

# 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:

- 1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 141-c to read as follows:  
3 § 141-c. First responder safety zone. The area or space officially set  
4 apart within a roadway adjacent to any facility or parking area where  
5 fire vehicles, police vehicles, ambulances, or emergency ambulance  
6 service vehicles are stationed for use in responding to emergencies, and  
7 which is protected, marked or indicated by lines or other markings on  
8 the surface and by adequate signs as to be plainly visible at all times  
9 while set apart as a safety zone.
- 10 § 2. Section 1144-a of the vehicle and traffic law is amended by  
11 adding a new subdivision (d) to read as follows:  
12 (d) During an active emergency, every operator of a motor vehicle  
13 shall yield the right of way to any fire vehicle, police vehicle, ambu-  
14 lance, or emergency ambulance service vehicle displaying one or more  
15 red, white, blue or green lights pursuant to the provisions of subdivi-  
16 sion forty-one of section three hundred seventy-five of this chapter and  
17 traveling within or entering a first responder safety zone. A first  
18 violation of this provision shall be punishable by a fine of not more  
19 than five hundred dollars. A second violation of this provision shall be  
20 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.

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

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

12 § 4. Subdivision (d) and paragraph 4 of subdivision (h) of section  
13 1180 of the vehicle and traffic law, subdivision (d) as amended by chap-  
14 ter 432 of the laws of 1997, and paragraph 4 of subdivision (h) as  
15 amended by section 7 of part C of chapter 62 of the laws of 2003, are  
16 amended and a new subdivision (c-1) is added to read as follows:

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

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

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

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

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

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

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

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

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

6 § 1118. Signs and markings in first responder safety zones. First  
7 responder safety zones shall be indicated with signage at each end of  
8 such safety zones, alerting motorists to the requirement that the right  
9 of way be yielded to pedestrians and emergency vehicles, and with white  
10 hash marks painted on the road surface between the curbs or, in the  
11 absence of curbs, between the edges of the traversable roadway. Such  
12 signage shall meet department of transportation standards and be  
13 installed properly so that they are clearly visible to motorists in  
14 accordance with the manual on uniform traffic control devices.

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

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

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

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

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

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

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

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

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

22 § 10. Section 1643 of the vehicle and traffic law, as amended by chap-  
23 ter 412 of the laws of 2012, is amended to read as follows:

24 § 1643. Speed limits on highways in cities and villages. The legisla-  
25 tive body of any city or village with respect to highways (which term  
26 for the purposes of this section shall include private roads open to  
27 public motor vehicle traffic) in such city or village, other than state  
28 highways maintained by the state on which the department of transporta-  
29 tion shall have established higher or lower speed limits than the statu-  
30 tory fifty-five miles per hour speed limit as provided in section  
31 sixteen hundred twenty of this title, or on which the department of  
32 transportation shall have designated that such city or village shall not  
33 establish any maximum speed limit as provided in section sixteen hundred  
34 twenty-four of this title, subject to the limitations imposed by section  
35 sixteen hundred eighty-four of this title may by local law, ordinance,  
36 order, rule or regulation establish maximum speed limits at which vehi-  
37 cles may proceed within such city or village, within designated areas of  
38 such city or village or on or along designated highways within such city  
39 or village higher or lower than the fifty-five miles per hour maximum  
40 statutory limit. No such speed limit applicable throughout such city or  
41 village or within designated areas of such city or village shall be  
42 established at less than thirty miles per hour; except that in the city  
43 of Long Beach, in the county of Nassau, speed limits may be established  
44 at not less than fifteen miles per hour on any portion of the following  
45 highways in such city: Cleveland avenue, Harding avenue, Mitchell  
46 avenue, Belmont avenue, Atlantic avenue, Coolidge avenue, Wilson avenue  
47 and Taft avenue. No such speed limit applicable on or along designated  
48 highways within such city or village shall be established at less than  
49 twenty-five miles per hour, except that school speed limits may be  
50 established at not less than fifteen miles per hour, for a distance not  
51 to exceed one thousand three hundred twenty feet, on a highway passing a  
52 school building, entrance or exit of a school abutting on the highway,  
53 and except that speed limits may be established at not less than fifteen  
54 miles per hour in first responder safety zones and except that within  
55 the cities of Buffalo and Rochester speed limits may be established at

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

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

5 § 1662-a. Speed limits in certain towns. The town board of any subur-  
6 ban town governed pursuant to article three-A of the town law and the  
7 town board of any other town having a population exceeding fifty thou-  
8 sand, with respect to highways (which term for the purposes of this  
9 section shall include private roads open to public motor vehicle traf-  
10 fic) in such towns outside any village, other than state highways main-  
11 tained by the state on which the department of transportation shall have  
12 established higher or lower speed limits than the statutory fifty-five  
13 miles per hour speed limit as provided in section sixteen hundred twenty  
14 of this title, or on which the department of transportation shall have  
15 designated that such towns shall not establish any maximum speed limit  
16 as provided in section sixteen hundred twenty-four of this title,  
17 subject to the limitations imposed by section sixteen hundred eighty-  
18 four of this title may by local law, ordinance, order, rule or regu-  
19 lation establish maximum speed limits at which vehicles may proceed  
20 within such towns, within designated areas of such towns or on or along  
21 designated highways within such towns lower than the fifty-five miles  
22 per hour maximum statutory limit. No such speed limit applicable  
23 throughout such towns or within designated areas of such towns shall be  
24 established at less than thirty miles per hour, except that in the town  
25 of Hempstead speed limits may be established at not less than fifteen  
26 miles per hour on any portion of a highway in the community known as  
27 Point Lookout and on all or any portion of the following highways in the  
28 community known as Lido Beach: Ocean Boulevard, Alleward Street, Bath  
29 Street, Buxton Street, Cheltenham Street, Pinehurst Street, Harrogate  
30 Street, Matlock Street, Nantwick Street, Biarritz Street, Royat Street,  
31 Luchon Street, Woodhail Street, Leamington Street, Saratoga Street,  
32 Kensington Street, and Prescott Street; provided, however, that no such  
33 speed limit in such town may be established unless a majority of the  
34 residents of each such community file a petition with the town board of  
35 such town requesting such speed limit. No such speed limit applicable on  
36 or along designated highways within such towns shall be established at  
37 less than twenty-five miles per hour, except that school speed limits  
38 may be established at not less than fifteen miles per hour, for a  
39 distance not to exceed one thousand three hundred twenty feet, on a  
40 highway passing a school building, entrance or exit of a school abutting  
41 on the highway, and except further that speed limits may be established  
42 at not less than fifteen miles per hour in first responder safety zones,  
43 and except further that in the town of Hempstead speed limits may be  
44 established at not less than fifteen miles per hour on any portion of a  
45 highway in the communities known as Point Lookout and Lido Beach;  
46 provided, however, that no such speed limit in such town may be estab-  
47 lished unless a majority of the residents of each such community file a  
48 petition with the town board of such town requesting such speed limit.

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

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

3 § 13. This act shall take effect on the one hundred eightieth day  
4 after it shall have become a law, and shall apply to violations commit-  
5 ted on and after such date.