



NEW YORK STATE SENATOR

Catharine Young

X-Lite Guardrail Systems Slated for Removal from New York State Roads

CATHARINE YOUNG January 25, 2018

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Albany, NY – Following months of determined advocacy by Senator Catharine Young (R,C,I – 57th S.D.) and national highway safety advocate Stephen Eimers, New York’s Commissioner of the Department of Transportation Paul Karas announced at today’s Transportation Budget Hearing that the department is moving ahead to remove the potentially deadly X-Lite guardrail products from New York’s highways.

“On May 16, 2017, I stood alongside Stephen Eimers at a press conference and vowed that I would fight with him to remove from New York’s roads, the hazardous product that killed his beloved daughter Hannah. Legislation that I authored and that passed the Senate that very day was the catalyst for the process that brought us to today’s significant news: X-Lite guardrail products are being removed from the state’s highways,” said Senator Young.

“This is a public safety victory for every New Yorker who travels our state roads and one that could not have been achieved without the tireless advocacy of Stephen Eimers who was determined to spare others from the tragedy his family endured. I applaud his courage and the selfless dedication that has driven his efforts over the past year.”

In November 2016, Hannah Eimers, who was born on September 11, 1999 in Fredonia, was killed in a heartbreaking accident in Tennessee when her vehicle left Interstate 75, crossed into the median and struck the guardrail. Tragically, instead of re-directing the car as it left the roadway, the guardrail broke apart and speared the cabin of the car, killing Hannah instantly.

Because of the accident, Stephen Eimers has become a national spokesperson for highway safety and a staunch advocate for the removal of the X-Lite guardrail systems from roadways. Mr. Eimers has traveled the country speaking about safety and developing a list of fatalities that resulted from flaws in the X-Lite system. To date, he has identified approximately 25 deaths involving the X-Lite around the nation and several horrific amputations.

"This action by the NYSDOT to remove and replace the defective Lindsay X-lite guardrail end treatment in New York will save lives. I truly thank Senator Young for her leadership on this issue. My daughter Hannah was born in the Senator's district so this removal and the Senator's advocacy truly means a lot to our family. Nine states have now acted to remove

the deadly X-Lite from the roadside. The time has come for the Federal Highway Administration of the United States to rescind FHWA letter CC-120," said Stephen Eimers.

"I am grateful for the partnership of Governor Cuomo and Commissioner Karas in making this achievement possible. Their commitment to eliminating these dangerous guardrail systems on state roads will undoubtedly save lives and build momentum for the effort to achieve a total and complete ban on these units, at both the state and federal levels," said Senator Young.

In his comments, Commissioner Karas noted that 43 locations in the state's highway system have been identified as having X-Lite products, with 16 already addressed and another 27 slated for removal. The Commissioner indicated that all units will be removed before the end of the year.

In 2017, Senator Young sponsored S.5427A, co-sponsored by Senator Robach, that would permanently remove X-Lite guardrail products from the list of eligible types of materials used for guardrails in New York State, ban X-Lite and similarly designed products from being installed in the future and require that any existing "X-Lite" guardrail products be replaced along the state roadways. While the measure passed unanimously in the Senate, it failed to advance in the Assembly. Today's announcement confirms that the provisions of the legislation will be carried out administratively by the Department of Transportation.

Senator Joseph Robach (R,C,I – 56th S.D.) said: "I am pleased that the Department of Transportation heeded the call to take this action that will protect motorists and save lives. I was proud to be a co-sponsor of legislation calling for the removal of the X-Lite Guardrail System from use on the roadway. Whether it is keeping dangerous products off our roads, bringing our state's infrastructure into the 21st Century or making sure our state adequately funds transportation, we are working every day to make our roads, highways and bridges

safe for all New Yorkers.”

New York joins a growing list of states who have removed or are in the process of removing X-Lite guardrail systems from their roadways. States who have removed or made the decision to remove the units include Tennessee, Missouri, Oklahoma, Ohio, Vermont, Rhode Island and New Jersey. Dozens more have removed X-Lite from their approved product lists, with Maryland and South Carolina recently becoming the 41st and 42nd states to take this step.

Companion legislation sponsored by Senator Young, S.6096, would also direct the New York State Department of Transportation, in consultation with the appropriate local entities, to conduct a study to identify the locations of any X-Lite guardrail or guard rail caps on town, city and county-owned roadways. This legislation, which passed the Senate unanimously in 2017 but did not advance in the Assembly, will be advocated again by Senator Young in the current legislative session.

“Stephen Eimers’ courageous fight to remove the X-Lite threat from our roads has scored another victory with today’s news. The next step is for us to push for enactment of legislation that I’ve sponsored directing NYS DOT to conduct a study to identify locations of X-Lite products on town, city and county-owned roadways. Our efforts won’t end until we are assured that 100 percent of the X-Lite guardrail systems in New York have been removed.”