S T A T E O F N E W Y O R K

2553

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

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:

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 Section 22 of the transportation law is REPEALED and a new section 22 is added to read as follows:

S 22. WORK AND SCHOOL ZONE SAFETY AND ENFORCEMENT. 1. THE DEPARTMENT SHALL, IN COOPERATION WITH THE SUPERINTENDENT OF STATE POLICE, THE COMMISSIONER OF MOTOR VEHICLES, THE CHAIRMAN OF THE NEW YORK STATE THRUWAY AUTHORITY, LOCAL LAW ENFORCEMENT AGENCIES, AND SUCH OTHER ENTITIES AS THE COMMISSIONER MAY DESIGNATE, DEVELOP AND IMPLEMENT RULES AND REGULATIONS FOR THE INCREASED SAFETY OF WORK AND SCHOOL ZONES. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A POLICE PRESENCE AT ALL MAJOR ACTIVE WORK ZONES AS DEFINED BY RULES AND REGULATIONS SET FORTH BY THE COMMISSIONER, AND A SYSTEM FOR REVIEWING WORK ZONE SAFETY AND DESIGN FOR ALL WORK ZONES UNDER THE JURISDICTION OF THE DEPARTMENT.

2. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COMMISSIONER SHALL ESTABLISH A WORK AND SCHOOL ZONE LIVE OPERATOR CONTROLLED PHOTO-MONITORING PROGRAM. UNDER THIS PROGRAM, THE COMMISSIONER IS AUTHORIZED TO SELECT AT ANY GIVEN TIME NO MORE THAN ONE HUNDRED WORK ZONE LOCATIONS AND ONE HUNDRED SCHOOL ZONE LOCATIONS FOR PHOTO-MONITORING ENFORCEMENT OF SPEEDING UNDER SECTION ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW. ADJUDICATION OF CONTESTED VIOLATIONS SHALL BE ACCOMPLISHED BY A PROCESS ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES.

3. THE DEVICE USED FOR PHOTO-MONITORING IN A WORK ZONE OR SCHOOL ZONE SHALL CONSIST OF ONE OR MORE VEHICLE SPEED SENSORS THAT TRIGGER THE 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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CAMERAS. EACH DEVICE SHALL BE WITHIN THE DOMINION AND CONTROL OF A LIVE OPERATOR. PEACE OFFICERS SHALL ONLY RECORD VIOLATIONS COMMITTED IN THEIR PRESENCE. PEACE OFFICERS MAY EITHER ISSUE A CITATION ON THE SCENE, OR AFTER REVIEWING THE DIGITAL EVIDENCE SEND CITATIONS BY MAIL. A COPY OF THE DIGITAL EVIDENCE SHALL BE MADE AVAILABLE TO THE ADDRESSEE OF THE CITATION.

4. THE COMMISSIONER SHALL SELECT A WORK AND SCHOOL ZONE LIVE OPERATOR CONTROLLED PHOTO-MONITORING EQUIPMENT, SOFTWARE, AND SERVICE PROVIDER THAT IS INCORPORATED AND LOCATED WITHIN THE STATE, AND HAS CONDUCTED BUSINESS WITH THE STATE FOR A PERIOD OF NOT LESS THAN TEN YEARS. THE COMMISSIONER SHALL ENDEAVOR TO CONTRACT WITH A WORK ZONE LIVE PHOTO-MONITORING EQUIPMENT, SOFTWARE, AND SERVICE PROVIDER CERTIFIED UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

5. THE WORK AND SCHOOL ZONE LIVE OPERATOR CONTROLLED PHOTO-MONITORING PROGRAM SHALL UTILIZE SPEED MEASUREMENT METHODS IN WHICH A PHOTOGRAPH IS TAKEN AS NEAR AS TECHNICALLY POSSIBLE TO THE LOCATION OF RECORDED SPEED MEASUREMENTS. ONLY PHOTOGRAPHS OF THE REAR OF THE VEHICLE SHALL BE TAKEN. SUCH PROGRAM SHALL USE SYSTEMS THAT PROVIDE A SECONDARY MEASUREMENT OF VEHICLE AVERAGE SPEED OVER DISTANCE AS VERIFICATION. IN ADDITION, THESE SYSTEMS SHALL BE CAPABLE OF UNIQUELY IDENTIFYING A SPEEDING VEHICLE AMONG MULTIPLE VEHICLES WITHIN THE DETECTION RANGE OF THE SPEED SENSOR. SUCH PROGRAM SHALL NOT UTILIZE IN-THE-ROAD EMBEDDED OR SURFACE MOUNT SENSORS OR ADDITIONAL ROAD MARKINGS. THOSE DEVICES WHICH ARE VEHICLE MOUNTED SHALL ONLY BE MOUNTED IN FULLY MARKED LAW ENFORCEMENT VEHICLES. SUCH PROGRAM SHALL UTILIZE CORE TECHNOLOGY DATABASE AND APPLICATION PROTOCOLS FOR TICKET-PROCESSING SYSTEMS COMPATIBLE WITH STATE AGENCY SYSTEMS.

6. THE COMMISSIONER SHALL REPORT ANNUALLY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY THE NUMBER AND LOCATION OF SPEEDING VIOLATIONS BY COUNTY, AND THE AMOUNT OF REVENUE RECEIVED AFTER COSTS.

S 2. This act shall take effect immediately.