

6046--B

2017-2018 Regular Sessions

I N S E N A T E

May 10, 2017

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Introduced by Sens. PERALTA, ALCANTARA, BAILEY, COMRIE, DILAN, HAMILTON, HOYLMAN, KRUEGER, LATIMER, SANDERS, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 photo speed violation monitoring systems in school speed zones in the city of New York; to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million people or more a demonstration program implementing speed violation monitoring systems in school zones by means of photo devices, in relation to the effectiveness thereof; and to amend chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to making technical corrections 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 1180-b of the  
2 vehicle and traffic law, as amended by chapter 43 of the laws of 2014,  
3 is amended to read as follows:  
4 1. Notwithstanding any other provision of law, the city of New York is  
5 hereby authorized to establish a demonstration program imposing monetary  
6 liability on the owner of a vehicle for failure of an operator thereof  
7 to comply with posted maximum speed limits in a school speed zone within  
8 [the] SUCH city (i) when a school speed limit is in effect as provided  
9 in paragraphs one and two of subdivision (c) of section eleven hundred  
10 eighty of this article or (ii) when other speed limits are in effect as

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

LBD11514-10-7

1 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
2 eighty of this article during the following times: (A) on school days  
3 during school hours and one hour before and one hour after the school  
4 day, and (B) a period during student activities at the school and up to  
5 thirty minutes immediately before and up to thirty minutes immediately  
6 after such student activities. Such demonstration program shall empower  
7 the city OF NEW YORK to install photo speed violation monitoring systems  
8 within no more than [one hundred forty] TWO HUNDRED NINETY school speed  
9 zones within [the] SUCH city at any one time and to operate such systems  
10 within such zones (iii) when a school speed limit is in effect as  
11 provided in paragraphs one and two of subdivision (c) of section eleven  
12 hundred eighty of this article or (iv) when other speed limits are in  
13 effect as provided in subdivision (b), (d), (f) or (g) of section eleven  
14 hundred eighty of this article during the following times: (A) on school  
15 days during school hours and one hour before and one hour after the  
16 school day, and (B) a period during student activities at the school and  
17 up to thirty minutes immediately before and up to thirty minutes imme-  
18 diately after such student activities. In selecting a school speed zone  
19 in which to install and operate a photo speed violation monitoring  
20 system, the city OF NEW YORK shall consider criteria including, but not  
21 limited to, the speed data, crash history, and the roadway geometry  
22 applicable to such school speed zone. SUCH CITY SHALL PRIORITIZE THE  
23 PLACEMENT OF PHOTO SPEED VIOLATION MONITORING SYSTEMS IN SCHOOL SPEED  
24 ZONES BASED UPON SPEED DATA OR THE CRASH HISTORY OF A SCHOOL SPEED ZONE.  
25 A PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL NOT BE INSTALLED OR  
26 OPERATED ON A CONTROLLED-ACCESS HIGHWAY EXIT RAMP OR WITHIN THREE  
27 HUNDRED FEET ALONG A HIGHWAY THAT CONTINUES FROM THE END OF A CONT-  
28 ROLLED-ACCESS HIGHWAY EXIT RAMP.

29 S 2. Paragraph 2 of subdivision (a) of section 1180-b of the vehicle  
30 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
31 to read as follows:

32 2. No photo speed violation monitoring system shall be used in a  
33 school speed zone unless (i) on the day it is to be used it has success-  
34 fully passed a self-test of its functions; and (ii) it has undergone an  
35 annual calibration check performed pursuant to paragraph four of this  
36 subdivision. [The city may install signs giving notice that a photo  
37 speed violation monitoring system is in use to be mounted on advance  
38 warning signs notifying motor vehicle operators of such upcoming school  
39 speed zone and/or on speed limit signs applicable within such school  
40 speed zone, in conformance with standards established in the MUTCD.] THE  
41 CITY SHALL INSTALL "PHOTO ENFORCED" SIGNS GIVING NOTICE THAT A PHOTO  
42 SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON ADVANCE  
43 WARNING SIGNS NOTIFYING MOTOR VEHICLE OPERATORS OF SUCH UPCOMING SCHOOL  
44 SPEED ZONE AND/OR ON SPEED LIMIT SIGNS APPLICABLE WITHIN OR APPROACHING  
45 SUCH SCHOOL SPEED ZONE, PROVIDED THAT SUCH SPEED LIMIT SIGNS SHALL BE NO  
46 MORE THAN THREE HUNDRED FEET FROM SUCH SPEED VIOLATION MONITORING  
47 SYSTEM, IN CONFORMANCE WITH STANDARDS ESTABLISHED IN THE MUTCD. THE CITY  
48 SHALL ALSO INSTALL ADDITIONAL SPEED CAMERA ADVANCE WARNING SIGNS MARKED  
49 "SPEED CAMERA AHEAD" WITHIN OR APPROACHING SUCH SCHOOL SPEED ZONE,  
50 PROVIDED THAT SUCH "SPEED CAMERA AHEAD" SIGNS SHALL BE NO MORE THAN  
51 THREE HUNDRED FEET FROM SUCH PHOTO SPEED VIOLATION MONITORING SYSTEM.

52 S 3. Paragraph 4 of subdivision (c) of section 1180-b of the vehicle  
53 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
54 to read as follows:

1 4. "school speed zone" shall mean a RADIAL distance not to exceed one  
2 thousand three hundred twenty feet [on a highway passing] FROM a school  
3 building, entrance, or exit [of a school abutting on the highway].

4 S 4. Subdivision (n) of section 1180-b of the vehicle and traffic law,  
5 as added by chapter 189 of the laws of 2013, is amended to read as  
6 follows:

7 (n) If the city [adopts] EXPANDS a demonstration program pursuant to  
8 subdivision one of this section it shall conduct a study and submit a  
9 report on the results of the EXPANDED use of photo devices to the gover-  
10 nor, the temporary president of the senate and the speaker of the assem-  
11 bly WITHIN FOUR YEARS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS  
12 OF TWO THOUSAND SEVENTEEN WHICH AMENDED THIS SUBDIVISION. Such report  
13 shall include:

14 1. the locations where and dates when photo speed violation monitoring  
15 systems were used;

16 2. the aggregate number, type and severity of crashes, fatalities,  
17 injuries and property damage reported within all school speed zones  
18 within the city, to the extent the information is maintained by the  
19 department of motor vehicles of this state;

20 3. the aggregate number, type and severity of crashes, fatalities,  
21 injuries and property damage reported within school speed zones where  
22 photo speed violation monitoring systems were used, to the extent the  
23 information is maintained by the department of motor vehicles of this  
24 state;

25 4. the number of violations recorded within all school speed zones  
26 within the city, in the aggregate on a daily, weekly and monthly basis;

27 5. the number of violations recorded within each school speed zone  
28 where a photo speed violation monitoring system is used, in the aggre-  
29 gate on a daily, weekly and monthly basis;

30 6. the number of violations recorded within all school speed zones  
31 within the city that were:

32 (i) more than ten but not more than twenty miles per hour over the  
33 posted speed limit;

34 (ii) more than twenty but not more than thirty miles per hour over the  
35 posted speed limit;

36 (iii) more than thirty but not more than forty miles per hour over the  
37 posted speed limit; and

38 (iv) more than forty miles per hour over the posted speed limit;

39 7. the number of violations recorded within each school speed zone  
40 where a photo speed violation monitoring system is used that were:

41 (i) more than ten but not more than twenty miles per hour over the  
42 posted speed limit;

43 (ii) more than twenty but not more than thirty miles per hour over the  
44 posted speed limit;

45 (iii) more than thirty but not more than forty miles per hour over the  
46 posted speed limit; and

47 (iv) more than forty miles per hour over the posted speed limit;

48 8. the total number of notices of liability issued for violations  
49 recorded by such systems;

50 9. the number of fines and total amount of fines paid after the first  
51 notice of liability issued for violations recorded by such systems;

52 10. the number of violations adjudicated and the results of such adju-  
53 dications including breakdowns of dispositions made for violations  
54 recorded by such systems;

55 11. the total amount of revenue realized by the city in connection  
56 with the program;

1 12. the expenses incurred by the city in connection with the program;  
2 [and]

3 13. the quality of the adjudication process and its results; AND

4 14. THE EFFECTIVENESS AND ADEQUACY OF THE HOURS OF OPERATION FOR SUCH  
5 PROGRAM TO DETERMINE THE IMPACT ON SPEEDING VIOLATIONS AND PREVENTION OF  
6 CRASHES.

7 S 5. The opening paragraph of section 12 of chapter 43 of the laws of  
8 2014, amending the vehicle and traffic law, the public officers law and  
9 the general municipal law relating to photo speed violation monitoring  
10 systems in school speed zones in the city of New York, is amended to  
11 read as follows:

12 This act shall take effect on the thirtieth day after it shall have  
13 become a law [and]; PROVIDED THAT SECTIONS ONE THROUGH TEN OF THIS ACT  
14 shall expire 4 years after such effective date when upon such date the  
15 provisions of this act shall be deemed repealed; and provided further  
16 that any rules necessary for the implementation of this act on its  
17 effective date shall be promulgated on or before such effective date,  
18 provided that:

19 S 6. The opening paragraph of section 15 of chapter 189 of the laws of  
20 2013, amending the vehicle and traffic law and the public officers law  
21 relating to establishing in a city with a population of one million  
22 people or more a demonstration program implementing speed violation  
23 monitoring systems in school zones by means of photo devices, is amended  
24 to read as follows:

25 This act shall take effect on the thirtieth 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] AND be deemed repealed  
28 JULY 1, 2022; and provided further that any rules necessary for the  
29 implementation of this act on its effective date shall be promulgated on  
30 or before such effective date, provided that:

31 S 7. The additional 150 photo speed violation monitoring systems  
32 authorized to be installed by the city of New York by paragraph 1 of  
33 subdivision (a) of section 1180-b of the vehicle and traffic law, as  
34 amended by section one of this act, shall be installed over the 3 year  
35 period following the effective date of this act as follows:

36 (a) no more than 50 school speed zones during the first such year;

37 (b) no more than 50 additional school speed zones during the second  
38 such year; and

39 (c) no more than 50 additional school speed zones during the third  
40 such year.

41 S 8. This act shall take effect immediately; provided that the amend-  
42 ments to section 1180-b of the vehicle and traffic law made by sections  
43 one, two, three and four of this act shall not affect the repeal of such  
44 section and shall be deemed repealed therewith; and provided further  
45 that the amendments to paragraph 2 of subdivision (a) of section 1180-b  
46 of the vehicle and traffic law made by section two of this act shall  
47 take effect on the ninetieth day after this act shall have become a law.