

STATE OF NEW YORK

9884

IN SENATE

July 31, 2024

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to requiring at least two photo speed violation monitoring systems in highway construction or maintenance work areas located on a controlled-access highway or on the thruway

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

1 Section 1. Paragraphs 1 and 2 of subdivision (a) of section 1180-e of
2 the vehicle and traffic law, as added by chapter 421 of the laws of
3 2021, are amended to read as follows:
4 1. Notwithstanding any other provision of law, the commissioner of
5 transportation is hereby authorized to establish a demonstration program
6 imposing monetary liability on the owner of a vehicle for failure of an
7 operator thereof to comply with posted maximum speed limits in a highway
8 construction or maintenance work area located on a controlled-access
9 highway (i) when highway construction or maintenance work is occurring
10 and a work area speed limit is in effect as provided in paragraph two of
11 subdivision (d) or subdivision (f) of section eleven hundred eighty of
12 this article or (ii) when highway construction or maintenance work is
13 occurring and other speed limits are in effect as provided in subdivi-
14 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
15 hundred eighty of this article. Such demonstration program shall
16 [~~empower~~] require the commissioner to install at least two photo speed
17 violation monitoring systems within [~~no more than twenty~~] highway
18 construction or maintenance work areas located on controlled-access
19 highways and to operate such systems within such work areas (iii) when
20 highway construction or maintenance work is occurring and a work area
21 speed limit is in effect as provided in paragraph two of subdivision (d)
22 or subdivision (f) of section eleven hundred eighty of this article or
23 (iv) when highway construction or maintenance work is occurring and
24 other speed limits are in effect as provided in subdivision (b) or (g)
25 or paragraph one of subdivision (d) of section eleven hundred eighty of
26 this article. The commissioner, in consultation with the superintendent

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

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1 of the division of state police, shall determine the location of the
2 highway construction or maintenance work areas located on a controlled-
3 access highway in which to install and operate photo speed violation
4 monitoring systems. [~~In selecting a highway construction or maintenance
5 work area in which to install and operate a photo speed violation moni-
6 toring system, the commissioner shall consider criteria including, but
7 not limited to, the speed data, crash history, and roadway geometry
8 applicable to such highway construction or maintenance work area.~~] A
9 photo speed violation monitoring system shall not be installed or oper-
10 ated on a controlled-access highway exit ramp.

11 2. Notwithstanding any other provision of law, after holding a public
12 hearing in accordance with the public officers law and subsequent
13 approval of the establishment of a demonstration program in accordance
14 with this section by a majority of the members of the entire board of
15 the thruway authority, the chair of the thruway authority is hereby
16 authorized to establish a demonstration program imposing monetary
17 liability on the owner of a vehicle for failure of an operator thereof
18 to comply with posted maximum speed limits in a highway construction or
19 maintenance work area located on the thruway (i) when highway
20 construction or maintenance work is occurring and a work area speed
21 limit is in effect as provided in paragraph two of subdivision (d) or
22 subdivision (f) of section eleven hundred eighty of this article or (ii)
23 when highway construction or maintenance work is occurring and other
24 speed limits are in effect as provided in subdivision (b) or (g) or
25 paragraph one of subdivision (d) of section eleven hundred eighty of
26 this article. Such demonstration program shall [~~empower~~ **require** the
27 chair to install **at least two** photo speed violation monitoring systems
28 within [~~no more than ten~~] highway construction or maintenance work areas
29 located on the thruway and to operate such systems within such work
30 areas (iii) when highway construction or maintenance work is occurring
31 and a work area speed limit is in effect as provided in paragraph two of
32 subdivision (d) or subdivision (f) of section eleven hundred eighty of
33 this article or (iv) when highway construction or maintenance work is
34 occurring and other speed limits are in effect as provided in subdivi-
35 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
36 hundred eighty of this article. The chair, in consultation with the
37 superintendent of the division of state police, shall determine the
38 location of the highway construction or maintenance work areas located
39 on the thruway in which to install and operate photo speed violation
40 monitoring systems. [~~In selecting a highway construction or maintenance
41 work area in which to install and operate a photo speed violation moni-
42 toring system, the chair shall consider criteria including, but not
43 limited to, the speed data, crash history, and roadway geometry applica-
44 ble to such highway construction or maintenance work area.~~] A photo
45 speed violation monitoring system shall not be installed or operated on
46 a thruway exit ramp.

47 § 2. This act shall take effect on the ninetieth day after it shall
48 have become a law; provided, however, that the amendments to section
49 1180-e of the vehicle and traffic law made by section one of this act
50 shall not affect the repeal of such section and shall be deemed repealed
51 therewith. Effective immediately, the addition, amendment, and/or
52 repeal of any rule or regulation necessary for the implementation of
53 this act on its effective date are authorized to be made and completed
54 on or before such effective date.