



## NYS School Bus Photo Violation Monitoring Systems

### **Effective Date:**

Chapter 145 Laws of 2019 is effective September 6, 2019. Law expires December 1, 2024

### **Vehicle and Traffic Law Amended**

§ 1174-a Vehicle and Traffic Law amended, and a new section added to enable local governments and school districts to work together to enact a demonstration program for the installation of school bus monitoring cameras to identify motorists passing stopped school buses when bus red lights flashing and stop arm lowered.

### **How Many States Have a School Bus Stop Arm Safety Program?**

Five states have a program, NY is the sixth state.

### **Are there Studies Proving the Efficacy of the Program?**

There are a few studies from independent 3<sup>rd</sup> parties that discuss some of the results and benefits of a school bus stop arm program. On average, some companies report a 40 percent reduction in the number of violations issued from the first month of school to the last month of school. Studies have also shown after a motorist receives a violation, it is rare for that motorist to become a repeat offender. Here are the safety studies:

<https://www.schoolbusfleet.com/news/726333/new-guide-promotes-school-bus-stop-arm-camera-advocacy>

<https://static.tti.tamu.edu/tti.tamu.edu/documents/TTI-2008-7.pdf>

<https://www.nhtsa.gov/school-bus-safety/reducing-illegal-passing-school-buses>

<http://www.sesptc.com/2017Presentations/P3.pdf>

## **How are Local Governments Involved?**

Any county, city, town or village, located within a school district, may adopt a local law or ordinance establishing a school bus photo demonstration program. Local governments thereafter may enter into an agreement with the applicable school district for the installation, maintenance and use of school bus photo violation monitoring systems on school buses for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems and for the forwarding of such photographs, microphotographs, videotapes, other recorded images to the applicable county, city, town or village which establishes demonstration program. Any Agreement shall be approved by majority vote of the applicable local government, and by resolution of the participating school district. The costs of the program are not eligible as an aid able expense of the district for state school aid.

Where a district has entered into an agreement with a county, no cities, towns or villages within the same county may enter into, or be a party to, any agreement with the district. No county shall enter into an agreement with a district wholly contained within a city, unless that city school district overlaps a bordering town, then the district may contract with the county program. Districts are authorized to withdraw or terminate participation with this demonstration program at any time. Districts are prohibited from accessing any images from the photo monitoring program. Photographs shall be destroyed within 90 days after the date of liability if no notice of liability is issued to owner of vehicle or upon final disposition of notice of liability.

## **What are the Requirements for Signage notifying the public of the School Bus Camera Program?**

Counties, towns, cities or villages shall install signage in conformance with standards established pursuant to the Manual on Uniform Traffic Control Devices (MUTCD) at each roadway entrance of the jurisdictional boundary of the county giving notice that school bus photo violation monitoring systems are used. Roadways do not include state express routes or state interstate routes but shall include controlled access highway exit ramps that the enter the jurisdiction of the county.

## **Is there a cost to the school district or local governments?**

Districts cannot be charged for participating with a local government in a school bus photo violation program. The total cost to the district of the installation, maintenance and use of the school bus photo violation monitoring systems shall be borne entirely by the applicable local government sponsoring the demonstration program. There are implementation costs for signage notifying drivers entering the county borders that the county has in place a school bus photo violation program. Violation fees generated from the program should be used to operate the program so that there are no up-front tax payer costs to the county.

**Where are the Cameras located?**

The School Bus Photo Monitoring Demonstration Program implemented by the county, city, town or village with the district may include stationary devices at fixed locations or mobile units affixed to school buses owned or operated under contract with districts. Any school bus photo monitoring device mounted on a bus shall be directed outwardly from bus to capture images of vehicles. There is no interaction required or necessary for the driver of the bus, as the cameras operate autonomous from the driver’s responsibilities. Multiple cameras within the installed system detect the license plate and up to four lanes of traffic in the vicinity of the stopped school bus capturing images of vehicles passing from behind or from ahead of the stopped school bus. Law enforcement rev

A county, city, town or village located within a school district is authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of the vehicle for failure of an operator to stop said vehicle when meeting a school bus marked and equipped.

A Memorandum of Understanding must be executed between the local government and the school district before installation and operation of any program.

**What are the fees for passing stopped marked school buses?**

Owner liability for failure of operator to stop for school bus displaying a red visual signal and stop-arm. The owner of the vehicle shall be liable for a penalty if such vehicle was used or operated with the permission of the owner, express or implied. Owner shall not be liable for the following penalty if he/she was convicted of the underlying violation of §1174-a. It shall also be a defense to any prosecution that such school bus arm was malfunctioning at the time of the alleged violation. There are no motorist moving violations (points on driver’s license), or notification to insurance companies of a violation.

Civil fine per state law is as follows:

- First violation: \$250
- Second Violation: \$275 (both of which committed within 18 months)
- Third Violation: \$300 (all of which committed within 18 months)

Additional Local Surcharge \$25 (up to for failure to respond to notice of liability in timely manner).

\*Violations are also exempt from state mandated traffic ticket surcharges

**What about Privacy Issues for Motorists or Pedestrians?**

Any county, city, town or village establishing the demonstration program shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by bus photo monitoring system. Counties shall implement oversight procedures to ensure compliance with

privacy protection measures. Per state law, all evidence not relevant to the violation is destroyed within 90 days from date of the incident. Additionally, upon final adjudication of the violation or failure to prosecute, all images used to prosecute the violation are destroyed. Evidence is maintained by the company during an appeal process.

### **How Do Local Governments and School Districts Report on Effectiveness of Demonstration Program?**

On or before September 1 of each year, the district shall determine and certify to each county, city, town or village with which it has entered into an agreement ***the total cost*** to the district for the school year ending the preceding June 13 of installing, maintaining and using such systems.

On or before December 1 of each year, each county, city, town or village shall pay to the district such costs so certified to it on or before the preceding September 1.

Within 20 days of when such payment is due or is due, the district shall submit to the state director of the budget, and the chairs of the state legislature fiscal committees a report for each such county, city, town, village showing the amount of costs certified and the amount of payments so received or due.

Failure to make timely payments to the district shall suspend demonstration program until payments are made.

Any county, city, town or village which enacts this demonstration program shall submit an annual report to the Governor, Temporary President of the Senate and the Speaker of the Assembly of the results of the use of bus photo monitoring program by June 1, 2020 and each additional year thereafter. Such report shall include information pertaining to:

- The number of buses and description of routes where stationary and mobile bus photo systems used
- Total number, type and severity of accidents if maintained by DMV
- Total number of violations recorded at each location and total of violations recorded on daily, weekly and monthly basis.
- Total number of convictions for violations of §1174-a if maintained by DMV
- Total number of notices of liability issued for violations recorded by such systems
- Number of fines and total amount of fines paid after first notice of liability issued
- Number of violations adjudicated
- Total amount of revenue collected for adjudication received by city, town or village (not county)
- Expenses incurred by such city, town or village for program (not county)
- Description of the adjudication process
- Description of public education activities to warn motorists of this new program

Any county, city, town or village shall submit required state reports to local law enforcement agencies having jurisdiction to enforce violations of the vehicle and traffic law.

**Does Law Enforcement Officer Need to Validate That a Violation Did Occur?**

Yes, a law enforcement agency must validate the findings before a violation is issued. Camera Technology on the bus provides law enforcement with necessary video footage and a complete evidence package simplifying the process needed to validate violation, minimizing the time that officers need to take to validate the violation. All evidence is stored by the company and shared with law enforcement or courts for reviewing and adjudicating the violation. Providers should guarantee that the system used can produce all the evidence that is required to prosecute a violation.

**How are Violations Processed?**

Adjudications of violations imposed on owners shall be by a traffic violations bureau where the violation occurred, or if there be none, by the court having jurisdiction over traffic infractions where the violation occurred. Counties are urged to work with companies with direct interface to parking violations bureau and where no parking violations bureau exists, with local justice courts.

**Does a Motorist Have Access to the Violation Evidence?**

Yes. A motorist will receive notification of the violation and can review on a web portal the evidence used to prosecute that a violation occurred and can pay, challenge or dispute the violation.

**What Happens to the Revenue Received from Violations?**

Where a county has established a demonstration program any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurred within such county shall be paid to the state comptroller within the first ten days of the month following collection. The comptroller shall pay 90% of any such fine or penalty to the county, and 10% of any such fine or penalty to the city, town or village in which the violation giving rise to the liability occurred.

**How Are the Cameras Purchased/Leased?**

The purchase or lease of equipment for demonstration program is subject to §103 of the general municipal law.

**Who Contracts with the Vendor for Implementing the Program?**

The county will enter into a master licensing agreement with the digital imaging company and then a Memorandum of Understanding is executed between the county and the participating districts. The MOU will detail the rights and responsibilities of each party in conformance with state law. The districts will designate which bus routes will have the cameras in place. Company will customize the program to the rules of the county, districts, towns and villages. Company will train all end users of the technology and be responsible for all maintenance and upkeep of systems.

**What About Vehicles Being Operated on Road from Car Rental Companies?**

Drivers using these vehicles will receive the violation directly from the digital imaging company as they have access to the car rental agreements.