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

5045

2015-2016 Regular Sessions

I N S E N A T E

April 29, 2015

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

AN ACT to amend the vehicle and traffic law, in relation to the installation of traffic control devices upon request in cities

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

Section 1. The vehicle and traffic law is amended by adding a new section 1682-a to read as follows:

S 1682-A. THE INSTALLATION OF TRAFFIC CONTROL DEVICES UPON REQUEST IN CITIES. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ELECTED OFFICIAL" SHALL MEAN ANY MEMBER OF THE LEGISLATIVE BODY OF A CITY AS DEFINED IN SUBDIVISION SEVEN OF SECTION TWO OF THE MUNICIPAL HOME RULE LAW AS WELL AS ANY MEMBER OF THE STATE LEGISLATURE ELECTED TO REPRESENT A DISTRICT THAT INCLUDES OR IS INCLUDED WITHIN THE BORDERS OF A CITY;

(B) "COMMUNITY BOARD" MEANS A COMMUNITY BOARD AS ESTABLISHED IN SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER;

(C) "TRAFFIC CONTROL AGENCY" SHALL MEAN ANY EXECUTIVE AGENCY OF A CITY RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF PUBLIC HIGHWAYS AND THE INSTALLATION OF TRAFFIC CONTROL DEVICES.

2. WHEN AN ELECTED OFFICIAL OR A COMMUNITY BOARD MAKES A REQUEST IN WRITING TO A TRAFFIC CONTROL AGENCY FOR THE INSTALLATION OF A TRAFFIC CONTROL DEVICE ON A SPECIFIC SECTION OF A PUBLIC HIGHWAY MANAGED BY THAT AGENCY, THE AGENCY SHALL:

(A) CONDUCT AN ENGINEERING STUDY ON THE VIABILITY OF INSTALLING A TRAFFIC CONTROL DEVICE AS REQUESTED. THE STUDY SHALL CONFORM WITH THIS SECTION;

(B) IF THE STUDY SUPPORTS THE INSTALLATION OF THE REQUESTED DEVICE THE DEPARTMENT SHALL INSTALL THE TRAFFIC CONTROL DEVICE; AND

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

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(C) IF THE STUDY DOES NOT SUPPORT THE INSTALLATION OF A TRAFFIC CONTROL DEVICE AS REQUESTED, THE AGENCY SHALL:

(I) PROVIDE A COPY OF THE ENGINEERING STUDY TO THE ELECTED OFFICIAL OR COMMUNITY BOARD THAT SUBMITTED THE REQUEST; AND

(II) PROVIDE THE ELECTED OFFICIAL OR COMMUNITY BOARD A LEGIBLE SUMMARY OF THE ENGINEERING STUDY AND ITS FINDING IN PLAIN ENGLISH, LAYING OUT THE REASONS WHY THE AGENCY BELIEVES THAT THE STUDY SHOWS THAT SUCH A TRAFFIC CONTROL DEVICE IS INAPPROPRIATE.

3. (A) THE ELECTED OFFICIAL OR COMMUNITY BOARD MAY WITHIN SIX MONTHS RESUBMIT THEIR REQUEST IN WRITING FOR A TRAFFIC CONTROL DEVICE ON THE SPECIFIC SECTION OF HIGHWAY BY INCLUDING DOCUMENTATION REFUTING THE FINDINGS OF THE PREVIOUS ENGINEERING STUDY OR LAYING OUT CHANGES IN CONDITIONS WHICH WOULD MATERIALLY CHANGE THE OUTCOME OF A NEW ENGINEERING STUDY.

(B) THE ELECTED OFFICIAL OR COMMUNITY BOARD MAY WITHIN EIGHTEEN MONTHS RESUBMIT IN WRITING THEIR REQUEST FOR A TRAFFIC CONTROL DEVICE ON THE SPECIFIC SECTION OF HIGHWAY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.