STATE OF NEW YORK

1761--A

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sens. BROOKS, ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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 establishing first responder safety zones and speed limits in such safety zones

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

Section 1. The vehicle and traffic law is amended by adding a new section 141-c to read as follows:

§ 141-c. First responder safety zone. The area or space officially set apart within a roadway adjacent to any facility or parking area where fire vehicles, police vehicles, ambulances, or emergency ambulance service vehicles are stationed for use in responding to emergencies, and which is protected, marked or indicated by lines or other markings on the surface and by adequate signs as to be plainly visible at all times while set apart as a safety zone.

§ 2. Section 1144-a of the vehicle and traffic law is amended by adding a new subdivision (d) to read as follows:

(d) During an active emergency, every operator of a motor vehicle shall yield the right of way to any fire vehicle, police vehicle, ambulance, or emergency ambulance service vehicle displaying one or more red, white, blue or green lights pursuant to the provisions of subdivision forty-one of section three hundred seventy-five of this chapter and traveling within or entering a first responder safety zone. A first violation of this provision shall be punishable by a fine of not more than five hundred dollars. A second violation of this provision shall be punishable by a fine of not more than one thousand dollars.

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

LBD06852-02-0

§ 3. The section heading and subdivision (a) of section 1151 of the vehicle and traffic law, subdivision (a) as amended by chapter 159 of the laws of 2002, are amended to read as follows:

Pedestrians' right of way in crosswalks **and first responder safety zone**. (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk **or first responder safety zone** on the roadway upon which the vehicle is traveling, except that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overpass has been provided shall yield the right of way to all vehicles.

§ 4. Subdivision (d) and paragraph 4 of subdivision (h) of section 1180 of the vehicle and traffic law, subdivision (d) as amended by chapter 432 of the laws of 1997, and paragraph 4 of subdivision (h) as amended by section 7 of part C of chapter 62 of the laws of 2003, are amended and a new subdivision (c-1) is added to read as follows:

(c-1) Except as provided in subdivision (g) of this section, whenever maximum first responder zone speed limits have been established on a highway adjacent to a first responder zone as authorized in section sixteen hundred twenty, sixteen hundred twenty-two, sixteen hundred thirty, sixteen hundred forty-three or sixteen hundred sixty-two-a, no person shall drive a vehicle at a speed in excess of fifteen miles per hour.

(d) 1. Except as provided in subdivision (g) of this section, whenever maximum speed limits, other than school speed limits **or first responder safety zone speed limits**, have been established as authorized in sections sixteen hundred twenty, sixteen hundred twenty-two, sixteen hundred twenty-three, sixteen hundred twenty-seven, sixteen hundred thirty, sixteen hundred forty-three, sixteen hundred forty-four, sixteen hundred fifty-two, sixteen hundred sixty-two-a, sixteen hundred sixty-three, and sixteen hundred seventy, no person shall drive in excess of such maximum speed limits at any time.

2. Except as provided in subdivision (g) of this section, whenever maximum speed limits, other than school speed limits **or first responder safety zone speed limits**, have been established with respect to any restricted highway as authorized in section sixteen hundred twenty-five, no person shall drive in excess of such maximum speed limits at any time.

4. Every person convicted of a violation of subdivision (c) of this section when such violation occurs in a school speed zone during a school day between the hours of seven o'clock A.M. and six o'clock P.M., **or subdivision (c-1) of this section when such violation occurs in a first responder speed zone** shall be punished as follows:

(i) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by not more than ten miles per hour, by a fine of not less than ninety nor more than three hundred dollars;

(ii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than ten miles per hour but not more than thirty miles per hour, by a fine of not less than one hundred eighty nor more than six hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment;

(iii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than thirty miles per hour, by a fine of not less than three

hundred sixty nor more than one thousand two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 5. The vehicle and traffic law is amended by adding a new section 1118 to read as follows:

§ 1118. Signs and markings in first responder safety zones. First responder safety zones shall be indicated with signage at each end of such safety zones, alerting motorists to the requirement that the right of way be yielded to pedestrians and emergency vehicles, and with white hash marks painted on the road surface between the curbs or, in the absence of curbs, between the edges of the traversable roadway. Such signage shall meet department of transportation standards and be installed properly so that they are clearly visible to motorists in accordance with the manual on uniform traffic control devices.

§ 6. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xviii) to read as follows:

(xviii) for a period of one year where the holder is convicted of a third or subsequent violation of section eleven hundred forty-four-a of this chapter.

§ 7. Subdivision (a) of section 1620 of the vehicle and traffic law, as amended by chapter 563 of the laws of 2002, is amended to read as follows:

(a) The department of transportation with respect to state highways maintained by the state outside of cities having a population in excess of one million, and highways on Indian reservations, may by order, rule or regulation establish higher or lower maximum speed limits at which vehicles may proceed on or along such highways than the fifty-five miles per hour statutory maximum speed limit. No such maximum speed limit shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway **and further that speed limits may be established at not less than fifteen miles per hour in first responder safety zones**. Absence of signs installed pursuant to this section shall be presumptive evidence that the department of transportation has not established a higher maximum speed limit than the fifty-five miles per hour statutory limit.

§ 8. Subdivision 1 of section 1622 of the vehicle and traffic law, as amended by chapter 563 of the laws of 2002, is amended to read as follows:

1. Establish maximum speed limits at which vehicles may proceed on or along such highways higher or lower than the fifty-five miles per hour statutory maximum speed limit. No such limit shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway**, and further that speed limits may be established at not less than fifteen miles per hour in first responder safety zones**.

§ 9. Subdivision 5 of section 1630 of the vehicle and traffic law, as amended by chapter 563 of the laws of 2002, is amended to read as follows:

5. Establishment of maximum and minimum speed limits at which vehicles may proceed on or along such highways. No such maximum speed limit shall

be established at less than twenty-five miles per hour, **except that speed limits may be established at not less than fifteen miles per hour in first responder zones, and** except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway, and except that, with respect to bridge and elevated structures that are a part of any such highway, a lower maximum speed limit may be established if it is determined that such lower maximum speed limit is the maximum speed limit which may be maintained without structural damage to such bridge or structure, and except that, with respect to any highway under the jurisdiction of the office of parks, recreation and historic preservation, other than a parkway as defined in subdivision seventeen of section 1.03 of the parks, recreation and historic preservation law, the department of agriculture and markets or the industrial exhibit authority, a maximum speed limit of not less than ten miles per hour may be established on any portion thereof, if it is determined that such lower maximum speed limit is necessary to assure the safety of the public, and except that, with respect to any highway having toll plazas, a maximum speed limit of not less than five miles per hour may be established for passage through such toll plazas.

§ 10. Section 1643 of the vehicle and traffic law, as amended by chapter 412 of the laws of 2012, is amended to read as follows:

§ 1643. Speed limits on highways in cities and villages. The legislative body of any city or village with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such city or village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such city or village shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such city or village, within designated areas of such city or village or on or along designated highways within such city or village higher or lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than thirty miles per hour; except that in the city of Long Beach, in the county of Nassau, speed limits may be established at not less than fifteen miles per hour on any portion of the following highways in such city: Cleveland avenue, Harding avenue, Mitchell avenue, Belmont avenue, Atlantic avenue, Coolidge avenue, Wilson avenue and Taft avenue. No such speed limit applicable on or along designated highways within such city or village shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway**, and except that speed limits may be established at not less than fifteen miles per hour in first responder safety zones** and except that within the cities of Buffalo and Rochester speed limits may be established at

not less than fifteen miles per hour for any portion of a highway within a city park.

§ 11. Section 1662-a of the vehicle and traffic law, as amended by chapter 405 of the laws of 2012, is amended to read as follows:

§ 1662-a. Speed limits in certain towns. The town board of any suburban town governed pursuant to article three-A of the town law and the town board of any other town having a population exceeding fifty thousand, with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such towns outside any village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such towns shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such towns, within designated areas of such towns or on or along designated highways within such towns lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such towns or within designated areas of such towns shall be established at less than thirty miles per hour, except that in the town of Hempstead speed limits may be established at not less than fifteen miles per hour on any portion of a highway in the community known as Point Lookout and on all or any portion of the following highways in the community known as Lido Beach: Ocean Boulevard, Allevard Street, Bath Street, Buxton Street, Cheltenham Street, Pinehurst Street, Harrogate Street, Matlock Street, Nantwick Street, Biarritz Street, Royat Street, Luchon Street, Woodhail Street, Leamington Street, Saratoga Street, Kensington Street, and Prescott Street; provided, however, that no such speed limit in such town may be established unless a majority of the residents of each such community file a petition with the town board of such town requesting such speed limit. No such speed limit applicable on or along designated highways within such towns shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway, **and except further that speed limits may be established at not less than fifteen miles per hour in first responder safety zones,** and except further that in the town of Hempstead speed limits may be established at not less than fifteen miles per hour on any portion of a highway in the communities known as Point Lookout and Lido Beach; provided, however, that no such speed limit in such town may be established unless a majority of the residents of each such community file a petition with the town board of such town requesting such speed limit.

§ 12. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, or if any federal agency finally determines that this act would render New York state ineligible for the receipt of federal funds, such judgment or written determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or

part thereof directly involved in the controversy in which such judgment or written determination shall have been rendered.

§ 13. This act shall take effect on the one hundred eightieth day after it shall have become a law, and shall apply to violations committed on and after such date.