

# STATE OF NEW YORK

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4331

2019-2020 Regular Sessions

## IN SENATE

March 7, 2019

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Introduced by Sens. GOUNARDES, ADDABBO, BAILEY, BENJAMIN, BIAGGI, COMRIE, GIANARIS, HOYLMAN, JACKSON, KAVANAGH, KRUEGER, LIU, MONTGOMERY, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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:  
4 1. Notwithstanding any other provision of law, the city of New York is  
5 hereby authorized to establish a demonstration program imposing monetary  
6 liability on the owner of a vehicle for failure of an operator thereof  
7 to comply with posted maximum speed limits in a school speed zone within  
8 [the] such city (i) when a school speed limit is in effect as provided  
9 in paragraphs one and two of subdivision (c) of section eleven hundred  
10 eighty of this article or (ii) when other speed limits are in effect as  
11 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
12 eighty of this article [during the following times: (A) on school days

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

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1 during school hours and one hour before and one hour after the school  
2 day, and (B) a period during student activities at the school and up to  
3 thirty minutes immediately before and up to thirty minutes immediately  
4 after such student activities] weekdays between the hours of six o'clock  
5 A.M. and ten o'clock P.M. Such demonstration program shall empower the  
6 city of New York to install photo speed violation monitoring systems  
7 within no more than [one hundred forty] seven hundred fifty school speed  
8 zones within [the] such city at any one time and to operate such systems  
9 within such zones (iii) when a school speed limit is in effect as  
10 provided in paragraphs one and two of subdivision (c) of section eleven  
11 hundred eighty of this article or (iv) when other speed limits are in  
12 effect as provided in subdivision (b), (d), (f) or (g) of section eleven  
13 hundred eighty of this article [during the following times: (A) on  
14 school days during school hours and one hour before and one hour after  
15 the school day, and (B) a period during student activities at the school  
16 and up to thirty minutes immediately before and up to thirty minutes  
17 immediately after such student activities] weekdays between the hours of  
18 six o'clock A.M. and ten o'clock P.M. In selecting a school speed zone  
19 in which to install and operate a photo speed violation monitoring  
20 system, the city of New York shall consider criteria including, but not  
21 limited to, the speed data, crash history, and the roadway geometry  
22 applicable to such school speed zone. Such city shall prioritize the  
23 placement of photo speed violation monitoring systems in school speed  
24 zones based upon speed data or the crash history of a school speed zone.  
25 A photo speed violation monitoring system shall not be installed or  
26 operated on a controlled-access highway exit ramp or within three  
27 hundred feet along a highway that continues from the end of a cont-  
28 rolled-access highway exit ramp.

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

32 2. No photo speed violation monitoring system shall be used in a  
33 school speed zone unless (i) on the day it is to be used it has success-  
34 fully passed a self-test of its functions; and (ii) it has undergone an  
35 annual calibration check performed pursuant to paragraph four of this  
36 subdivision. The city [may] shall install signs giving notice to  
37 approaching motor vehicle operators that a photo speed violation moni-  
38 toring system is in use [to be mounted on advance warning signs notify-  
39 ing motor vehicle operators of such upcoming school speed zone and/or on  
40 speed limit signs applicable within such school speed zone], in conform-  
41 ance with standards established in the MUTCD.

42 § 3. Paragraph 4 of subdivision (c) of section 1180-b of the vehicle  
43 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
44 to read as follows:

45 4. "school speed zone" shall mean a radial distance not to exceed one  
46 thousand three hundred twenty feet [on a highway passing] from a school  
47 building, entrance, or exit [of a school abutting on the highway].

48 § 4. Subdivision (n) of section 1180-b of the vehicle and traffic law,  
49 as added by chapter 189 of the laws of 2013, is amended to read as  
50 follows:

51 (n) If the city adopts a demonstration program pursuant to subdivision  
52 [one] (a) of this section it shall conduct a study and submit [a] an  
53 annual report on the results of the use of photo devices to the gover-  
54 nor, the temporary president of the senate and the speaker of the assem-  
55 bly on or before June first, two thousand twenty and on the same date in

1 each succeeding year in which the demonstration program is operable.  
2 Such report shall include:  
3 1. the locations where and dates when photo speed violation monitoring  
4 systems were used;  
5 2. the aggregate number, type and severity of crashes, fatalities,  
6 injuries and property damage reported within all school speed zones  
7 within the city, to the extent the information is maintained by the  
8 department of motor vehicles of this state;  
9 3. the aggregate number, type and severity of crashes, fatalities,  
10 injuries and property damage reported within school speed zones where  
11 photo speed violation monitoring systems were used, to the extent the  
12 information is maintained by the department of motor vehicles of this  
13 state;  
14 4. the number of violations recorded within all school speed zones  
15 within the city, in the aggregate on a daily, weekly and monthly basis;  
16 5. the number of violations recorded within each school speed zone  
17 where a photo speed violation monitoring system is used, in the aggre-  
18 gate on a daily, weekly and monthly basis;  
19 6. the number of violations recorded within all school speed zones  
20 within the city that were:  
21 (i) more than ten but not more than twenty miles per hour over the  
22 posted speed limit;  
23 (ii) more than twenty but not more than thirty miles per hour over the  
24 posted speed limit;  
25 (iii) more than thirty but not more than forty miles per hour over the  
26 posted speed limit; and  
27 (iv) more than forty miles per hour over the posted speed limit;  
28 7. the number of violations recorded within each school speed zone  
29 where a photo speed violation monitoring system is used that were:  
30 (i) more than ten but not more than twenty miles per hour over the  
31 posted speed limit;  
32 (ii) more than twenty but not more than thirty miles per hour over the  
33 posted speed limit;  
34 (iii) more than thirty but not more than forty miles per hour over the  
35 posted speed limit; and  
36 (iv) more than forty miles per hour over the posted speed limit;  
37 8. the total number of notices of liability issued for violations  
38 recorded by such systems;  
39 9. the number of fines and total amount of fines paid after the first  
40 notice of liability issued for violations recorded by such systems;  
41 10. the number of violations adjudicated and the results of such adju-  
42 dications including breakdowns of dispositions made for violations  
43 recorded by such systems;  
44 11. the total amount of revenue realized by the city in connection  
45 with the program;  
46 12. the expenses incurred by the city in connection with the program;  
47 [and]  
48 13. the quality of the adjudication process and its results;  
49 14. the total amount of revenue expended on traffic and pedestrian  
50 safety within the city of New York; and  
51 15. the effectiveness and adequacy of the hours of operation for such  
52 program to determine the impact on speeding violations and prevention of  
53 crashes.  
54 § 5. The opening paragraph of section 12 of chapter 43 of the laws of  
55 2014, amending the vehicle and traffic law, the public officers law and  
56 the general municipal law relating to photo speed violation monitoring

1 systems in school speed zones in the city of New York, is amended to  
2 read as follows:

3 This act shall take effect on the thirtieth day after it shall have  
4 become a law [and]; provided that sections one through ten of this act  
5 shall expire 4 years after such effective date when upon such date the  
6 provisions of such sections of this act shall be deemed repealed; and  
7 provided further that any rules necessary for the implementation of this  
8 act on its effective date shall be promulgated on or before such effec-  
9 tive date, provided that:

10 § 6. The opening paragraph of section 15 of chapter 189 of the laws of  
11 2013, amending the vehicle and traffic law and the public officers law  
12 relating to establishing in a city with a population of one million or  
13 more a demonstration program implementing speed violation monitoring  
14 systems in school speed zones by means of photo devices, is amended to  
15 read as follows:

16 This act shall take effect on the thirtieth day after it shall have  
17 become a law and shall expire [5 years after such effective date when  
18 upon such date the provisions of this act shall] and be deemed repealed  
19 July 1, 2022; and provided further that any rules necessary for the  
20 implementation of this act on its effective date shall be promulgated on  
21 or before such effective date, provided that:

22 § 7. Notwithstanding the provisions of article 5 of the general  
23 construction law, the provisions of:

24 (a) paragraph 1 of subdivision (a) of section 1180-b of the vehicle  
25 and traffic law, as amended by section one of this act, is hereby  
26 revived and shall be deemed to have been in full force and effect on and  
27 after July 25, 2018; and

28 (b) section 1180-b of the vehicle and traffic law, as amended by  
29 sections two, three and four of this act, is hereby revived and shall be  
30 deemed to have been in full force and effect on and after August 30,  
31 2018.

32 § 8. This act shall take effect on the sixtieth day after it shall  
33 have become a law; provided that the amendments to section 1180-b of the  
34 vehicle and traffic law made by sections one, two, three, and four of  
35 this act shall not affect the repeal of such section and shall be deemed  
36 repealed therewith.