

STATE OF NEW YORK

2104

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. GANTT -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to work and school zone safety and enforcement; and to repeal section 22 of such law relating thereto

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

1 Section 1. Section 22 of the transportation law is REPEALED and a new
2 section 22 is added to read as follows:

3 § 22. Work and school zone safety and enforcement. 1. The department
4 shall, in cooperation with the superintendent of state police, the
5 commissioner of motor vehicles, the chairman of the New York state thru-
6 way authority, local law enforcement agencies, and such other entities
7 as the commissioner may designate, develop and implement rules and regu-
8 lations for the increased safety of work and school zones. Such rules
9 and regulations shall include, but shall not be limited to, a police
10 presence at all major active work zones as defined by rules and regu-
11 lations set forth by the commissioner, and a system for reviewing work
12 zone safety and design for all work zones under the jurisdiction of the
13 department.

14 2. Notwithstanding any law to the contrary, the commissioner shall
15 establish a work and school zone live operator controlled photo-monitor-
16 ing program. Under this program, the commissioner is authorized to
17 select at any given time no more than one hundred work zone locations
18 and one hundred school zone locations for photo-monitoring enforcement
19 of speeding under section eleven hundred eighty of the vehicle and traf-
20 fic law. Adjudication of contested violations shall be accomplished by a
21 process established by the division of criminal justice services.

22 3. The device used for photo-monitoring in a work zone or school zone
23 shall consist of one or more vehicle speed sensors that trigger the
24 recording of a speeding violation by one or more digital photographic

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

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1 cameras. Each device shall be within the dominion and control of a live
2 operator. Peace officers shall only record violations committed in their
3 presence. Peace officers may either issue a citation on the scene, or
4 after reviewing the digital evidence send citations by mail. A copy of
5 the digital evidence shall be made available to the addressee of the
6 citation.

7 4. The commissioner shall select a work and school zone live operator
8 controlled photo-monitoring equipment, software, and service provider
9 that is incorporated and located within the state, and has conducted
10 business with the state for a period of not less than ten years. The
11 commissioner shall endeavor to contract with a work zone live photo-mon-
12 itoring equipment, software, and service provider certified under arti-
13 cle fifteen-A of the executive law.

14 5. The work and school zone live operator controlled photo-monitoring
15 program shall utilize speed measurement methods in which a photograph is
16 taken as near as technically possible to the location of recorded speed
17 measurements. Only photographs of the rear of the vehicle shall be
18 taken. Such program shall use systems that provide a secondary measure-
19 ment of vehicle average speed over distance as verification. In addi-
20 tion, these systems shall be capable of uniquely identifying a speeding
21 vehicle among multiple vehicles within the detection range of the speed
22 sensor. Such program shall not utilize in-the-road embedded or surface
23 mount sensors or additional road markings. Those devices which are vehi-
24 cle mounted shall only be mounted in fully marked law enforcement vehi-
25 cles. Such program shall utilize core technology database and applica-
26 tion protocols for ticket-processing systems compatible with state
27 agency systems.

28 6. The commissioner shall report annually to the governor, the tempo-
29 rary president of the senate and the speaker of the assembly the number
30 and location of speeding violations by county, and the amount of revenue
31 received after costs.

32 § 2. This act shall take effect immediately.