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

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:

Section 1. Section 14 of the transportation law is amended by adding a new subdivision 36 to read as follows:

36. TO STUDY AND EXAMINE THE PERFORMANCE OF THE STATE'S ROADWAYS IN REDUCING THE RISK OF MOTOR VEHICLES DEPARTING THE TRAVEL LANE AND OVER-TURNING, OR COLLIDING WITH FIXED OBJECTS, OR COLLIDING WITH MOTORIZED OR NON-MOTORIZED VEHICLES OR PEDESTRIANS, OR LEAVING THE ROADWAY. SUCH STUDY AND EXAMINATION SHALL INCLUDE, BUT NOT BE LIMITED TO, SEGMENTS OF THE STATE'S ROADWAYS WITH A HIGH NUMBER OF FATAL CRASHES, AND SEGMENTS OF ROADWAY WITH HAZARDOUS FEATURES SUCH AS STEEP SLOPES, EMBANKMENTS, CLIFFS, DROP-OFFS OR DEEP BODIES OF WATER. THE COMMISSIONER SHALL SUBMIT A REPORT ON LANE DEPARTURES, UTILIZING EXISTING DATA WHENEVER POSSIBLE, BEGINNING NO LATER THAN AUGUST THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ANNUALLY THEREAFTER, TO THE GOVERNOR AND THE LEGISLATURE WHICH REPORT SHALL INCLUDE BUT SHALL NOT BE LIMITED TO: (A) THE NUMBER AND TYPE OF TRAVEL LANE DEPARTURE CRASHES ON THE STATE'S ROADWAYS INCLUDING, BUT NOT LIMITED TO, FIXED OBJECT, HEAD-ON, CROSS-OVER, ROLLOVER AND SIDESWIPE CRASHES, ROADWAY DEPARTURES, AND THOSE INVOLVING NON-MOTORIZED VEHICLES AND PEDESTRIANS; (B) THE EXTENT TO WHICH THE DEPARTMENT HAS ANALYZED CRASH DATA AND IDENTIFIED AND CONSIDERED THE SAFETY NEEDS OF THE STATE'S ROADWAYS INCLUDING BUT NOT LIMITED TO HIGH-FATALITY SEGMENTS AND 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.

LBD08589-03-4

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

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

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

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