STATE OF NEW YORK

6417--A

2021-2022 Regular Sessions

IN SENATE

April 27, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law, in relation to establishing a highway safety corridor on the Southern State Parkway located in Long Island and to making conforming changes; and to amend the vehicle and traffic law, in relation to additional penalties and misdemeanors for traffic infractions committed within a safety corridor

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

Section 1. Article 13 of the highway law is redesignated article 15 and sections 350, 351, 351-a, 352, 353 and 354 are renumbered sections 400, 401, 402, 403, 404 and 405.

§ 2. The highway law is amended by adding a new article 13 to read as follows:

ARTICLE 13

HIGHWAY SAFETY CORRIDORS

Section 375. Statement of intent.
375-a. Definitions.
375-b. Safety corridors; engineering investigation and designation required.
375-c. Traffic signs.
375-d. Report.

§ 375. Statement of intent. The legislature hereby finds that the Southern State Parkway is one of the most dangerous parkways in the country, and that additional legislative action is necessary to increase public safety. Construction of the Southern State Parkway began in nineteen hundred twenty-five, after being designed by Robert Moses. Portions of the parkway opened to traffic nearly a century ago, in nineteen hundred twenty-seven. As reported in the department of transportation's

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

LBD10456-02-1

Southern State Parkway Signage and Ramp Configuration study on wrong-way driving, it is now one of Long Island's busiest roads, accommodating upwards of two hundred thousand vehicles per day traveling at speeds exceeding sixty-five miles per hour. While the department and federal government have invested significantly in driver warning treatments, maintenance, and other infrastructure improvements in recent years, there have been at least seven wrong-way driver crashes over the past ten years, as well as more than seventeen hundred crashes and more than a dozen fatalities over the past two years, leading to the Southern State Parkways being regarded as one of the most dangerous state parkways in the United States. Many of the studies and police reports indicate that these crashes and fatalities are related to driver behavior. Based on the findings after reviewing studies and current infrastructure projects, it is therefore the intent of the legislature to enact this article to improve safety in targeted high crash locations by authorizing the Southern State Parkway or portions thereof to be designated as a highway safety corridor wherein motorists would be subject to increased levels of police enforcement and increased penalties for safety-related moving violations.

§ 375-a. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Highway safety corridor" or "corridor" means the portion or portions of a roadway determined by a traffic study to be identified as a corridor for purposes of placing additional signage, increasing police presence, and increasing penalties available for the purpose of eliminating or reducing unsafe driver behaviors. Provided further that such corridor shall be limited to the Southern State Parkway or portions of such parkway contained therein.

2. "Manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner pursuant to section sixteen hundred eighty of the vehicle and traffic law.

§ 375-b. Safety corridors; engineering investigation and designation required. The commissioner is hereby authorized to designate a corridor or corridors as described in section three hundred seventy-five-a of this article as a highway safety corridor, in which which any violation of title seven of the vehicle and traffic law or any local law, ordinance, order rule or regulation made by local authorities in relation to traffic committed within the corridor is subject to increased penalties in accordance with sections eighteen hundred-a and eighteen hundred one-a of the vehicle and traffic law. The commissioner shall only be empowered to designate such a corridor or corridors after completing:

1. A crash analysis of candidate corridor locations that indicates that, for the preceding five years, crashes and other indicators related to targeted driving behaviors exceeds thresholds for the number of crashes or the rate of crashes and other indicators for comparable roadways or roadway portions as determined by the department.

2. A certification that the corridor meets the geometric requirements needed to allow for safe patrolling by law enforcement officers as well as suitable shoulders and roadway space available for law enforcement to make traffic stops.

3. A certification that the corridor has adequate space and right of way for the installation of the traffic signs specified in this article.

4. A written agreement from law enforcement agencies responsible for highway patrol along the corridor to provide increased police presence and enforcement within the limits of the safety corridor.

§ 375-c. Traffic signs. Increased penalties in accordance with the schedule established in sections eighteen hundred-a and eighteen hundred one-a of the vehicle and traffic law may not be applied in a safety corridor unless a sign reading "SAFETY CORRIDOR-FINES DOUBLED" and indicating the distance for which the increased penalties apply is posted and a sign reading "END FINES DOUBLED CORRIDOR" is posted at the end of each highway safety corridor. The commissioner shall install such signage giving notice to approaching motor vehicle operators that they are entering or exiting a highway safety corridor, in conformance with standards established in the manual on uniform traffic control devices.

§ 375-d. Report. If the commissioner establishes a highway safety corridor or corridors, the commissioner shall report to the governor, the temporary president of the senate and the speaker of the assembly within one year of the effective date of this article, and by January first each year thereafter on the implementation of this program. Such report shall include:

1. the locations where and dates when a highway safety corridor were established;

2. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within all parkways in the state, to the extent the information is maintained by the commissioner or the department of motor vehicles of this state;

3. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within all highway safety corridors in the state, to the extent the information is maintained by the commissioner or the department of motor vehicles of this state;

4. to the extent the information is maintained by the commissioner or the department of motor vehicles of this state, the number of violations of any section of title seven of the vehicle and traffic law or any local law, ordinance, order rule or regulation made by local authorities in relation to traffic committed within all parkways in the state;

5. to the extent the information is maintained by the commissioner or the department of motor vehicles of this state, the number of violations of any section of title seven of the vehicle and traffic law or any local law, ordinance, order rule or regulation made by local authorities in relation to traffic committed within all highway safety corridors in the state;

6. the number of violations adjudicated and the results of such adjudications including breakdowns of dispositions made for violations in highway safety corridors in the state, to the extent the information is maintained by the commissioner or the department of motor vehicles of this state;

7. the total amount of revenue realized by the state in connection with the program;

8. the expenses incurred by the state in connection with the program; and

9. an itemized list of expenditures made by the state on safety corridor projects in accordance with sections eighteen hundred-a and eighteen hundred one-a of the vehicle and traffic law.

§ 3. Section 401 of the highway law, as renumbered by section one of this act, is amended to read as follows:

§ 401. Saving clause. The repeal of a law, as specified in section [~~three hundred and fifty-three~~] four hundred four of this article shall not affect or impair any contract, or any act done, or right accruing, accrued or acquired or any penalty, forfeiture, or punishment incurred prior to the time when this chapter or any section thereof takes effect,

under or by virtue of the laws so repealed, but the same may be asserted, enforced, prosecuted, or inflicted, as fully and to the same extent, as if such laws had not been repealed.

§ 4. Section 402 of the highway law, as added by chapter 506 of the laws of 1936 and as renumbered by section one of this act, is amended to read as follows:

§ 402. Effect of amendments to and repeals of provisions of the former highway law. 1. An act of the legislature of the year nineteen hundred thirty-six which, in form, amends or repeals or purports to amend or repeal any provision or provisions of the former highway law shall be legally effective notwithstanding the repeal of such former highway law by section [~~three hundred fifty-three~~] four hundred four of this article, and shall be construed as an amendment or repeal, as the case may be, of the corresponding provision or provisions of this chapter irrespective of whether such provision or provisions are contained in this chapter in one or more than one article, section, subdivision or other part thereof and such corresponding provision or provisions shall be deemed amended, modified, changed or repealed as though the same had been expressly and in terms so amended or repealed.

2. An act of the legislature of the year nineteen hundred thirty-six which adds or purports to add a new article, section, subdivision or other provision of law to the former highway law shall be legally effective notwithstanding the repeal of such former highway law by section [~~three hundred fifty-three~~] four hundred four of this article and shall be construed as having been added to this chapter and shall be given full effect according to its context as if the same had been added expressly and in terms to this chapter and shall be deemed to have been inserted in this chapter in juxtaposition to and as modifying the effect of the corresponding provision or provisions of this chapter.

3. The repeal of such former highway law by section [~~three hundred fifty-three~~] four hundred four of this article shall not be construed to impair or affect the validity of any act of the legislature of the year nineteen hundred thirty-six relating to highways, roads or bridges because of any reference to or dependency on such former law but such act shall be construed in connection with this chapter as though in terms and in effect such act referred to or dependent upon this chapter.

§ 5. The vehicle and traffic law is amended by adding two new sections 1800-a and 1801-a to read as follows:

§ 1800-a. Additional penalties for traffic infractions committed within a safety corridor. 1. Notwithstanding the provisions of section eighteen hundred of this article and any rule or regulation to the contrary, every person convicted of a traffic infraction for a violation of any section of title seven of this chapter or any local law, ordinance, order rule or regulation made by local authorities in relation to traffic committed within a safety corridor as designated by article thirteen of the highway law shall be subject to a fine that is twice the maximum fine amount otherwise set forth in this chapter for such infraction.

2. With respect to the percentage of fines or penalties paid to the city, town or village in which the violation giving rise to the liability occurred, the portion of the fines or penalties paid that exceed the maximum fine amount set forth in this chapter in addition to subdivision one of this section shall be accompanied by a statement in such form and detail as the comptroller shall provide and paid by the comptroller to the general fund. With respect to the percentage of additional fines or penalties paid to the general fund pursuant to subdivision one of this section, one hundred percent shall be dedicated to department of trans-

portation safety corridor projects after deducting the expenses necessary to administer such program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on safety corridor projects. For purposes of this subdivision, "safety corridor projects" shall apply to safety corridors designated by article thirteen of the highway law and shall include, but not be limited to, increased police presence, inspection and implementation of safety corridor design, maintenance, and traffic plans and markings, enforcement efforts, and radar speed display signs.

§ 1801-a. Additional penalties for misdemeanors committed within a safety corridor. 1. Notwithstanding the provisions of section eighteen hundred one of this article and any rule or regulation to the contrary, every person convicted of a misdemeanor for a violation of any section of title seven of this chapter or any local law, ordinance, order rule or regulation made by local authorities in relation to traffic committed within a safety corridor as designated by article thirteen of the highway law shall be subject to a fine that is twice the maximum fine amount otherwise set forth in this chapter for such misdemeanor.

2. With respect to the percentage of fines or penalties paid to the city, town or village in which the violation giving rise to the liability occurred, the portion of the fines or penalties paid that exceed the maximum fine amount set forth in this chapter in addition to subdivision one of this section shall be accompanied by a statement in such form and detail as the comptroller shall provide and paid by the comptroller to the general fund. With respect to the percentage of additional fines or penalties paid to the general fund pursuant to subdivision one of this section, one hundred percent shall be dedicated to department of transportation safety corridor projects after deducting the expenses necessary to administer such program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on safety corridor projects. For purposes of this subdivision, "safety corridor projects" shall apply to safety corridors designated by article thirteen of the highway law and shall include, but not be limited to, increased police presence, inspection and implementation of safety corridor design, maintenance, and traffic plans and markings, enforcement efforts, and radar speed display signs.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.