

5669--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 5, 2013

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the transportation law and the public authorities law, in relation to the study and examination of the state's roadways and the thruway in reducing certain motor vehicle risks

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

1 Section 1. Section 14 of the transportation law is amended by adding
2 a new subdivision 36 to read as follows:
3 36. TO STUDY AND EXAMINE THE PERFORMANCE OF THE STATE'S ROADWAYS IN
4 REDUCING THE RISK OF MOTOR VEHICLES DEPARTING THE TRAVEL LANE AND OVER-
5 TURNING, OR COLLIDING WITH FIXED OBJECTS, OR COLLIDING WITH MOTORIZED OR
6 NON-MOTORIZED VEHICLES OR PEDESTRIANS, OR LEAVING THE ROADWAY. SUCH
7 STUDY AND EXAMINATION SHALL INCLUDE, BUT NOT BE LIMITED TO, SEGMENTS OF
8 THE STATE'S ROADWAYS WITH A HIGH NUMBER OF FATAL CRASHES, AND SEGMENTS
9 OF ROADWAY WITH HAZARDOUS FEATURES SUCH AS STEEP SLOPES, EMBANKMENTS,
10 CLIFFS, DROP-OFFS OR DEEP BODIES OF WATER. THE COMMISSIONER SHALL SUBMIT
11 A REPORT ON LANE DEPARTURES, UTILIZING EXISTING DATA WHENEVER POSSIBLE,
12 BEGINNING NO LATER THAN AUGUST THIRTY-FIRST, TWO THOUSAND FIFTEEN AND
13 ANNUALLY THEREAFTER, TO THE GOVERNOR AND THE LEGISLATURE WHICH REPORT
14 SHALL INCLUDE BUT SHALL NOT BE LIMITED TO: (A) THE NUMBER AND TYPE OF
15 TRAVEL LANE DEPARTURE CRASHES ON THE STATE'S ROADWAYS INCLUDING, BUT NOT
16 LIMITED TO, FIXED OBJECT, HEAD-ON, CROSS-OVER, ROLLOVER AND SIDESWIPE
17 CRASHES, ROADWAY DEPARTURES, AND THOSE INVOLVING NON-MOTORIZED VEHICLES
18 AND PEDESTRIANS; (B) THE EXTENT TO WHICH THE DEPARTMENT HAS ANALYZED
19 CRASH DATA AND IDENTIFIED AND CONSIDERED THE SAFETY NEEDS OF THE STATE'S
20 ROADWAYS INCLUDING BUT NOT LIMITED TO HIGH-FATALITY SEGMENTS AND
21 SEGMENTS WITH HAZARDOUS FEATURES SUCH AS STEEP SLOPES, EMBANKMENTS,

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

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1 CLIFFS, DROP-OFFS OR DEEP BODIES OF WATER; AND (C) THE MEASURES AND
2 STRATEGIES THAT THE DEPARTMENT HAS UNDERTAKEN, OR PLANS TO UNDERTAKE, TO
3 IMPROVE ROADWAY PERFORMANCE AND REDUCE THE RISK OF MOTOR VEHICLE TRAVEL
4 LANE DEPARTURES AND CRASHES. NO PROVISION OF THIS SUBDIVISION SHALL BE
5 DEEMED TO CONFLICT WITH OR SUPERSEDE THE EVIDENTIARY AND DISCOVERY
6 PROTECTIONS AND RIGHTS AS PROVIDED FOR IN FEDERAL OR STATE LAW. NOTWITH-
7 STANDING ANY OTHER PROVISION OF LAW, ANY REPORTS, SURVEYS, SCHEDULES,
8 LISTS, OR DATA COMPILED OR COLLECTED FOR THE PURPOSE OF IDENTIFYING,
9 EVALUATING, OR PLANNING THE SAFETY ENHANCEMENT OF POTENTIAL ACCIDENT
10 SITES, HAZARDOUS ROADWAY CONDITIONS, OR RAILWAY-HIGHWAY CROSSINGS,
11 PURSUANT TO FEDERAL OR STATE LAW OR FOR THE PURPOSE OF DEVELOPING ANY
12 HIGHWAY SAFETY CONSTRUCTION IMPROVEMENT PROJECT SHALL NOT BE SUBJECT TO
13 DISCOVERY OR ADMITTED INTO EVIDENCE IN A FEDERAL OR STATE COURT PROCEED-
14 ING OR CONSIDERED FOR OTHER PURPOSES IN ANY ACTION FOR DAMAGES ARISING
15 FROM ANY OCCURRENCE AT A LOCATION MENTIONED OR ADDRESSED IN SUCH
16 REPORTS, SURVEYS, SCHEDULES, LISTS, OR DATA.

17 S 2. Section 361 of the public authorities law is amended by adding a
18 new subdivision 3 to read as follows:

19 3. THE AUTHORITY SHALL STUDY AND EXAMINE THE PERFORMANCE OF THE THRU-
20 WAY IN REDUCING THE RISK OF MOTOR VEHICLES DEPARTING THE TRAVEL LANE AND
21 OVERTURNING, OR COLLIDING WITH FIXED OBJECTS, OR COLLIDING WITH MOTOR-
22 IZED OR NON-MOTORIZED VEHICLES OR PEDESTRIANS, OR LEAVING THE THRUWAY.
23 SUCH STUDY AND EXAMINATION SHALL INCLUDE, BUT NOT BE LIMITED TO,
24 SEGMENTS OF THE THRUWAY WITH A HIGH NUMBER OF FATAL CRASHES, AND
25 SEGMENTS WITH HAZARDOUS FEATURES SUCH AS STEEP SLOPES, EMBANKMENTS,
26 CLIFFS, DROP-OFFS OR DEEP BODIES OF WATER. THE AUTHORITY SHALL SUBMIT A
27 REPORT ON LANE DEPARTURES, UTILIZING EXISTING DATA WHENEVER POSSIBLE,
28 BEGINNING NO LATER THAN AUGUST THIRTY-FIRST, TWO THOUSAND FIFTEEN AND
29 ANNUALLY THEREAFTER, TO THE GOVERNOR AND THE LEGISLATURE WHICH REPORT
30 SHALL INCLUDE BUT SHALL NOT BE LIMITED TO: (A) THE NUMBER AND TYPE OF
31 TRAVEL LANE DEPARTURE CRASHES ON THE THRUWAY INCLUDING, BUT NOT LIMITED
32 TO, FIXED OBJECT, HEAD-ON, CROSS-OVER, ROLLOVER AND SIDESWIPE CRASHES,
33 ROADWAY DEPARTURES, AND THOSE INVOLVING NON-MOTORIZED VEHICLES AND
34 PEDESTRIANS; (B) THE EXTENT TO WHICH THE AUTHORITY HAS ANALYZED CRASH
35 DATA AND IDENTIFIED AND CONSIDERED THE SAFETY NEEDS OF THE THRUWAY
36 INCLUDING BUT NOT LIMITED TO HIGH-FATALITY SEGMENTS AND SEGMENTS WITH
37 HAZARDOUS FEATURES SUCH AS STEEP SLOPES, EMBANKMENTS, CLIFFS, DROP-OFFS
38 OR DEEP BODIES OF WATER; AND (C) THE MEASURES AND STRATEGIES THAT THE
39 AUTHORITY HAS UNDERTAKEN, OR PLANS TO UNDERTAKE, TO IMPROVE THRUWAY
40 PERFORMANCE AND REDUCE THE RISK OF MOTOR VEHICLE TRAVEL LANE DEPARTURES
41 AND CRASHES. NO PROVISION OF THIS SUBDIVISION SHALL BE DEEMED TO
42 CONFLICT WITH OR SUPERSEDE THE EVIDENTIARY AND DISCOVERY PROTECTIONS AND
43 RIGHTS AS PROVIDED FOR IN FEDERAL OR STATE LAW. NOTWITHSTANDING ANY
44 OTHER PROVISION OF LAW, ANY REPORTS, SURVEYS, SCHEDULES, LISTS, OR DATA
45 COMPILED OR COLLECTED FOR THE PURPOSE OF IDENTIFYING, EVALUATING, OR
46 PLANNING THE SAFETY ENHANCEMENT OF POTENTIAL ACCIDENT SITES, HAZARDOUS
47 ROADWAY CONDITIONS, OR RAILWAY-HIGHWAY CROSSINGS, PURSUANT TO FEDERAL OR
48 STATE LAW OR FOR THE PURPOSE OF DEVELOPING ANY HIGHWAY SAFETY
49 CONSTRUCTION IMPROVEMENT PROJECT SHALL NOT BE SUBJECT TO DISCOVERY OR
50 ADMITTED INTO EVIDENCE IN A FEDERAL OR STATE COURT PROCEEDING OR CONSID-
51 ERED FOR OTHER PURPOSES IN ANY ACTION FOR DAMAGES ARISING FROM ANY
52 OCCURRENCE AT A LOCATION MENTIONED OR ADDRESSED IN SUCH REPORTS,
53 SURVEYS, SCHEDULES, LISTS, OR DATA.

54 S 3. This act shall take effect on the sixtieth day after it shall
55 have become a law.