



NEW YORK STATE SENATOR

Terrence Murphy

Murphy paves way for grade crossing safety package approval

TERRENCE MURPHY June 19, 2016

ALBANY, NY - A month after the fatal train accident in Valhalla, State Senator Terrence Murphy joined local officials in Mt. Pleasant to call for the closing of the Cleveland Street grade crossing. These calls intensified, later that year as the Senator, who represents Northern Westchester, led a bipartisan effort to have the MTA inspect additional grade crossings in Mt. Pleasant and New Castle. Yesterday, the New York State Senate announced that final passage was given to the Rail Safety Act of 2016, a measure that will enhance railroad safety measures throughout New York State.

The bill (S8119), sponsored by Senator Murphy and Senator Joseph Robach (R-C-I, Rochester), was part of an agreement with the Governor and the Assembly to require joint inspection of traffic signals; increase penalties for failing to comply with regulations; align railroad bridge inspection requirements with federal regulations; and increase penalties for failing to obey certain signals and stops.

Senator Murphy said, "The 40th Senate District saw firsthand the devastation that can occur at one of these dangerous intersections. Since that tragic accident in Valhalla, I have worked diligently with my colleagues and local officials to enact legislation that will help prevent another accident from occurring on these tracks which will ultimately save lives."

Although the numbers of fatalities and accidents at highway-railroad grade crossings have fallen steadily on a national level, they have increased in New York. Existing provisions of New York's Vehicle and Traffic Law require motorists to observe safe driving behaviors at grade crossings, but many motorists fail to follow these critical safety requirements, risking their own safety as well as others'. To improve the safety of trains and the communities they travel through, this bill will:

Require Joint Inspections by State and Local Officials: Every railroad corporation and every municipality or state agency which has jurisdiction of a highway with at-grade crossings must conduct, at a minimum, biennial inspections of traffic warning systems. The state Department of Transportation (DOT) will facilitate and oversee these inspections.

Increase Penalties for Repeat Offenders of Railroad Safety Violations: The bill strengthens penalties for repeat offenders who fail to obey signals indicating the approach of a train, including not stopping within 15 feet of the crossing. Violators face up to \$500 and/or 45 days of imprisonment for the second offense that occurs within 18 months of the first, and up to \$750 and/or 90 days of imprisonment for a third or subsequent offense which occur within 18 months. Penalties for repeatedly driving through, around, or under any gate or barrier at railroad crossings will be up to \$750 and/or 90 days of imprisonment for the second offense, and up to \$1,000 and/or 180 days of imprisonment for a third or subsequent offense. The look-back for repeat offenses will be increased from 18 months to 30 months.

Align State Law with Federal Reporting Requirements: Requirements for railroad bridge inspections conducted by railroad companies will be made concurrent with existing federal requirements under the Federal Railroad Administration (FRA). A single set of laws will allow for improved communication between the railroad companies and federal and state government. By increasing the penalties for failure to comply with regulations, this bill establishes a strong incentive for railroad companies to ensure that incidents are reported within the time limits required by regulation.

Increase Penalties for the Failure to Comply with Regulations: Penalties will be increased for buses, vehicles carrying hazardous materials, and vehicles with a gross vehicle rating of more than 10,000 pounds that repeatedly fail to stop at all railroad grade crossings. Violators face up to \$500 and/or 45 days of imprisonment for their second offense that occurs within 30 months of the first, and up to \$750 and/or 90 days of imprisonment for the third or subsequent offenses which occur within 30 months.\

Senate Majority Leader John Flanagan said, "When it comes to railroad grade crossings, New York is ensuring safety first and keeping motorists and others out of harm's way. I thank my colleagues on both sides of the aisle for highlighting this critical public safety issue and working with us to get a meaningful result."

Senator Robach, Chair of the Senate's Transportation Committee, said, "Improving public and commuter safety is critically important, especially with more drivers and riders using our roads and mass transit systems than ever before. This encompassing legislation can help save lives and reduce the number of senseless crossing-collision deaths in New York by strengthening inspection requirements and raising driver awareness about on-coming railroad crossings."

The bill will be sent to the Governor.