

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, DeMONTE, 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:

- 1 Section 1. This act shall be known and may be cited as the "pedestrian
2 safety enhancement act of 2009".
3 S 2. Legislative intent: (a) The legislature hereby finds that:
4 (1) Vehicles designed to provide the desirable benefits of reducing
5 harmful pollutants and operating with greater fuel efficiency include
6 gasoline-electric hybrid and electric-only vehicles, and in the foreseeable
7 future may include hydrogen fuel cell and other engine designs that
8 rely on fuels and technologies other than the gasoline-powered internal
9 combustion engine.
10 (2) All of the vehicle engine designs specified in paragraph 1 of this
11 subdivision, as well as other designs not specified herein, operate or
12 are likely to operate with virtually no sound being produced by the
13 vehicle.
14 (3) The total number of hybrid vehicles sold per year in this state is
15 growing dramatically, and although the present number of hybrid vehicles
16 constitutes a small overall percentage of vehicles, if this rate of
17 growth persists, the number of hybrid vehicles will soon equal or exceed
18 the number of internal combustion engine vehicles in this state.
19 (4) Because blind pedestrians cannot locate and evaluate traffic using
20 their vision, they must listen to traffic to discern its speed, direction,
21 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.

LBD08510-02-9

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

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

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

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

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

22 S 3. The vehicle and traffic law is amended by adding a new section
23 397-c to read as follows:

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

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

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

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

40 C. THE REGULATIONS NEED NOT PRESCRIBE THE APPARATUS, TECHNOLOGY, OR
41 METHOD TO BE USED BY VEHICLE MANUFACTURERS TO ACHIEVE THE REQUIRED MINI-
42 MUM SOUND LEVEL.

43 3. WHEN DETERMINING A MINIMUM SOUND LEVEL, THE DEPARTMENT, IN CONSUL-
44 TATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL:

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

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

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

1 5. BEGINNING ONE YEAR AFTER THE DATE THAT NEW VEHICLES SOLD IN THIS
2 STATE SHALL COMPLY WITH THE MINIMUM SOUND STANDARD REQUIRED BY THIS
3 SECTION, VEHICLE SAFETY INSPECTIONS REQUIRED IN THIS STATE SHALL INCLUDE
4 INSPECTION OF SOUND-EMITTING COMPONENTS TO INSURE THAT THEY ARE FUNC-
5 TIONING PROPERLY IN ORDER TO PROVIDE MAXIMUM SAFETY TO PEDESTRIANS IN
6 THIS STATE. THE OWNER OF ANY VEHICLE LICENSED FOR USE ON THE PUBLIC
7 ROADS IN THIS STATE AND NOT IN COMPLIANCE WITH SUCH MINIMUM SOUND STAND-
8 ARD SHALL RETROFIT THE VEHICLE WITH SOUND-EMITTING COMPONENTS OR EQUIP-
9 MENT SUFFICIENT TO MAKE IT COMPLIANT WITH THE MINIMUM SOUND STANDARD
10 PRIOR TO AN INSPECTION OF THE VEHICLE PURSUANT TO THIS SUBDIVISION.
11 VEHICLES THAT FAIL TO MEET THE MINIMUM SOUND STANDARD SHALL NOT TRAVEL
12 ON THE ROADS OF THIS STATE.

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

16 S 4. This act shall take effect immediately.