STATE OF NEW YORK

7904--B

2017-2018 Regular Sessions

IN ASSEMBLY

May 18, 2017

Introduced by M. of A. RYAN -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 direct the department of transportation to study and report on the removal and use of "X Lite" guardrails and rail caps

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. 1. The department of transportation ("department"), in consultation with local authorities, is hereby authorized and directed to conduct a study to identify the usage and location, on all public highways both on and off the New York state system of highways ("state system"), of any "X Lite" guardrail and guardrail terminal of the type removed in May, 2017 from the "approved list for materials and equipment of manufacturers and/or suppliers" maintained by the department, as well as any other guardrail or guardrail terminal of a substantially similar design and/or material as such "X Lite" product, as determined by the commissioner of transportation.

Such study shall:

(a) identify and list each location of such guardrails and guardrail terminals currently in use on public highways both on and off the state system;

(b) determine the estimated cost to the state and local authorities of both the removal and the replacement of each such identified guardrail and guardrail terminal with a guardrail or guardrail terminal approved by the department; and

(c) determine an estimated time period that would be necessary to remove and replace each such identified guardrail and guardrail terminal with a guardrail or guardrail terminal approved by the department.

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

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The department shall deliver such study to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate finance committee and the assembly ways and means committee, and the chairs of the senate and assembly transportation committees on or before February 1, 2019.

2. For the purposes of this section, the following terms shall have the following meanings: (a) the term "local authorities" shall have the same meaning as such term is defined by section 122 of the vehicle and traffic law; (b) the term "highway" shall have the same meaning as such term is defined by section 118 of the vehicle and traffic law; and (c) the term "public highway" shall have the same meaning as such term is defined by section 134 of the vehicle and traffic law.

§ 2. This act shall take effect immediately.