasoline-electric hybrid and electric-only vehicles, and in the foreseeable future may include hydrogen fuel cell and other engine designs that rely on fuels and technologies other than the gasoline-powered internal combustion engine.

(2) All of the vehicle engine designs specified in paragraph 1 of this subdivision, as well as other designs not specified herein, operate or are likely to operate with virtually no sound being produced by the vehicle.

(3) The total number of hybrid vehicles sold per year in this state is growing dramatically, and although the present number of hybrid vehicles constitutes a small overall percentage of vehicles, if this rate of growth persists, the number of hybrid vehicles will soon equal or exceed the number of internal combustion engine vehicles in this state.

(4) Because blind pedestrians cannot locate and evaluate traffic using their vision, they must listen to traffic to discern its speed, direction, and other attributes in order to travel safely and independently;

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

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and other people, including pedestrians who are not blind, bicyclists, runners, and small children, benefit from multi-sensory information available from vehicle traffic, including the sound of vehicle engines.

(5) When operating on their electric engines, hybrid vehicles sold in this state cannot be heard by blind people and others, rendering such vehicles extremely dangerous when driving on the street, emerging from driveways, moving through parking lots, and in other situations where pedestrians and vehicles come into proximity with each other.

(6) Failure of this state to take immediate action assuring that blind pedestrians can hear hybrid and other silent vehicles in all phases of their operation will lead to pedestrian injuries and fatalities.

(7) The results described in paragraph 6 of this subdivision are preventable through vehicle designs which take into account the multi-sensory nature of traffic detection and avoidance and require that vehicles emit a minimum level of sound designed to alert all pedestrians, especially blind pedestrians, to the presence of such vehicles.

(b) The purpose of this legislation is to establish a minimum sound level standard for all phases of vehicle operation, which is to be applicable to every new vehicle sold in this state and licensed for use on its public streets and roadways when sold and registered after a specified date.

S 3. The vehicle and traffic law is amended by adding a new section 397-c to read as follows:

S 397-C. MINIMUM MOTOR VEHICLE SOUND STANDARDS. 1. WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE STATE CONSUMER PROTECTION BOARD AND THE STATE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED EXECUTIVE BOARD, SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING A MINIMUM SOUND STANDARD APPLICABLE TO VEHICLES SOLD IN AND LICENSED TO TRAVEL THE PUBLIC ROADS OF THIS STATE.

2. THE STANDARD REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL HAVE ALL OF THE FOLLOWING CHARACTERISTICS:

A. IN ALL PHASES OF OPERATION, INCLUDING TIMES WHEN A MOTOR VEHICLE IS AT A FULL STOP, SUCH MOTOR VEHICLE SHALL EMIT AN OMNI-DIRECTIONAL SOUND WITH SIMILAR SPECTRAL CHARACTERISTICS TO THOSE OF A MODERN INTERNAL COMBUSTION ENGINE.

B. THE SOUND SHALL VARY IN A WAY THAT IS CONSISTENT WITH THE SOUND OF VEHICLES WITH COMBUSTION ENGINES INDICATING THAT THE VEHICLE IS IDLING, MAINTAINING A CONSTANT SPEED, ACCELERATING, OR DECELERATING.

C. THE REGULATIONS NEED NOT PRESCRIBE THE APPARATUS, TECHNOLOGY, OR METHOD TO BE USED BY VEHICLE MANUFACTURERS TO ACHIEVE THE REQUIRED MINIMUM SOUND LEVEL.

3. WHEN DETERMINING A MINIMUM SOUND LEVEL, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL:

A. REVIEW ALL AVAILABLE RESEARCH REGARDING THE EFFECT OF TRAFFIC SOUNDS ON PEDESTRIAN SAFETY; AND

B. CONSULT CONSUMER GROUPS REPRESENTING INDIVIDUALS WHO ARE BLIND, OTHER PEDESTRIANS, CYCLISTS, AND ADVOCATES FOR THE SAFETY OF CHILDREN.

4. NO LATER THAN TWO YEARS AFTER RULES AND REGULATIONS ESTABLISHING THE MINIMUM SOUND STANDARD REQUIRED BY THIS SECTION HAVE BEEN PROMULGATED, ALL NEW VEHICLES SOLD IN THIS STATE AND LICENSED FOR USE ON THE PUBLIC ROADS SHALL BE IN COMPLIANCE WITH SUCH STANDARD. ANY VEHICLE NOT IN COMPLIANCE WITH SUCH STANDARD SHALL BE RETROFITTED WITH SOUND-EMITTING COMPONENTS OR EQUIPMENT SUFFICIENT TO MAKE IT COMPLIANT PRIOR TO SALE OF SUCH VEHICLE TO A CONSUMER IN THIS STATE.

5. BEGINNING ONE YEAR AFTER THE DATE THAT NEW VEHICLES SOLD IN THIS STATE SHALL COMPLY WITH THE MINIMUM SOUND STANDARD REQUIRED BY THIS SECTION, VEHICLE SAFETY INSPECTIONS REQUIRED IN THIS STATE SHALL INCLUDE INSPECTION OF SOUND-EMITTING COMPONENTS TO INSURE THAT THEY ARE FUNCTIONING PROPERLY IN ORDER TO PROVIDE MAXIMUM SAFETY TO PEDESTRIANS IN THIS STATE. THE OWNER OF ANY VEHICLE LICENSED FOR USE ON THE PUBLIC ROADS IN THIS STATE AND NOT IN COMPLIANCE WITH SUCH MINIMUM SOUND STANDARD SHALL RETROFIT THE VEHICLE WITH SOUND-EMITTING COMPONENTS OR EQUIPMENT SUFFICIENT TO MAKE IT COMPLIANT WITH THE MINIMUM SOUND STANDARD PRIOR TO AN INSPECTION OF THE VEHICLE PURSUANT TO THIS SUBDIVISION. VEHICLES THAT FAIL TO MEET THE MINIMUM SOUND STANDARD SHALL NOT TRAVEL ON THE ROADS OF THIS STATE.

6. THE DEPARTMENT SHALL PROMULGATE RULES, REGULATIONS AND STANDARDS AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUDING STANDARDS FOR THE INSPECTION OF SOUND-EMITTING COMPONENTS OR EQUIPMENT.

S 4. This act shall take effect immediately.