

STATE OF NEW YORK

6096--B

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sens. YOUNG, KENNEDY, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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:

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

11 Such study shall:

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

15 (b) determine the estimated cost to the state and local authorities of
16 both the removal and the replacement of each such identified guardrail

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

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1 and guardrail terminal with a guardrail or guardrail terminal approved
2 by the department; and

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

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

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

18 § 2. This act shall take effect immediately.