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

6908

I N S E N A T E

April 9, 2012

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:

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

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

SUBCHAPTER 4

TRAFFIC SAFETY COMPLIANCE ACT

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

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

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

4. IF IN RESPONSE TO A REQUEST AND AFTER COMPLETION OF THE STUDY AND REPORT REQUIRED BY THIS SECTION, THE DEPARTMENT DETERMINES THAT NO TRAF-

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

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FIC CONTROL DEVICE IS WARRANTED, THE PARTY OR PARTIES THAT REQUESTED IMPLEMENTATION OF THE TRAFFIC CONTROL DEVICE SHALL BE ENTITLED TO APPLY TO THE COMMISSIONER FOR A REVIEW OF THE FINDINGS WITHIN SIXTY DAYS OF THE DATE OF NOTIFICATION. THE APPEALING PARTY OR PARTIES SHALL BE ENTITLED TO SUBMIT NEW DATA WITH THE APPEAL, WHICH NEW DATA MUST BE CONSIDERED BY THE DEPARTMENT AND ADDRESSED IN A SUPPLEMENTARY REPORT. IF AFTER CONSIDERATION OF ANY NEW DATA, THE DEPARTMENT STILL DETERMINES THAT NO TRAFFIC CONTROL DEVICE IS WARRANTED, THE COMMISSIONER SHALL REFER THE MATTER TO AN INDEPENDENT ADVISORY BOARD TO REVIEW THE DEPARTMENT'S FINDINGS. A COPY OF THE ADVISORY BOARD'S RECOMMENDATIONS SHALL BE PROMPTLY FORWARDED TO THE PARTY OR PARTIES AND TO THE COMMISSIONER. IF THE ADVISORY BOARD'S RECOMMENDATION IS REJECTED BY THE COMMISSIONER, WHOLLY OR IN PART, THE COMMISSIONER SHALL STATE HIS OR HER REASONS FOR SUCH REJECTION IN WRITING.

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

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

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

1. REPORTS OF ACCIDENTS CONTAINED IN AFFIDAVITS SIGNED BY MEMBERS OF THE PUBLIC. A PERSON MAKING A FALSE STATEMENT OR PROVIDING FALSE INFORMATION OF FALSE TESTIMONY IN A REPORT UNDER THIS SECTION SHALL BE SUBJECT TO CRIMINAL PROSECUTION PURSUANT TO ARTICLE ONE HUNDRED SEVENTY-FIVE OR ARTICLE TWO HUNDRED TEN OF THE PENAL LAW.

2. TRAFFIC ACCIDENT DATA COLLECTED BY THE STATE DEPARTMENT OF FINANCIAL SERVICES AS A RESULT OF AUTOMOBILE INSURANCE CLAIMS RELATING TO TRAFFIC ACCIDENTS. SUCH DATA, WHICH RELATES TO TRAFFIC ACCIDENTS OCCURRING WITHIN THE CITY, SHALL BE PROVIDED BY THE STATE DEPARTMENT OF FINANCIAL SERVICES, WITH SPECIFIC INFORMATION IDENTIFYING THE LOCATION OF REPORTED ACCIDENTS.

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