

5608

2015-2016 Regular Sessions

I N S E N A T E

May 19, 2015

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing, in a city with a population of one million or more, a permanent 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; and to repeal subdivision (1) of section 1111-c of the vehicle and traffic law relating thereto

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

1 Section 1. Paragraph 1 of subdivision (a) of section 1111-c of the
2 vehicle and traffic law, as added by section 9 of part II of chapter 59
3 of the laws of 2010, is amended to read as follows:
4 1. Notwithstanding any other provision of law, the city of New York is
5 hereby authorized and empowered to establish a bus rapid transit [demon-
6 stration] program imposing monetary liability on the owner of a vehicle
7 for failure of an operator thereof to comply with bus lane restrictions
8 in such city in accordance with the provisions of this section. The New
9 York city department of transportation or applicable mass transit agen-
10 cy, for purposes of the implementation of such program, shall operate
11 bus lane photo devices only within DESIGNATED BUS LANES IN such bus
12 rapid transit [demonstration] program [and on select bus service lanes
13 in such city]. Such bus lane photo devices may be stationary or mobile
14 and shall be activated at locations determined by such department of
15 transportation and/or on buses selected by such department of transpor-
16 tation in consultation with the applicable mass transit agency.
17 S 2. Paragraph 4 of subdivision (a) of section 1111-c of the vehicle
18 and traffic law, as added by section 9 of part II of chapter 59 of the
19 laws of 2010, is amended to read as follows:

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

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1 4. Within the city of New York, such bus lane photo devices shall only
2 be operated on designated bus lanes [that are select bus service lanes]
3 within the bus rapid transit [demonstration] program and only [during
4 weekdays] from 7:00 a.m. to 7:00 p.m.

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

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

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

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

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

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

46 6] 5. "bus rapid transit [demonstration] program" shall mean [a pilot
47 program that operates exclusively on select bus service lanes within the
48 "Bus Rapid Transit Phase I" plan pursuant to this section. Provided,
49 however, to utilize a bus lane photo device pursuant to this program,
50 the roadway, except for the 34th Street and Nostrand Avenue bus rapid
51 transit routes, must have at least two lanes of traffic in the same
52 direction in addition to the select bus service lane] UP TO TWENTY
53 ROUTES DESIGNATED BY THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION, IN
54 ADDITION TO THE BUS RAPID TRANSIT PHASE I PLAN ROUTES, THAT OPERATE ON
55 DESIGNATED BUS LANES AND THAT MAY INCLUDE UPGRADED SIGNAGE, ENHANCED
56 ROAD MARKINGS, AND MINIMUM BUS STOP SPACING, OFF-BOARD FARE PAYMENT,

1 TRAFFIC SIGNAL PRIORITY FOR BUSES, AND ANY OTHER ENHANCEMENT THAT
2 INCREASES BUS SPEED OR RELIABILITY.

3 [7] 6. "designated bus lane" shall mean a lane dedicated for the
4 exclusive use of buses with the exceptions allowed under 4-12(m) and
5 4-08(a)(3) of title 34 of the rules of the city of New York.

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

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

19 S 6. Subdivision (1) of section 1111-c of the vehicle and traffic law
20 is REPEALED.

21 S 7. The opening paragraph of section 14 of part II of chapter 59 of
22 the laws of 2010, relating to establishing a bus rapid transit demon-
23 stration program to restrict the use of bus lanes by means of bus lane
24 photo devices, is amended to read as follows:

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

30 S 8. This act shall take effect immediately.