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

7996--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 3, 2015

Introduced by M. of A. ROZIC, HEVESI, KAVANAGH, SEPULVEDA, CRESPO, O'DONNELL, BLAKE, QUART, SEAWRIGHT, LINARES, RODRIGUEZ, MOSLEY, DAVILA, PICHARDO, BRENNAN, BENEDETTO, BROOK-KRASNY, GLICK, ROSENTHAL, SIMON, LENTOL, WALKER, GOTTFRIED, DINOWITZ, JOYNER, ORTIZ, TITUS, RICHARDSON, AUBRY, BICHOTTE -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to extending, in a city with a population of one million or more, the bus rapid transit program; to amend part II of chapter 59 of the laws of 2010, relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness date thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 1 of subdivision (a) of section 1111-c of the vehicle and traffic law, as added by section 9 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. Notwithstanding any other provision of law, the city of New York is hereby authorized and empowered to establish a bus rapid transit [demonstration] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with bus lane restrictions in such city in accordance with the provisions of this section. The New York city department of transportation or applicable mass transit agency, for purposes of the implementation of such program, shall operate bus lane photo devices only within DESIGNATED BUS LANES IN such bus rapid transit [demonstration] program [and on select bus service lanes in such city]. Such bus lane photo devices may be stationary or mobile and shall be activated at locations determined by such department of transportation and/or on buses selected by such department of transportation in consultation with the applicable mass transit agency.

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

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S 2. Paragraph 4 of subdivision (a) of section 1111-c of the vehicle and traffic law, as added by section 9 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

4. Within the city of New York, such bus lane photo devices shall only be operated on designated bus lanes [that are select bus service lanes] within the bus rapid transit [demonstration] program and only [during weekdays] from 7:00 a.m. to 7:00 p.m. WARNING NOTICES OF VIOLATION WILL BE ISSUED DURING THE FIRST SIXTY DAYS THAT BUS LANE PHOTO DEVICES ARE OPERATED ON EACH ROUTE IN THE BUS RAPID TRANSIT PROGRAM THAT IS ESTABLISHED AFTER JUNE FIFTEENTH, TWO THOUSAND FIFTEEN.

S 3. Subdivision (b) of section 1111-c of the vehicle and traffic law, as added by section 9 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

(b) If the city of New York has established a bus rapid transit [demonstration] program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of any bus lane restrictions that apply to routes within such [demonstration] program, and such violation is evidenced by information obtained from a bus lane photo device; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of any bus lane restrictions.

S 4. Paragraphs 3, 4, 5, 6 and 7 of subdivision (c) of section 1111-c of the vehicle and traffic law, paragraphs 3, 4, 5 and 6 as added by section 9 of part II of chapter 59 of the laws of 2010, and paragraph 7 as amended by section 2 of part SS of chapter 57 of the laws of 2010, are amended to read as follows:

3. "bus lane restrictions" shall mean restrictions on the use of designated traffic lanes by vehicles other than buses imposed on routes within a bus rapid transit [demonstration] program by local law and signs erected by the department of transportation of a city that establishes such a [demonstration] program pursuant to this section.

4. "Bus Rapid Transit Phase I plan" shall mean the following five bus rapid transit routes as designated by the New York city department of transportation: Fordham Road, First/Second Avenue, Nostrand Avenue, Thirty-Fourth Street, Hylan Boulevard, and an undesignated route in the borough of Queens not to exceed ten miles. [For purposes of the Fordham Road and First/Second Avenue routes, the authorization of this pilot program is limited to the designated bus lanes as mapped and posted on the official metropolitan transportation authority website as of June seventeenth, two thousand ten. Such designated bus lanes shall not be extended, shifted to another roadway or altered in any other way. Provided, however, that nothing shall prohibit the alteration or addition of any bus stops within such mapped routes.

5. "select bus service lane" shall mean a designated bus lane that includes upgraded signage, enhanced road markings, minimum bus stop spacing, and may include off-board fare payment, traffic signal priority for buses, and any other enhancement that increases bus speed or reliability within the "Bus Rapid Transit Phase I" plan.

6] 5. "bus rapid transit [demonstration] program" shall mean [a pilot program that operates exclusively on select bus service lanes within the "Bus Rapid Transit Phase I" plan pursuant to this section. Provided, however, to utilize a bus lane photo device pursuant to this program, the roadway, except for the 34th Street and Nostrand Avenue bus rapid

transit routes, must have at least two lanes of traffic in the same direction in addition to the select bus service lane] UP TO TEN ROUTES DESIGNATED BY THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION IN CONSULTATION WITH THE APPLICABLE MASS TRANSIT AGENCY, IN ADDITION TO THE BUS RAPID TRANSIT PHASE I PLAN ROUTES, THAT OPERATE ON DESIGNATED BUS LANES AND THAT MAY INCLUDE UPGRADED SIGNAGE, ENHANCED ROAD MARKINGS, MINIMUM BUS STOP SPACING, OFF-BOARD FARE PAYMENT, TRAFFIC SIGNAL PRIORITY FOR BUSES, AND ANY OTHER ENHANCEMENT THAT INCREASES BUS SPEED OR RELIABILITY.

[7] 6. "designated bus lane" shall mean a lane dedicated for the exclusive use of buses with the exceptions allowed under 4-12(m) and 4-08(a)(3) of title 34 of the rules of the city of New York.

S 5. Subdivision (e) of section 1111-c of the vehicle and traffic law, as added by section 9 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

(e) An owner liable for a violation of a bus lane restriction imposed on any route within a bus rapid transit [demonstration] program shall be liable for monetary penalties in accordance with a schedule of fines and penalties promulgated by the parking violations bureau of the city of New York; provided, however, that the monetary penalty for violating a bus lane restriction shall not exceed one hundred fifteen dollars; provided, further, that an owner shall be liable for an additional penalty not to exceed twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

S 6. The opening paragraph of section 14 of part II of chapter 59 of the laws of 2010, relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, is amended to read as follows:

This act shall take effect on the ninetieth day after it shall have become a law and shall expire [5] 10 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided that any rules and regulations related to this act shall be promulgated on or before such effective date, provided that:

S 7. This act shall take effect immediately; provided that the amendments to section 1111-c of the vehicle and traffic law made by sections one, two, three, four and five of this act shall not affect the repeal of such section and shall be deemed repealed therewith.