

STATE OF NEW YORK

5568--B

2025-2026 Regular Sessions

IN SENATE

February 25, 2025

Introduced by Sens. FAHY, MURRAY, RHOADS, ROLISON, TEDISCO -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the transportation law, in relation to enacting the "Alexander John Smullen Traffic Safety Memorial Law"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Alexander John Smullen Traffic Safety Memorial Law".

3 § 2. Section 14 of the transportation law is amended by adding a new
4 subdivision 29-a to read as follows:

5 29-a. (a) To establish and implement a state memorial sign program to
6 memorialize persons who died due to injuries sustained in a fatal motor
7 vehicle crash on state highways, including controlled access state high-
8 ways, maintained by the state which is reportable to the federal fatali-
9 ty analysis reporting system (FARS). Such program shall provide for the
10 provision and installation of signs on such state highways maintained by
11 the state in memory of such persons, upon application within five years
12 of such fatal crash by an immediate family member of such person and
13 payment of a fee, established by the commissioner, for the costs of
14 design, production, placement, and maintenance of such signs. Such
15 program also shall provide that:

16 (i) in the event any member of such person's immediate family submits
17 an objection to the placement of such memorial sign to the commissioner,
18 the sign shall not be placed, and shall be removed if the objection was
19 received after such sign was placed;

20 (ii) no memorial sign shall be approved for a person who died while
21 operating a motor vehicle in violation of section eleven hundred nine-

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

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1 ty-two of the vehicle and traffic law and as a result of such intoxica-
2 tion or impairment, such person operated the motor vehicle in a manner
3 that caused the serious physical injury or death of another person;

4 (iii) no more than one memorial sign may be placed at the same
5 location, provided that in the event of multiple applications for a
6 single location, the commissioner may provide for a sign type capable of
7 accommodating multiple applications, provided that such sign otherwise
8 meets the requirements of this subdivision;

9 (iv) such memorial signs shall be of a design which differs from signs
10 erected to dedicate or memorialize a highway or bridge pursuant to arti-
11 cle twelve of the highway law;

12 (v) the placement of memorial signs on such state highways maintained
13 by the state shall be at locations determined by the commissioner,
14 taking into consideration the crash location, roadway geometry, existing
15 signage and traffic control devices, available right of way, safety
16 concerns, and any other factor the commissioner deems it necessary to
17 consider. Such placement shall also be in accordance with this subdivi-
18 sion, with rules, regulations, and guidelines promulgated by the
19 commissioner, and with the requirements of the Manual on Uniform Traffic
20 Control Devices (MUTCD) and any other applicable state or federal law,
21 rule, or regulation relating to highway signage. Provided, however, that
22 no such sign shall be placed in front of a residence or business;

23 (vi) memorial signs placed pursuant to this section shall be removed
24 two years from the date of their initial placement. The commissioner may
25 remove damaged signs, which shall be replaced for the remainder of the
26 two-year period upon application by an immediate family member and
27 payment of a replacement fee as determined by the commissioner.
28 Provided, however, the department shall replace, for the remainder of
29 the two-year period, any such sign damaged due to negligence of the
30 department and no application or replacement fee shall be required for
31 such replacement;

32 (vii) for the safety of the public, on-site dedication or ceremonies
33 and the placement of decorations or other items at the site of a memori-
34 al sign shall be prohibited; and

35 (viii) information on the state memorial sign program established
36 pursuant to this subdivision shall be posted on the department's publ-
37 ic-facing website, together with highway and traffic safety information
38 to further inform and educate the public on methods, practices, and
39 actions to improve the safety of motor vehicle occupants, motorcyclists,
40 bicyclists, pedestrians, and all roadway users.

41 (b) For the purposes of this subdivision, the following terms shall
42 have the following meanings:

43 (i) "controlled-access state highway" shall mean every highway,
44 street, or roadway under the jurisdiction of the state in respect to
45 which owners or occupants of abutting lands and other persons have no
46 legal right of access to or from the same except at such points only and
47 in such manner as may be determined by the state;

48 (ii) "fatality analysis reporting system" or "FARS" shall mean the
49 nationwide database established by the national highway traffic safety
50 administration of the United States department of transportation, as
51 authorized pursuant to part 30182 of title 49 of the United States code
52 and part 403 of title 23 of the United States code, which collects data
53 on fatal motor vehicle traffic crashes;

54 (iii) "highway" shall mean the entire width between the boundary lines
55 of every way publicly maintained when any part thereof is open to the
56 use of the public for purposes of vehicular travel;

1 (iv) "immediate family" shall mean the decedent's spouse or domestic
2 partner, birth parents, adoptive parents, stepparents, birth children,
3 adoptive children, stepchildren, siblings, and stepsiblings;

4 (v) "manual on uniform traffic control devices" or "MUTCD" shall mean
5 the manual and specifications for a uniform system of traffic control
6 devices maintained by the commissioner of transportation pursuant to
7 section sixteen hundred eighty of the vehicle and traffic law; and

8 (vi) "reportable to the federal fatality analysis reporting system"
9 shall mean a crash involving a motor vehicle traveling on a trafficway
10 customarily open to the public resulting in the death of a vehicle occu-
11 pant or a nonoccupant within thirty days of the crash.

12 (c) The commissioner shall promulgate rules and regulations necessary
13 to implement and carry out the provisions of this subdivision.

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