

# STATE OF NEW YORK

6046--A

2017-2018 Regular Sessions

## IN SENATE

May 10, 2017

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

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, and 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 the effectiveness thereof

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  
11 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
12 eighty of this article during the following times: (A) on school days  
13 during school hours and one hour before and one hour after the school

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

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1 day, and (B) a period during student activities at the school and up to  
2 thirty minutes immediately before and up to thirty minutes immediately  
3 after such student activities. Such demonstration program shall empower  
4 the city of New York to install photo speed violation monitoring systems  
5 within no more than [~~one hundred forty~~] two hundred ninety school speed  
6 zones within [~~the~~] such city at any one time and to operate such systems  
7 within such zones (iii) when a school speed limit is in effect as  
8 provided in paragraphs one and two of subdivision (c) of section eleven  
9 hundred eighty of this article or (iv) when other speed limits are in  
10 effect as provided in subdivision (b), (d), (f) or (g) of section eleven  
11 hundred eighty of this article during the following times: (A) on school  
12 days during school hours and one hour before and one hour after the  
13 school day, and (B) a period during student activities at the school and  
14 up to thirty minutes immediately before and up to thirty minutes imme-  
15 diately after such student activities. In selecting a school speed zone  
16 in which to install and operate a photo speed violation monitoring  
17 system, the city of New York shall consider criteria including, but not  
18 limited to, the speed data, crash history, and the roadway geometry  
19 applicable to such school speed zone. Such city shall prioritize the  
20 placement of photo speed violation monitoring systems in school speed  
21 zones based upon speed data or the crash history of a school speed zone.  
22 A photo speed violation monitoring system shall not be installed or  
23 operated on a controlled-access highway exit ramp or within three  
24 hundred feet along a highway that continues from the end of a cont-  
25 rolled-access highway exit ramp.

26 § 2. Paragraph 2 of subdivision (a) of section 1180-b of the vehicle  
27 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
28 to read as follows:

29 2. No photo speed violation monitoring system shall be used in a  
30 school speed zone unless (i) on the day it is to be used it has success-  
31 fully passed a self-test of its functions; and (ii) it has undergone an  
32 annual calibration check performed pursuant to paragraph four of this  
33 subdivision. [~~The city may install signs giving notice that a photo~~  
34 ~~speed violation monitoring system is in use to be mounted on advance~~  
35 ~~warning signs notifying motor vehicle operators of such upcoming school~~  
36 ~~speed zone and/or on speed limit signs applicable within such school~~  
37 ~~speed zone, in conformance with standards established in the MUTCD.] The  
38 city shall install "photo enforced" signs giving notice that a photo  
39 speed violation monitoring system is in use to be mounted on advance  
40 warning signs notifying motor vehicle operators of such upcoming school  
41 speed zone and/or on speed limit signs applicable within or approaching  
42 such school speed zone, provided that such speed limit signs shall be no  
43 more than three hundred feet from such speed violation monitoring  
44 system, in conformance with standards established in the MUTCD. The city  
45 shall also install additional speed camera advance warning signs marked  
46 "speed camera ahead" within or approaching such school speed zone,  
47 provided that such "speed camera ahead" signs shall be no more than  
48 three hundred feet from such photo speed violation monitoring system.~~

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

52 4. "school speed zone" shall mean a radial distance not to exceed one  
53 thousand three hundred twenty feet [~~on a highway passing~~] from a school  
54 building, entrance, or exit [~~of a school abutting on the highway~~].

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

4 (n) If the city [~~adopts~~] expands a demonstration program pursuant to  
5 subdivision one of this section it shall conduct a study and submit a  
6 report on the results of the expanded use of photo devices to the gover-  
7 nor, the temporary president of the senate and the speaker of the assem-  
8 bly within four years of the effective date of the chapter of the laws  
9 of two thousand seventeen which amended this subdivision. Such report  
10 shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 10. the number of violations adjudicated and the results of such adju-  
50 dications including breakdowns of dispositions made for violations  
51 recorded by such systems;

52 11. the total amount of revenue realized by the city in connection  
53 with the program;

54 12. the expenses incurred by the city in connection with the program;  
55 [~~and~~]

56 13. the quality of the adjudication process and its results; and

1 14. the effectiveness and adequacy of the hours of operation for such  
2 program to determine the impact on speeding violations and prevention of  
3 crashes.

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

9 This act shall take effect on the thirtieth day after it shall have  
10 become a law [~~and~~]; provided that sections one through ten of this act  
11 shall expire [4 years after such effective date when upon such date the  
12 provisions of this act shall] and be deemed repealed July 1, 2022; and  
13 provided further that any rules necessary for the implementation of this  
14 act on its effective date shall be promulgated on or before such effec-  
15 tive date, provided that:

16 § 6. The opening paragraph of section 15 of chapter 189 of the laws of  
17 2013, amending the vehicle and traffic law and the public officers law  
18 relating to establishing in a city with a population of one million  
19 people or more a demonstration program implementing speed violation  
20 monitoring systems in school zones by means of photo devices, is amended  
21 to read as follows:

22 This act shall take effect on the thirtieth day after it shall have  
23 become a law and shall expire [~~5 years after such effective date when~~  
24 ~~upon such date the provisions of this act shall] and~~ be deemed repealed  
25 July 1, 2022; and provided further that any rules necessary for the  
26 implementation of this act on its effective date shall be promulgated on  
27 or before such effective date, provided that:

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

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

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

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

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