

February 4, 2020

## **Governor Cuomo Announces New Measure to Enhance Highway Workers Safety is Included in FY 2021 Executive Budget**

*Measure Implements the SLOW Act Imposing Tougher Penalties for Violent Actions against Highway Workers, Motor Vehicle Inspectors and Motor Carrier Investigators*

Governor Andrew M. Cuomo today announced the FY 2021 Executive Budget includes a new measure to implement the Slow Down and Look Out for Highway Workers and Pedestrians Act of 2020, also known as the SLOW Act. This measure imposes tougher criminal penalties for violent actions against highway workers and increased safety measures for pedestrians and cyclists.

"Highway workers have a tough job, often having to work in rough weather and under tough circumstances keep our roads and bridges in good repair, and we need to do everything in our power to keep them safe in the field," **Governor Cuomo said.** "With the SLOW Act, New York is cracking down on violent or negligent acts against highway workers, protecting their personal safety and our roadways."

In recent years there has been an escalation in the number of reported highway worker assaults and motorist intrusions in work zones established by the New York State Department of Transportation. More than 900 intrusions and incidents of violence towards highway workers have been reported over the past five years in these work zones.

Under the SLOW Act, a violent action against highway workers, motor vehicle inspectors and motor carrier investigators would be an assault in the 2nd degree, which is a Class D felony. Currently it is assault in the 3rd degree, which is a Class A misdemeanor.

The Act also creates the new crime of "menacing a highway worker" when a person intentionally places or attempts to place a highway worker in fear of death or physical injury. It would be a Class E felony.

Perpetrators convicted of assault in the 1st, 2nd or 3rd degree against a highway worker, or menacing in the 1st, 2nd or 3rd degree against a highway worker, will face immediate suspension of their driver's license for a period of six months - all new penalties under this proposal.

In addition, the Act creates the new crime of "intrusion into an active work zone," whereby no driver shall enter an active work zone unless directed to by a person in charge of traffic control or a traffic control device. Violation would constitute a Class B misdemeanor punishable by a fine of \$250-\$500 and/or up to 3 months in jail.

The SLOW Act also directs the Governor's Traffic Safety Committee - in consultation with relevant agencies, authorities, and local law enforcement - to design and

implement a public outreach and awareness program designed to reduce incursions, accidents, and improve work zone safety. It also enhances pedestrian safety by increasing fines for drivers who cause injury to pedestrians or cyclists as a result of not exercising due care. The fine for causing physical injury under these circumstances is increased from the current \$500 to \$1,000. The fine for serious physical injury is increased from the current \$750 to \$1,500.

In addition, the Act clarifies a citizen's responsibility to move his or her vehicle out of the flow of traffic if they are involved in a minor accident, allowing for a broader range of responders who could remove vehicles and debris from the roadway.