

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:

1 Section 1. Article 13 of the highway law is redesignated article 15
2 and sections 350, 351, 351-a, 352, 353 and 354 are renumbered sections
3 400, 401, 402, 403, 404 and 405.

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

ARTICLE 13

HIGHWAY SAFETY CORRIDORS

Section 375. Statement of intent.

375-a. Definitions.

375-b. Safety corridors; engineering investigation and design nation required.

375-c. Traffic signs.

375-d. Report.

14 § 375. Statement of intent. The legislature hereby finds that the
15 Southern State Parkway is one of the most dangerous parkways in the
16 country, and that additional legislative action is necessary to increase
17 public safety. Construction of the Southern State Parkway began in nine-
18 teen hundred twenty-five, after being designed by Robert Moses. Portions
19 of the parkway opened to traffic nearly a century ago, in nineteen
20 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.

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

20 § 375-a. Definitions. As used in this article, the following terms
21 shall have the following meanings:

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

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

33 § 375-b. Safety corridors; engineering investigation and designation
34 required. The commissioner is hereby authorized to designate a corridor
35 or corridors as described in section three hundred seventy-five-a of
36 this article as a highway safety corridor, in which which any violation
37 of title seven of the vehicle and traffic law or any local law, ordi-
38 nance, order rule or regulation made by local authorities in relation to
39 traffic committed within the corridor is subject to increased penalties
40 in accordance with sections eighteen hundred-a and eighteen hundred
41 one-a of the vehicle and traffic law. The commissioner shall only be
42 empowered to designate such a corridor or corridors after completing:

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

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

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

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

1 § 375-c. Traffic signs. Increased penalties in accordance with the
2 schedule established in sections eighteen hundred-a and eighteen hundred
3 one-a of the vehicle and traffic law may not be applied in a safety
4 corridor unless a sign reading "SAFETY CORRIDOR-FINES DOUBLED" and indi-
5 cating the distance for which the increased penalties apply is posted
6 and a sign reading "END FINES DOUBLED CORRIDOR" is posted at the end of
7 each highway safety corridor. The commissioner shall install such
8 signage giving notice to approaching motor vehicle operators that they
9 are entering or exiting a highway safety corridor, in conformance with
10 standards established in the manual on uniform traffic control devices.

11 § 375-d. Report. If the commissioner establishes a highway safety
12 corridor or corridors, the commissioner shall report to the governor,
13 the temporary president of the senate and the speaker of the assembly
14 within one year of the effective date of this article, and by January
15 first each year thereafter on the implementation of this program. Such
16 report shall include:

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

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

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

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

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

38 6. the number of violations adjudicated and the results of such adju-
39 dications including breakdowns of dispositions made for violations in
40 highway safety corridors in the state, to the extent the information is
41 maintained by the commissioner or the department of motor vehicles of
42 this state;

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

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

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

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

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

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

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

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

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

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

37 § 5. The vehicle and traffic law is amended by adding two new sections
38 1800-a and 1801-a to read as follows:

39 § 1800-a. Additional penalties for traffic infractions committed with-
40 in a safety corridor. 1. Notwithstanding the provisions of section eigh-
41 teen hundred of this article and any rule or regulation to the contrary,
42 every person convicted of a traffic infraction for a violation of any
43 section of title seven of this chapter or any local law, ordinance,
44 order rule or regulation made by local authorities in relation to traf-
45 fic committed within a safety corridor as designated by article thirteen
46 of the highway law shall be subject to a fine that is twice the maximum
47 fine amount otherwise set forth in this chapter for such infraction.

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

1 portation safety corridor projects after deducting the expenses neces-
2 sary to administer such program, provided, however, that such funds
3 provided pursuant to this subdivision shall be payable on the audit and
4 warrant of the comptroller and shall only be used to supplement and not
5 supplant current expenditures of state funds on safety corridor
6 projects. For purposes of this subdivision, "safety corridor projects"
7 shall apply to safety corridors designated by article thirteen of the
8 highway law and shall include, but not be limited to, increased police
9 presence, inspection and implementation of safety corridor design, main-
10 tenance, and traffic plans and markings, enforcement efforts, and radar
11 speed display signs.

12 § 1801-a. Additional penalties for misdemeanors committed within a
13 safety corridor. 1. Notwithstanding the provisions of section eighteen
14 hundred one of this article and any rule or regulation to the contrary,
15 every person convicted of a misdemeanor for a violation of any section
16 of title seven of this chapter or any local law, ordinance, order rule
17 or regulation made by local authorities in relation to traffic committed
18 within a safety corridor as designated by article thirteen of the high-
19 way law shall be subject to a fine that is twice the maximum fine amount
20 otherwise set forth in this chapter for such misdemeanor.

21 2. With respect to the percentage of fines or penalties paid to the
22 city, town or village in which the violation giving rise to the liabil-
23 ity occurred, the portion of the fines or penalties paid that exceed the
24 maximum fine amount set forth in this chapter in addition to subdivision
25 one of this section shall be accompanied by a statement in such form and
26 detail as the comptroller shall provide and paid by the comptroller to
27 the general fund. With respect to the percentage of additional fines or
28 penalties paid to the general fund pursuant to subdivision one of this
29 section, one hundred percent shall be dedicated to department of trans-
30 portation safety corridor projects after deducting the expenses neces-
31 sary to administer such program, provided, however, that such funds
32 provided pursuant to this subdivision shall be payable on the audit and
33 warrant of the comptroller and shall only be used to supplement and not
34 supplant current expenditures of state funds on safety corridor
35 projects. For purposes of this subdivision, "safety corridor projects"
36 shall apply to safety corridors designated by article thirteen of the
37 highway law and shall include, but not be limited to, increased police
38 presence, inspection and implementation of safety corridor design, main-
39 tenance, and traffic plans and markings, enforcement efforts, and radar
40 speed display signs.

41 § 6. This act shall take effect on the one hundred eightieth day after
42 it shall have become a law. Effective immediately, the addition, amend-
43 ment and/or repeal of any rule or regulation necessary for the implemen-
44 tation of this act on its effective date are authorized to be made and
45 completed on or before such date.