



NEW YORK STATE SENATOR

Martin Malavé Dilan

Senate Legislation Sponsored by Senator Dilan Allows Emergency Responders to Quickly Remove Disabled Vehicles from Roadways

MARTIN MALAVÉ DILAN June 3, 2009

| ISSUE: **TRANSPORTATION**

(Albany, NY)—Today legislation sponsored by Senator Martin Malavé Dilan, Chair of the Senate Transportation Committee, passed the Senate, making an emergency responders job easier when it comes to clearing accident debris.

Senate bill, S5174, brings New York in line with similar provisions in other states that relieves police officers, emergency responders and those who act pursuant to their direction, such as tow truck operators, from liability when removing vehicles and accident debris from highways.

“Accidents beget rubbernecking, and rubbernecking begets more accidents. Any steps New York can take to facilitate the clearing of roads will break this cycle, both improving response time and safety,” said Senator Dilan (D-Brooklyn).

Idaho, Rhode Island, Wisconsin, Montana, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia have adopted similar hold-harmless legislation.

Accidents, especially overturned tractor-trailers and other large vehicles, can tie up highways

for hours causing secondary accidents and tie up emergency responders. Recognizing this, police and municipal agencies have adopted their own quick clearance procedures. These procedures often require the removal of vehicles—sometimes by the use of bulldozers—which results in unavoidable damage to vehicles and their cargo.

“Emergency responders must first think of driver safety when clearing roads of debris, not whether they stand to face litigation in doing so,” said Senator Dilan. “Any delay in the clearing of accidents only exacerbates the problem, and puts responders in further danger.”

This bill does hold emergency responders accountable in instances of reckless or grossly negligent conduct. Senator Dilan said legislation of this nature is endorsed by the I-95 Corridor Coalition, a coalition consisting of transportation, police, emergency and private sector interests that range from Maine to Florida.

The bill amends the vehicle and traffic law, adding a new paragraph to section 1602.