

# STATE OF NEW YORK

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6046--C

2017-2018 Regular Sessions

## IN SENATE

May 10, 2017

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Introduced by Sens. PERALTA, ALCANTARA, AVELLA, BAILEY, BRESLIN, BROOKS, CARLUCCI, COMRIE, DILAN, GIANARIS, HAMILTON, HOYLMAN, KAMINSKY, KAVANAGH, KLEIN, KRUEGER, MONTGOMERY, PERSAUD, RITCHIE, SANDERS, SAVINO, SEPULVEDA, SERRANO, STAVISKY, VALESKY -- 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 -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged and said bill committed to the Committee on Cities -- 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 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; and 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 or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, 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:

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

LBD11514-15-8

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

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

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

52 § 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 § 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 a demonstration program pursuant to subdivision  
8 [~~one~~] (a) of this section it shall conduct a study and submit [~~a~~] an  
9 annual report on the results of the use of photo devices to the gover-  
10 nor, the temporary president of the senate and the speaker of the assem-  
11 bly on or before June first, two thousand nineteen and on the same date  
12 in each succeeding year in which the demonstration program is operable.

13 Such report 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 § 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 such sections of this act shall be deemed repealed; and  
16 provided further that any rules necessary for the implementation of this  
17 act on its effective date shall be promulgated on or before such effec-  
18 tive date, provided that:

19 § 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 or  
22 more a demonstration program implementing speed violation monitoring  
23 systems in school speed zones by means of photo devices, is amended to  
24 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 § 7. Photo speed violation monitoring systems within the additional  
32 150 school speed zones authorized for the city of New York by paragraph  
33 1 of subdivision (a) of section 1180-b of the vehicle and traffic law,  
34 as amended by section one of this act, shall be authorized to be  
35 installed over the 3 year period following the effective date of this  
36 act as follows:

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

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

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

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