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

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2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sens. FUSCHILLO, DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, the administrative code of the city of New York, the public authorities law, and chapter 47 of the laws of 1931, relating to bridges and tunnels in New York and New Jersey, in relation to work zone safety on bridges

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 the "bridge work zone safety act".

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 police presence at all major active work zones as defined by rules and regulations set forth by the commissioner, the use of radar speed display signs at all major active work zones as defined by THIS CHAPTER AND BY rules and regulations set forth by the commissioner, and a system for reviewing work zone safety and design for all work zones under the jurisdiction of the department.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM "MAJOR ACTIVE WORK ZONE" SHALL MEAN WHERE WORKERS ARE ENGAGED IN A STATIONARY OPERATION THAT EXCEEDS FOUR HOURS IN DURATION AND THAT ARE NOT PREDOMINATELY SEPARATED FROM TRAFFIC BY A TEMPORARY CONCRETE OR OTHER RIGID BARRIER SYSTEM (A) ON A DIVIDED CONTROLLED ACCESS HIGHWAY HAVING GRADE SEPARATED INTERCHANGE CONNECTIONS WITH INTERSECTING ROADS AND HAVING A NORMAL SPEED LIMIT OF FIFTY-FIVE MILES PER HOUR OR GREATER, OR (B) ON BRIDGES OPEN TO

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

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VEHICULAR TRAFFIC WITHIN THE CITY LIMITS OF CITIES WITH POPULATIONS OF ONE MILLION OR MORE.

S 3. The administrative code of the city of New York is amended by adding a new section 19-154 to read as follows:

S 19-154 WORK ZONE SAFETY AT BRIDGES AND ENFORCEMENT. THE DEPARTMENT SHALL COOPERATE WITH THE POLICE DEPARTMENT, OTHER RELEVANT CITY AGENCIES, AND REPRESENTATIVES FOR CONTRACTORS AND LABORERS TO DEVELOP AND IMPLEMENT RULES AND REGULATIONS FOR THE INCREASED SAFETY OF WORK ZONES AT BRIDGES OPEN TO VEHICULAR TRAFFIC, WHETHER MAINTAINED BY THE DEPARTMENT OR OTHER AGENCIES, WHERE WORKERS ARE ENGAGED IN A STATIONARY OPERATION THAT EXCEEDS FOUR HOURS IN DURATION AND ARE NOT PREDOMINATELY SEPARATED FROM TRAFFIC BY A TEMPORARY CONCRETE OR OTHER RIGID BARRIER SYSTEM. TO THE EXTENT PRACTICABLE GIVEN AVAILABLE RESOURCES, SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A POLICE PRESENCE AT SUCH BRIDGES, THE USE OF RADAR SPEED DISPLAY SIGNS AT SUCH BRIDGES, AND A SYSTEM FOR REVIEWING WORK ZONE SAFETY AND DESIGN AT SUCH BRIDGES UNDER THE JURISDICTION OF THE DEPARTMENT OR ANY OTHER CITY AGENCY.

S 4. The public authorities law is amended by adding a new section 553-j to read as follows:

S 553-J. WORK ZONE SAFETY AT BRIDGES AND ENFORCEMENT. THE AUTHORITY SHALL COOPERATE WITH OTHER RELEVANT GOVERNMENT AGENCIES AND REPRESENTATIVES FOR CONTRACTORS AND LABORERS TO DEVELOP AND IMPLEMENT RULES AND REGULATIONS FOR THE INCREASED SAFETY OF WORK ZONES AT BRIDGES IT OPERATES WHICH ARE OPEN TO VEHICULAR TRAFFIC WHERE WORKERS ARE ENGAGED IN A STATIONARY OPERATION THAT EXCEEDS FOUR HOURS IN DURATION AND ARE NOT PREDOMINATELY SEPARATED FROM TRAFFIC BY A TEMPORARY CONCRETE OR OTHER RIGID BARRIER SYSTEM. TO THE EXTENT PRACTICABLE GIVEN AVAILABLE RESOURCES, SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A POLICE PRESENCE AT SUCH BRIDGES, THE USE OF RADAR SPEED DISPLAY SIGNS AT SUCH BRIDGES, AND A SYSTEM FOR REVIEWING WORK ZONE SAFETY AND DESIGN AT SUCH BRIDGES UNDER THE JURISDICTION OF THE AUTHORITY.

S 5. Chapter 47 of the laws of 1931 relating to bridges and tunnels in New York and New Jersey is amended by adding a new section 1-a to read as follows:

S 1-A. THE PORT AUTHORITY SHALL COOPERATE WITH OTHER RELEVANT GOVERNMENT AGENCIES AND REPRESENTATIVES FOR CONTRACTORS AND LABORERS TO DEVELOP AND IMPLEMENT RULES AND REGULATIONS FOR THE INCREASED SAFETY OF WORK ZONES AT BRIDGES OPERATED BY THE PORT AUTHORITY WHICH ARE OPEN TO VEHICULAR TRAFFIC, WHERE WORKERS ARE ENGAGED IN A STATIONARY OPERATION THAT EXCEEDS FOUR HOURS IN DURATION AND ARE NOT PREDOMINATELY SEPARATED FROM TRAFFIC BY A TEMPORARY CONCRETE OR OTHER RIGID BARRIER SYSTEM. TO THE EXTENT PRACTICABLE GIVEN AVAILABLE RESOURCES, SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A POLICE PRESENCE AT SUCH BRIDGES, THE USE OF RADAR SPEED DISPLAY SIGNS AT SUCH BRIDGES, AND A SYSTEM FOR REVIEWING WORK ZONE SAFETY AND DESIGN AT SUCH BRIDGES UNDER THE JURISDICTION OF THE PORT AUTHORITY.

S 6. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that section five of this act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with section five of this act; provided that the state of New Jersey shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section five of this act in order that the commission may maintain an accurate and timely effective data base of

the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.