

# STATE OF NEW YORK

2303--A

Cal. No. 219

2017-2018 Regular Sessions

## IN SENATE

January 12, 2017

Introduced by Sens. MURPHY, CARLUCCI, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to authorizing political subdivisions and commuter railroads to establish demonstration programs, implementing railroad grade crossing monitoring systems by means of photo devices

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 1170-a to read as follows:

3 § 1170-a. Owner liability for failure of operator to obey signal indi-  
4 cating approach of train. (a) 1. Notwithstanding any other provision of  
5 law, any political subdivision is hereby authorized and empowered to  
6 adopt and amend a local law, ordinance or resolution establishing a  
7 demonstration program imposing monetary liability on the owner of a  
8 vehicle for failure of an operator thereof to comply with section eleven  
9 hundred seventy of this article. Such demonstration program shall  
10 empower a political subdivision to install and operate railroad grade  
11 crossing photo violation-monitoring devices at any railroad sign or  
12 signal within its jurisdiction. The cost of such photo violation-moni-  
13 toring devices may be borne by the political subdivision, a commuter  
14 railroad operating within the political subdivision, or a combination of  
15 both such political subdivision and commuter railroad pursuant to a  
16 memorandum of understanding.

17 2. Such demonstration program shall utilize necessary technologies to  
18 ensure, to the extent practicable, that photographs produced by such  
19 railroad grade crossing photo violation-monitoring systems shall not  
20 include images that identify the driver, the passengers or the contents

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

LBD02329-04-7

1 of the vehicle. Provided, however, that no notice of liability issued  
2 pursuant to this section shall be dismissed solely because a photograph  
3 or photographs allow for the identification of the contents of a vehi-  
4 cle, provided that such political subdivision has made a reasonable  
5 effort to comply with the provisions of this paragraph.

6 (b) Within the jurisdiction of any such political subdivision which  
7 has adopted a local law, ordinance or resolution pursuant to subdivision  
8 (a) of this section, the owner of a vehicle shall be liable for a penal-  
9 ty imposed pursuant to this section if such vehicle was used or operated  
10 with the permission of the owner, express or implied, in violation of  
11 section eleven hundred seventy of this article, and such violation is  
12 evidenced by information obtained from a railroad grade crossing photo  
13 violation-monitoring system; provided, however, that no owner of a vehi-  
14 cle shall be liable for a penalty imposed pursuant to this section where  
15 the operator of such vehicle has been convicted of the underlying  
16 violation of section eleven hundred seventy of this article.

17 (c) For purposes of this section, the following terms shall have the  
18 following meanings:

19 1. "Owner" shall have the meaning provided in article two-B of this  
20 chapter.

21 2. "Railroad grade crossing photo violation-monitoring system" shall  
22 mean a vehicle sensor installed to work in conjunction with a railroad  
23 sign or signal which automatically produces two or more photographs, two  
24 or more microphotographs, a videotape or other recorded images of each  
25 vehicle at the time it is used or operated in violation of section elev-  
26 en hundred seventy of this article.

27 3. "Political subdivision" shall mean a county, city, town or village  
28 located within the metropolitan commuter transportation district, as  
29 defined in section twelve hundred sixty-two of the public authorities  
30 law.

31 4. "Commuter railroad" shall mean a railroad owned and operated by the  
32 metropolitan transportation authority, located within the metropolitan  
33 commuter transportation district, as defined in section twelve hundred  
34 sixty-two of the public authorities law.

35 (d) A certificate, sworn to or affirmed by a technician employed by  
36 the commuter railroad or by the political subdivision in which the  
37 charged violation occurred, or a facsimile thereof, based upon  
38 inspection of photographs, microphotographs, videotape or other recorded  
39 images produced by a railroad grade crossing photo violation-monitoring  
40 system, shall be prima facie evidence of the facts contained therein.  
41 Any photographs, microphotographs, videotape or other recorded images  
42 evidencing such a violation shall be available for inspection in any  
43 proceeding to adjudicate the liability for such violation pursuant to a  
44 local law, ordinance or resolution adopted pursuant to this section.

45 (e) An owner liable for a violation of section eleven hundred seventy  
46 of this article pursuant to a local law, ordinance or resolution adopted  
47 pursuant to this section shall be liable for monetary penalties in  
48 accordance with a schedule of fines and penalties to be established in  
49 such local law, ordinance or resolution. The liability of the owner  
50 pursuant to this section shall not exceed two hundred fifty dollars for  
51 each violation; provided, however, that an adjudicating authority may  
52 provide for an additional penalty of not in excess of fifty dollars for  
53 each violation for the failure to respond to a notice of liability with-  
54 in the prescribed period of time.

55 (f) An imposition of liability under a local law, ordinance or resol-  
56 ution adopted pursuant to this section shall not be deemed a conviction

1 as an operator and shall not be made part of the operating record of the  
2 person upon whom such liability is imposed nor shall it be used for  
3 insurance purposes in the provision of motor vehicle insurance coverage.

4 (g) 1. A notice of liability shall be sent by first class mail to each  
5 person alleged to be liable as an owner for a violation of section elev-  
6 en hundred seventy of this article pursuant to this section. Personal  
7 delivery on the owner shall not be required. A manual or automatic  
8 record of mailing prepared in the ordinary course of business shall be  
9 prima facie evidence of the facts contained therein.

10 2. A notice of liability shall contain the name and address of the  
11 person alleged to be liable as an owner for a violation of section elev-  
12 en hundred seventy of this article pursuant to this section, the regis-  
13 tration number of the vehicle involved in such violation, the location  
14 where such violation took place, the date and time of such violation and  
15 the identification number of the camera which recorded the violation or  
16 other document locator number.

17 3. The notice of liability shall contain information advising the  
18 person charged of the manner and the time in which he or she may contest  
19 the liability alleged in the notice. Such notice of liability shall also  
20 contain a warning to advise the person charged that failure to contest  
21 in the manner and time provided shall be deemed an admission of liabil-  
22 ity and that a default judgment may be entered thereon.

23 4. The notice of liability shall be prepared and mailed by the poli-  
24 tical subdivision, or by any other entity authorized by such political  
25 subdivision to prepare and mail such notification of violation.

26 (h) Adjudication of the liability imposed upon owners by this section  
27 shall be by the court having jurisdiction over traffic infractions,  
28 except that if such political subdivision has established an administra-  
29 tive tribunal to hear and determine complaints of traffic infractions  
30 constituting parking, standing or stopping violations such political  
31 subdivision may, by local law, authorize such adjudication by such  
32 tribunal.

33 (i) If an owner receives a notice of liability pursuant to this  
34 section for any time period during which the vehicle was reported to a  
35 law enforcement agency as having been stolen, it shall be a valid  
36 defense to an allegation of liability for a violation of section eleven  
37 hundred seventy of this article pursuant to this section that the vehi-  
38 cle had been reported to the police as stolen prior to the time the  
39 violation occurred and had not been recovered by such time. For purposes  
40 of asserting the defense provided by this subdivision it shall be suffi-  
41 cient that a certified copy of a police report on the stolen vehicle be  
42 sent by first class mail to the court having jurisdiction or parking  
43 violations bureau.

44 (j) 1. In such political subdivision where the adjudication of liabil-  
45 ity imposed upon owners pursuant to this section is by a court having  
46 jurisdiction, an owner who is a lessor of a vehicle to which a notice of  
47 liability was issued pursuant to subdivision (g) of this section shall  
48 not be liable for the violation of section eleven hundred seventy of  
49 this article, provided that he or she sends to the court having juris-  
50 isdiction a copy of the rental, lease or other such contract document  
51 covering such vehicle on the date of the violation, with the name and  
52 address of the lessee clearly legible, within thirty-seven days after  
53 receiving notice from the court of the date and time of such violation,  
54 together with the other information contained in the original notice of  
55 liability. Failure to send such information within such thirty-seven  
56 day time period shall render the owner liable for the penalty prescribed

1 by this section. Where the lessor complies with the provisions of this  
2 paragraph, the lessee of such vehicle on the date of such violation  
3 shall be deemed to be the owner of such vehicle for purposes of this  
4 section, shall be subject to liability for the violation of section  
5 eleven hundred seventy of this article pursuant to this section and  
6 shall be sent a notice of liability pursuant to subdivision (g) of this  
7 section.

8 2. (I) In any political subdivision which has authorized the adjudi-  
9 cation of liability imposed upon owners by this section by a parking  
10 violations bureau, an owner who is a lessor of a vehicle to which a  
11 notice of liability was issued pursuant to subdivision (g) of this  
12 section shall not be liable for the violation of section eleven hundred  
13 seventy of this article, provided that:

14 (A) prior to the violation, the lessor has filed with the bureau in  
15 accordance with the provisions of section two hundred thirty-nine of  
16 this chapter; and

17 (B) within thirty-seven days after receiving notice from the bureau of  
18 the date and time of a liability, together with the other information  
19 contained in the original notice of liability, the lessor submits to the  
20 bureau the correct name and address of the lessee of the vehicle identi-  
21 fied in the notice of liability at the time of such violation, together  
22 with such other additional information contained in the rental, lease or  
23 other contract document, as may be reasonably required by the bureau  
24 pursuant to regulations that may be promulgated for such purpose.

25 (II) Failure to comply with clause (B) of subparagraph (I) of this  
26 paragraph shall render the owner liable for the penalty prescribed in  
27 this section.

28 (III) Where the lessor complies with the provisions of this paragraph,  
29 the lessee of such vehicle on the date of such violation shall be deemed  
30 to be the owner of such vehicle for purposes of this section, shall be  
31 subject to liability for such violation pursuant to this section and  
32 shall be sent a notice of liability pursuant to subdivision (g) of this  
33 section.

34 (k) 1. If the owner liable for a violation of section eleven hundred  
35 seventy of this article pursuant to this section was not the operator of  
36 the vehicle at the time of the violation, the owner may maintain an  
37 action for indemnification against the operator.

38 2. Notwithstanding any other provision of this section, no owner of a  
39 vehicle shall be subject to a monetary fine imposed pursuant to this  
40 section if the operator of such vehicle was operating such vehicle with-  
41 out the consent of the owner at the time such operator failed to comply  
42 with section eleven hundred seventy of this article. For purposes of  
43 this subdivision there shall be a presumption that the operator of such  
44 vehicle was operating such vehicle with the consent of the owner at the  
45 time such operator failed to comply with section eleven hundred seventy  
46 of this article.

47 (l) Nothing in this section shall be construed to limit the liability  
48 of an operator of a vehicle for any violation of section eleven hundred  
49 seventy of this article.

50 (m) In any such political subdivision which adopts a demonstration  
51 program pursuant to subdivision (a) of this section, such political  
52 subdivision shall submit an annual report on the results of the use of a  
53 railroad grade crossing photo violation-monitoring system to the gover-  
54 nor, the temporary president of the senate and the speaker of the assem-  
55 bly on or before June first, two thousand nineteen and on the same date

1 in each succeeding year in which the demonstration program is operable.  
2 Such report shall include, but not be limited to:

3 1. a description of the locations where railroad grade crossing photo  
4 violation-monitoring systems were used;

5 2. the aggregate number, type and severity of accidents reported at  
6 intersections where a railroad grade crossing photo violation-monitoring  
7 system is used for the year preceding the installation of such system,  
8 to the extent the information is maintained by the department;

9 3. the aggregate number, type and severity of accidents reported at  
10 intersections where a railroad grade crossing photo violation-monitoring  
11 system is used, to the extent the information is maintained by the  
12 department;

13 4. the number of violations recorded at each intersection where a  
14 railroad grade crossing photo violation-monitoring system is used and in  
15 the aggregate on a daily, weekly and monthly basis;

16 5. the total number of notices of liability issued for violations  
17 recorded by such systems;

18 6. the number of fines and total amount of fines paid after first  
19 notice of liability issued for violations recorded by such systems;

20 7. the number of violations adjudicated and results of such adjudi-  
21 cations including breakdowns of dispositions made for violations  
22 recorded by such systems;

23 8. the total amount of revenue realized by such political subdivision  
24 from such adjudications;

25 9. expenses incurred by such political subdivision in connection with  
26 the program; and

27 10. quality of the adjudication process and its results.

28 (n) It shall be an affirmative defense to any prosecution for a  
29 violation of section eleven hundred seventy of this article pursuant to  
30 a local law or ordinance adopted pursuant to this section that there is  
31 verified evidence that the railroad signal indications were malfunction-  
32 ing at the time of the alleged violation.

33 § 2. The vehicle and traffic law is amended by adding a new section  
34 1633 to read as follows:

35 § 1633. Railroad grade crossing enforcement; demonstration program.

36 (a) 1. Notwithstanding any other provision of law to the contrary, the  
37 Long Island Rail Road and the Metro-North Commuter Railroad (hereinafter  
38 referred to in this section as "commuter railroads", are hereby author-  
39 ized and empowered to implement a demonstration program imposing mone-  
40 tary liability on the owner of a vehicle for failure of an operator  
41 thereof to comply with section eleven hundred seventy of this chapter.  
42 Such demonstration program shall empower the commuter railroads to  
43 install and operate railroad grade crossing photo violation-monitoring  
44 devices at any railroad sign or signal within their respective jurisdic-  
45 tions. A violation of section eleven hundred seventy of this chapter  
46 recorded pursuant to the provisions of this section shall be deemed a  
47 traffic infraction, and adjudication of such traffic infraction against  
48 the owner shall be in accordance with the provisions of this chapter.

49 2. Such demonstration program shall utilize necessary technologies to  
50 ensure, to the extent practicable, that photographs produced by such  
51 railroad grade crossing photo violation-monitoring systems shall not  
52 include images that identify the driver, the passengers or the contents  
53 of the vehicle. Provided, however, that no notice of liability issued  
54 pursuant to this section shall be dismissed solely because a photograph  
55 or photographs allow for the identification of the contents of a vehi-



1 cle, provided that the commuter railroad has made a reasonable effort to  
2 comply with the provisions of this paragraph.

3 (b) Within the jurisdiction of any such commuter railroad pursuant to  
4 subdivision (a) of this section, and subject to the adjudicatory process  
5 of the appropriate political subdivision, the owner of a vehicle shall  
6 be liable for a penalty imposed pursuant to this section if such vehicle  
7 was used or operated with the permission of the owner, express or  
8 implied, in violation of section eleven hundred seventy of this chapter,  
9 and such violation is evidenced by information obtained from a railroad  
10 grade crossing photo violation-monitoring system; provided, however,  
11 that no owner of a vehicle shall be liable for a penalty imposed pursu-  
12 ant to this section where the operator of such vehicle has been  
13 convicted of the underlying violation of section eleven hundred seventy  
14 of this chapter.

15 (c) For purposes of this section, the following terms shall have the  
16 following meanings:

17 1. "Owner" shall have the meaning provided in article two-B of this  
18 chapter.

19 2. "Railroad grade crossing photo violation-monitoring system" shall  
20 mean a vehicle sensor installed to work in conjunction with a railroad  
21 sign or signal which automatically produces two or more photographs, two  
22 or more microphotographs, a videotape or other recorded images of each  
23 vehicle at the time it is used or operated in violation of section elev-  
24 en hundred seventy of this chapter.

25 3. "Political subdivision" shall mean a county, city, town or village  
26 located in the metropolitan commuter transportation district, as defined  
27 in section twelve hundred sixty-two of the public authorities law.

28 (d) A certificate, sworn to or affirmed by a technician employed by  
29 the commuter railroad where the charged violation occurred, or a facsim-  
30 ile thereof, based upon inspection of photographs, microphotographs,  
31 videotape or other recorded images produced by a railroad grade crossing  
32 photo violation-monitoring system, shall be prima facie evidence of the  
33 facts contained therein. Any photographs, microphotographs, videotape or  
34 other recorded images evidencing such a violation shall be available for  
35 inspection in any proceeding to adjudicate the liability for such  
36 violation pursuant to law.

37 (e) An owner liable for a violation of section eleven hundred seventy  
38 of this chapter pursuant to a railroad grade crossing demonstration  
39 project adopted pursuant to this section shall be liable for monetary  
40 penalties not to exceed two hundred fifty dollars for each violation;  
41 provided, however, that an adjudicating authority may provide for an  
42 additional penalty of not in excess of fifty dollars for each violation  
43 for the failure to respond to a notice of liability within the  
44 prescribed period of time.

45 (f) An imposition of liability pursuant to this section shall not be  
46 deemed a conviction as an operator and shall not be made part of the  
47 operating record of the person upon whom such liability is imposed nor  
48 shall it be used for insurance purposes in the provision of motor vehi-  
49 cle insurance coverage.

50 (g) 1. A notice of liability shall be sent by first class mail to each  
51 person alleged to be liable as an owner for a violation of section elev-  
52 en hundred seventy of this chapter pursuant to this section. Personal  
53 delivery on the owner shall not be required. A manual or automatic  
54 record of mailing prepared in the ordinary course of business shall be  
55 prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of section eleven hundred seventy of this chapter pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the commuter railroad, or by any other entity authorized by such commuter railroad to prepare and mail such notification of violation.

(h) Adjudication of the liability imposed upon owners by this section shall be by the court having jurisdiction over traffic infractions, except that if a political subdivision has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such political subdivision may, by local law, authorize such adjudication by such tribunal.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle was reported to a law enforcement agency as having been stolen, it shall be a valid defense to an allegation of liability for a violation of section eleven hundred seventy of this chapter pursuant to this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of a police report on the stolen vehicle be sent by first class mail to the court having jurisdiction or parking violations bureau.

(j) 1. In any political subdivision where the adjudication of liability imposed upon owners pursuant to this section is by a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of section eleven hundred seventy of this chapter, provided that he or she sends to the court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of section eleven hundred seventy of this chapter pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

2. (I) In any political subdivision which has authorized the adjudication of liability imposed upon owners by this section by a parking violations bureau, an owner who is a lessor of a vehicle to which a

1 notice of liability was issued pursuant to subdivision (g) of this  
2 section shall not be liable for the violation of section eleven hundred  
3 seventy of this chapter, provided that:

4 (A) prior to the violation, the lessor has filed with the bureau in  
5 accordance with the provisions of section two hundred thirty-nine of  
6 this chapter; and

7 (B) within thirty-seven days after receiving notice from the bureau of  
8 the date and time of a liability, together with the other information  
9 contained in the original notice of liability, the lessor submits to the  
10 bureau the correct name and address of the lessee of the vehicle identi-  
11 fied in the notice of liability at the time of such violation, together  
12 with such other additional information contained in the rental, lease or  
13 other contract document, as may be reasonably required by the bureau  
14 pursuant to regulations that may be promulgated for such purpose.

15 (II) Failure to comply with clause (B) of subparagraph (I) of this  
16 paragraph shall render the owner liable for the penalty prescribed in  
17 this section.

18 (III) Where the lessor complies with the provisions of this paragraph,  
19 the lessee of such vehicle on the date of such violation shall be deemed  
20 to be the owner of such vehicle for purposes of this section, shall be  
21 subject to liability for such violation pursuant to this section and  
22 shall be sent a notice of liability pursuant to subdivision (g) of this  
23 section.

24 (k) 1. If the owner liable for a violation of section eleven hundred  
25 seventy of this chapter pursuant to this section was not the operator of  
26 the vehicle at the time of the violation, the owner may maintain an  
27 action for indemnification against the operator.

28 2. Notwithstanding any other provision of this section, no owner of a  
29 vehicle shall be subject to a monetary fine imposed pursuant to this  
30 section if the operator of such vehicle was operating such vehicle with-  
31 out the consent of the owner at the time such operator failed to obey a  
32 railroad sign or signal indicating the approach of a train. For purposes  
33 of this subdivision there shall be a presumption that the operator of  
34 such vehicle was operating such vehicle with the consent of the owner at  
35 the time such operator failed to obey a railroad sign or signal indicat-  
36 ing the approach of a train.

37 (l) Nothing in this section shall be construed to limit the liability  
38 of an operator of a vehicle for any violation of section eleven hundred  
39 seventy of this chapter.

40 (m) Where a commuter railroad adopts a demonstration program pursuant  
41 to subdivision (a) of this section, such railroad shall submit an annual  
42 report on the results of the use of a railroad grade crossing photo  
43 violation-monitoring system to the governor, the temporary president of  
44 the senate and the speaker of the assembly on or before June first, two  
45 thousand seventeen and on the same date in each succeeding year in which  
46 the demonstration program is operable. Such report shall include, but  
47 not be limited to:

48 1. a description of the locations where railroad grade crossing photo  
49 violation-monitoring systems were used;

50 2. the aggregate number, type and severity of accidents reported at  
51 intersections where a railroad grade crossing photo violation-monitoring  
52 system is used for the year preceding the installation of such system,  
53 to the extent the information is maintained by the department;

54 3. the aggregate number, type and severity of accidents reported at  
55 intersections where a railroad grade crossing photo violation-monitoring



1 system is used, to the extent the information is maintained by the  
2 department;

3 4. the number of violations recorded at each intersection where a  
4 railroad grade crossing photo violation-monitoring system is used and in  
5 the aggregate on a daily, weekly and monthly basis;

6 5. the total number of notices of liability issued for violations  
7 recorded by such systems;

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

10 7. the number of violations adjudicated and results of such adjudi-  
11 cations including breakdowns of dispositions made for violations  
12 recorded by such systems;

13 8. the total amount of revenue realized by all applicable political  
14 subdivisions from such adjudications;

15 9. expenses incurred by such the commuter railroad in connection with  
16 the program; and

17 10. quality of the adjudication process and its results.

18 (n) It shall be an affirmative defense to any prosecution for a  
19 violation of section eleven hundred seventy of this chapter pursuant to  
20 a local law or ordinance adopted pursuant to this section that there is  
21 verified evidence that the railroad signal indications were malfunction-  
22 ing at the time of the alleged violation.

23 § 3. The opening paragraph of subdivision 1 of section 1803 of the  
24 vehicle and traffic law, as amended by chapter 385 of the laws of 1999,  
25 is amended to read as follows:

26 Except as otherwise provided in subdivision five of section two  
27 hundred twenty-seven [~~of this chapter and as provided in section~~] and  
28 sections eleven hundred ninety-seven and sixteen hundred thirty-three of  
29 this chapter, section ninety of the state finance law, and sections  
30 fourteen-f and one hundred forty of the transportation law, all fines  
31 and penalties collected under a sentence or judgment of conviction of a  
32 violation of this chapter or of any act relating to the use of highways  
33 by motor vehicles or trailers, now in force or hereafter enacted, shall  
34 be distributed in the following manner:

35 § 4. Section 1803 of the vehicle and traffic law is amended by adding  
36 a new subdivision 10 to read as follows:

37 10. Where a commuter railroad establishes a railroad grade-crossing  
38 demonstration program pursuant to section sixteen hundred thirty-three  
39 of this chapter, all fines, penalties and forfeitures collected pursuant  
40 to such section shall be paid to the city, village, town or suburban  
41 town having jurisdiction of the railroad grade crossing.

42 § 5. Subdivision 2 of section 87 of the public officers law is amended  
43 by adding a new paragraph (p) to read as follows:

44 (p) are photographs, microphotographs, videotape or other recorded  
45 images prepared under the authority of section eleven hundred seventy-a  
46 or sixteen hundred thirty-three of the vehicle and traffic law.

47 § 6. This act shall take effect on the thirtieth day after it shall  
48 have become a law.