

3416

2013-2014 Regular Sessions

I N   S E N A T E

February 1, 2013

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Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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 FOURTEEN 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,  
22    CLIFFS, DROP-OFFS OR DEEP BODIES OF WATER; AND (C) THE MEASURES AND  
23    STRATEGIES THAT THE DEPARTMENT HAS UNDERTAKEN, OR PLANS TO UNDERTAKE, TO  
24    IMPROVE ROADWAY PERFORMANCE AND REDUCE THE RISK OF MOTOR VEHICLE TRAVEL

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

LBD08589-01-3

1 LANE DEPARTURES AND CRASHES. NO PROVISION OF THIS SUBDIVISION SHALL BE  
2 DEEMED TO CONFLICT WITH OR SUPERSEDE THE EVIDENTIARY AND DISCOVERY  
3 PROTECTIONS AND RIGHTS AS PROVIDED FOR IN FEDERAL OR STATE LAW. NOTWITH-  
4 STANDING ANY OTHER PROVISION OF LAW, ANY REPORTS, SURVEYS, SCHEDULES,  
5 LISTS, OR DATA COMPILED OR COLLECTED FOR THE PURPOSE OF IDENTIFYING,  
6 EVALUATING, OR PLANNING THE SAFETY ENHANCEMENT OF POTENTIAL ACCIDENT  
7 SITES, HAZARDOUS ROADWAY CONDITIONS, OR RAILWAY-HIGHWAY CROSSINGS,  
8 PURSUANT TO FEDERAL OR STATE LAW OR FOR THE PURPOSE OF DEVELOPING ANY  
9 HIGHWAY SAFETY CONSTRUCTION IMPROVEMENT PROJECT SHALL NOT BE SUBJECT TO  
10 DISCOVERY OR ADMITTED INTO EVIDENCE IN A FEDERAL OR STATE COURT PROCEED-  
11 ING OR CONSIDERED FOR OTHER PURPOSES IN ANY ACTION FOR DAMAGES ARISING  
12 FROM ANY OCCURRENCE AT A LOCATION MENTIONED OR ADDRESSED IN SUCH  
13 REPORTS, SURVEYS, SCHEDULES, LISTS, OR DATA.

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

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

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