STATE OF NEW YORK

10882

IN ASSEMBLY

May 25, 2018

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

AN ACT to amend the vehicle and traffic law, in relation to removing caps on automated enforcement cameras for bus lanes and traffic lights in the City of New York, increasing penalties and creating a graduated schedule of fines for repeat offenders, and directing that fines be deposited in the general transportation account of the New York city transportation assistance fund; to amend the administrative code of the city of New York in relation to certain traffic-control indications; to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law 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 thereof; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to the effectiveness thereof

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

Section 1. Paragraph 5 of subdivision (c), subdivision (e) and subdivision (m) of section 1111-c of the vehicle and traffic law, paragraph 5 of subdivision (c) and subdivision (e) as amended and subdivision (m) as added by section 6 of part NNN of chapter 59 of the laws of 2018, are amended to read as follows:

5. "bus rapid transit program" shall mean [~~up to ten routes~~] any route 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

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

LBD15665-02-8

bus stop spacing, off-board fare payment, traffic signal priority for buses, and any other enhancement that increases bus speed or reliability.

(e) An owner liable for a violation of a bus lane restriction imposed on any route within a bus rapid transit 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**, one hundred twenty-five dollars for a second offense within a twelve month period, one hundred seventy-five dollars for a third offense within a twelve month period, two hundred fifty dollars for a fourth offense within a twelve month period, and three hundred fifty dollars for each subsequent offense within a twelve month period**; 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.

(m) Any revenue from fines and penalties collected pursuant to this section from any mobile bus lane photo devices [~~that were authorized to be installed pursuant to a chapter of the laws of two thousand eighteen that added this subdivision~~] shall be remitted by the city of New York to the applicable mass transit agency on a quarterly basis to be deposited in the general transportation account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

§ 2. Paragraph 1 of subdivision (a) and subdivision (e) of section 1111-a of the vehicle and traffic law, paragraph 1 of subdivision (a) as amended by chapter 18 of the laws of 2009 and subdivision (e) as amended by chapter 479 of the laws of 1994, are amended, and a new subdivision (o) is added to read as follows:

1. Notwithstanding any other provision of law, each city with a population of one million or more is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such city in accordance with the provisions of this section. Such [~~demonstration~~] program shall empower a city to install and operate traffic-control signal photo violation-monitoring devices [~~at no more than one hundred fifty intersections within such city at any one time~~].

(e) An owner liable for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to a local law or ordinance adopted pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance, except that in a city which, by local law, has authorized the adjudication of such owner liability by a parking violations bureau, such schedule shall be promulgated by such bureau. The liability of the owner pursuant to this section shall not exceed [~~fifty dollars for each violation~~] **one hundred dollars, one hundred twenty-five dollars for a second offense within a twelve month period, one hundred seventy-five dollars for a third offense within a twelve month period, two hundred fifty dollars for a fourth offense within a twelve month period, and three hundred fifty dollars for each subsequent offense within a twelve month period**; provided, however, that such local law or ordinance may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(o) Any revenue from fines and penalties collected pursuant to this section from any traffic-control signal photo violations-monitoring device shall be remitted by the city of New York to the application mass transit agency on a quarterly basis to be deposited in the general transportation account of the New York city transportation assistance fund established pursuant to section twelve hundred seventy-i of the public authorities law.

§ 3. Paragraph 1 of subdivision (a) of section 19-210 of the administrative code of the city of New York, as amended by chapter 18 of the laws of 2009, is amended to read as follows:

1. Notwithstanding any other provision of law, the parking violations bureau is hereby authorized and empowered to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in accordance with the provisions of this section. The department of transportation, for purposes of implementation of such program, shall be authorized to install and operate traffic-control signal photo violation-monitoring devices [~~at no more than one hundred fifty intersections at any one time~~].

§ 4. The opening paragraph of section 14 of part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, as amended by chapter 239 of the laws of 2015, 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 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:

§ 5. Section 17 of chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, as amended by chapter 134 of the laws of 2014, is amended to read as follows:

§ 17. This act shall take effect on the thirtieth day after it shall have become a law [~~and shall remain in full force and effect until December 1, 2019 when upon such date the amendments and provisions made by this act shall be deemed repealed; provided, however, any such local laws as may be enacted pursuant to this act shall remain in full force and effect only until the expiration on December 1, 2019~~].

§ 6. Section 2 of local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, as amended by chapter 134 of the laws of 2014, is amended to read as follows:

§ 2. This local law shall take effect immediately [~~and shall expire on December 1, 2019~~].

§ 7. This act shall take effect immediately. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.