

STATE OF NEW YORK

2167

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. STERN, DURS0 -- read once and referred to the Committee on Transportation

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, not to exceed
4 six hundred sixty feet on a highway passing or abutting any facility or
5 parking area where fire vehicles, police vehicles, ambulances, or emer-
6 gency ambulance service vehicles are stationed, for use in responding to
7 emergencies. First responder zones shall be protected, marked or indi-
8 cated by lines or other markings on the surface and by adequate signs as
9 to be plainly visible at all times 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.

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

24 Pedestrians' right of way in crosswalks and first responder safety
25 zone. (a) When traffic-control signals are not in place or not in oper-

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

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1 ation the driver of a vehicle shall yield the right of way, slowing down
2 or stopping if need be to so yield, to a pedestrian crossing the roadway
3 within a crosswalk or first responder safety zone on the roadway upon
4 which the vehicle is traveling, except that any pedestrian crossing a
5 roadway at a point where a pedestrian tunnel or overpass has been
6 provided shall yield the right of way to all vehicles.

7 § 4. Subdivision (d) and paragraph 4 of subdivision (h) of section
8 1180 of the vehicle and traffic law, subdivision (d) as amended by chap-
9 ter 432 of the laws of 1997, and paragraph 4 of subdivision (h) as
10 amended by section 7 of part C of chapter 62 of the laws of 2003, are
11 amended and a new subdivision (c-1) is added to read as follows:

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

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

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

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

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

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

49 (iii) Where the court or tribunal records or enters that the speed
50 upon which the conviction was based exceeded the applicable speed limit
51 by more than thirty miles per hour, by a fine of not less than three
52 hundred sixty nor more than one thousand two hundred dollars, or by
53 imprisonment for not more than thirty days, or by both such fine and
54 imprisonment.

55 § 5. The vehicle and traffic law is amended by adding a new section
56 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

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

17 § 10. Section 1643 of the vehicle and traffic law, as amended by chap-
18 ter 496 of the laws of 2022, is amended to read as follows:

19 § 1643. Speed limits on highways in cities and villages. The legisla-
20 tive body of any city or village with respect to highways (which term
21 for the purposes of this section shall include private roads open to
22 public motor vehicle traffic) in such city or village, other than state
23 highways maintained by the state on which the department of transporta-
24 tion shall have established higher or lower speed limits than the statu-
25 tory fifty-five miles per hour speed limit as provided in section
26 sixteen hundred twenty of this title, or on which the department of
27 transportation shall have designated that such city or village shall not
28 establish any maximum speed limit as provided in section sixteen hundred
29 twenty-four of this title, subject to the limitations imposed by section
30 sixteen hundred eighty-four of this title may by local law, ordinance,
31 order, rule or regulation establish maximum speed limits at which vehi-
32 cles may proceed within such city or village, within designated areas of
33 such city or village or on or along designated highways within such city
34 or village higher or lower than the fifty-five miles per hour maximum
35 statutory limit. No such speed limit applicable throughout such city or
36 village or within designated areas of such city or village shall be
37 established at less than twenty-five miles per hour; except that in the
38 city of Long Beach, in the county of Nassau, speed limits may be estab-
39 lished at not less than fifteen miles per hour on any portion of the
40 following highways in such city: Cleveland avenue, Harding avenue, Mitc-
41 hell avenue, Belmont avenue, Atlantic avenue, Coolidge avenue, Wilson
42 avenue and Taft avenue. No such speed limit applicable on or along
43 designated highways within such city or village shall be established at
44 less than twenty-five miles per hour, except that school speed limits
45 may be established at not less than fifteen miles per hour, for a
46 distance not to exceed one thousand three hundred twenty feet, on a
47 highway passing a school building, entrance or exit of a school abutting
48 on the highway, and except that speed limits may be established at not
49 less than fifteen miles per hour in first responder safety zones, and
50 except that within the cities of Buffalo and Rochester speed limits may
51 be established at not less than fifteen miles per hour for any portion
52 of a highway within a city park. No speed limits shall be established
53 pursuant to the provisions of this section except in accordance with the
54 engineering considerations and factors for speed limits set forth in the
55 manual and specifications for a uniform system of traffic control
56 devices maintained by the commissioner of transportation pursuant to

1 section sixteen hundred eighty of this title, as such manual and spec-
2 ifications may be amended from time to time, certified by a licensed
3 professional engineer who specializes in traffic operations.

4 § 11. Section 1662-a of the vehicle and traffic law, as amended by
5 chapter 496 of the laws of 2022, is amended to read as follows:

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

1 to time, certified by a licensed professional engineer who specializes
2 in traffic operations.

3 § 12. Severability. If any clause, sentence, subdivision, paragraph,
4 section or part of this act be adjudged by any court of competent juris-
5 diction to be invalid, or if any federal agency finally determines that
6 this act would render New York state ineligible for the receipt of
7 federal funds, such judgment or written determination shall not affect,
8 impair or invalidate the remainder thereof, but shall be confined in its
9 operation to the clause, sentence, subdivision, paragraph, section or
10 part thereof directly involved in the controversy in which such judgment
11 or written determination shall have been rendered.

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