



#### FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

Section 1180-b of the New York State Vehicle and Traffic Law (VTL) became effective on August 30, 2013. This new section of the VTL authorizes the City of New York to establish a demonstration program implementing photo speed violation monitoring systems to record maximum speed limit violations in school speed zones. Subdivision (e) of this new VTL section authorizes the Parking Violations Bureau (PVB), a division of the New York City Department of Finance (DOF), to promulgate a schedule of fines and penalties for such violations. Subdivision (g) establishes requirements for the notice of liability, and subdivision (h) authorizes the PVB to adjudicate violations under Section 1180-b. Under this section, a vehicle operator who exceeds the maximum speed limit in a school speed zone and who is recorded by a photo speed violation monitoring system will receive a notice of liability for the violation.

The New York City Department of Transportation (DOT) will implement the demonstration program, including maintaining the photo speed violation monitoring systems, sending notices of liability to motorists, and transmitting information relating to violations to DOF. The proposed rule amendment establishes penalties for such violations, provides requirements for the notice of liability, and authorizes the PVB to adjudicate allegations of liability. A public hearing on these proposed rules was held on November 21, 2013.

Because speeding violations are often a significant factor in accidents, the City wishes to begin enforcement of this new demonstration program as soon as possible. Immediate implementation of this rule amendment upon its final publication is necessary to effectuate the purpose of the State law, and to address safety concerns through the prompt enforcement of these rules by PVB.

Therefore, pursuant to section 1043(f)(1)(c) of the New York City Charter, DOF and DOT find that there is a substantial need for the earlier implementation of the Rules Relating to Photo Speed Violation Monitoring Systems. Consequently, the attached rule shall be effective upon its final publication in the City Record, and the requirement that thirty days first elapse after such publication shall not apply.

\_\_\_\_\_/S/S\_\_\_\_\_  
Beth E. Goldman  
Commissioner of Finance

Approved:

\_\_\_\_\_/S/S\_\_\_\_\_  
Michael R. Bloomberg, Mayor

Dated: 12-5-13

**THE CITY OF NEW YORK  
DEPARTMENT OF FINANCE**

**NOTICE OF ADOPTION**

Pursuant to the power vested in me as Commissioner of Finance by section 1180(b) of the Vehicle and Traffic Law and sections 389(b) and 1043 of the New York City Charter, I hereby promulgate the within amendment to the Rules of the Commissioner of Finance Relating to Photo Speed Violation Monitoring Systems. This rule amendment was published in proposed form on October 21, 2013. A hearing for public comment was held on November 21, 2013. No comments were received in writing or orally, prior to or during the public hearing. As the Mayor and the Commissioner have authorized the early implementation of this rule based upon substantial need, this rule shall take effect immediately upon publication.

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S/S  
Beth E. Goldman  
Commissioner of Finance

**Statement of Basis and Purpose of Rule**

New York State has adopted Vehicle and Traffic Law (VTL) Section 1180-b, effective August 30, 2013, which authorizes the City to establish a demonstration program implementing photo speed violation monitoring systems to record maximum speed limit violations in school speed zones. Subdivision (e) of VTL Section 1180-b authorizes the Parking Violations Bureau (PVB), a division of the New York City Department of Finance (DOF), to promulgate a schedule of fines and penalties for such violations. Subdivision (g) establishes requirements for the notice of liability. Subdivision (h) authorizes the PVB to adjudicate violations under Section 1180-b.

Speeding violations are often a significant factor in accidents which result in death or injury. Under VTL Section 1180-b, vehicle operators who exceed the speed limit in school zones and who are recorded by a photo speed violation monitoring system will receive a summons for the violation. VTL Section 1180-b enables the City to use technology to improve the safety and quality of life of motorists and pedestrians by reducing speeding in school zones.

The New York City Department of Transportation (DOT) will implement the demonstration program. DOT will maintain the photo speed violation monitoring systems, send notices of liability to motorists, and transmit information relating to violations to DOF. The amendment establishes penalties for such violations, provides requirements for the notice of liability, and authorizes the PVB to adjudicate allegations of liability.

DOF's authority for the rule is found in sections 389(b) and 1043 of the New York City Charter and section 1180-b of the Vehicle and Traffic Law.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**A new section 39-21 is added to Chapter 39 of Title 19 of the Rules of the City of New York to read as follows:**

§ 39-21. Photo Speed Violation Monitoring System.

(a) Liability. A vehicle owner who is liable for a violation pursuant to § 1180-b of the Vehicle and Traffic Law will be liable for a penalty of \$50.00 for each such violation.

(b) Additional penalties. If the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability, an additional penalty of \$25.00 may be assessed pursuant to subdivision (e) of § 1180-b of the Vehicle and Traffic Law.

(c) Notice of liability. The notice of liability must be in accordance with the requirements of subdivision (g) of § 1180-b of the Vehicle and Traffic Law and in such form and substance as prescribed by the director of the New York City Parking Violations Bureau.

(d) Administrative law judges. The administrative law judges for the adjudication of parking violations appointed by the Commissioner of the New York City Department of Transportation or the Commissioner of the New York City Department of Finance will preside at hearings for the adjudication of allegations of liability in accordance with subdivision (h) of § 1180-b of the Vehicle and Traffic Law.

(e) Effective date. This section will remain in effect for as long as § 1180-b of the Vehicle and Traffic Law shall remain in effect.