


May 6, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **Local Law –
Amendments to the Stop Arm Law.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 6, 2024 Agenda.

Transmitted herewith for your consideration is a proposed Local Law, which would incorporate amendments to the Stop Arm Law.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 6, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

May 2, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Local Law amending Chapter 705 of the Laws of Westchester County relating to a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm.

On April 19, 2023, this Honorable Board adopted Local Law Intro. No. 91-2023, which established a demonstration program for imposing vehicle owner liability for failure of an operator thereof to comply with Section 1174 of the New York State Vehicle & Traffic Law ("VTL") when meeting a school bus marked, equipped, and operated in the County pursuant to Sections 375 and 1174-a of the VTL (the "Local Law"). The Local Law was adopted pursuant to Chapter 145 of the 2019 Laws of the State of New York (the "Stop Arm Law"). The law was enacted to prevent further deaths and injuries caused by dangerous motorists who ignore the law and illegally passed a stopped school bus. In addition, the law expanded the enforcement tools available in the County to further address this issue, with the hope of significantly lessening the numbers of violations that continue to compromise the health, safety, and wellbeing of students.

The New York State Legislature recently amended the Stop Arm Law as Part AA in S.8306-C/A.8806-C, Article VII, of the Budget bill signed by the Governor on April 20, 2024 as Chapter 56 of the Laws of 2024 ("Chapter 56"). The proposed local law, if adopted, would amend the Local Law to incorporate the same amendments to the Stop Arm Law as set forth in Chapter 56.

The amendments enact certain statutory presumptions, which address several evidentiary issues that have been raised in cases adjudicating Stop Arm Law violations. *See People v. Croce (Alfred)*, No. 2023-310, N.Y. App. Term LEXIS 23160 (2d Dep't Nov. 30, 2023). One such statutory presumption concerns the sufficiency of proof that the bus is properly marked and equipped as provided under VTL § 375. To address this issue, Chapter 56 added a new requirement that the certificate sworn to or affirmed by the County technician for a violation be based upon, among other things, an inspection of documents or declarations pertaining to inspections by the New York State Department of Transportation ("DOT") of

the bus. The certificate must also include a statement confirming that the school bus photo violation monitoring system was installed on a school bus marked and equipped as provided by VTL § 375, at the time of the violation, as evidenced by a valid certificate of inspection issued by the DOT. Chapter 56 also provides that such a certificate from the County technician shall be prima facie evidence of compliance with VTL § 375.

Another statutory presumption concerns the sufficiency of proof that the bus was stopped for the purpose of receiving or discharging passengers or had stopped because a school bus in front of it stopped to receive or discharge any passengers. To address this issue, Chapter 56 added a new requirement that any photographs, microphotographs, videotape or other recorded images (“Recorded Images”) evidencing a violation shall include an electronic indicator or indicators showing the flashing red signal lamps were active. Where the Recorded Images are in compliance with the foregoing, the law establishes a rebuttable presumption that such school bus was stopped for the purpose of receiving or discharging any passengers or because a school bus in front of it had stopped to receive or discharge any passengers.

The proposed local law would incorporate these statutory presumptions into the County demonstration program, which will assist local prosecutors and the local Courts in adjudicating the school bus stop arm violations under the demonstration program. Additionally, Chapter 56 extends the provisions of the Stop Arm Law from December 1, 2024 until December 1, 2029. The proposed local law extends the Local Law until the State law expires.

Finally, the attached Local Law renumbers Chapter 705 to Chapter 708 of the Laws of Westchester County, as there are currently two Chapters 705.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the attached Local Law amending Chapter 705 of the Laws of Westchester County relating to a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm.

Sincerely,



GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending Chapter 705 of the Laws of Westchester County relating to a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm.”

Your Committee is advised that on April 19, 2023, this Honorable Board adopted Local Law Intro. No. 91-2023, which established a demonstration program for imposing vehicle owner liability for failure of an operator thereof to comply with Section 1174 of the New York State Vehicle & Traffic Law (“VTL”) when meeting a school bus marked, equipped and operated in the County pursuant to Sections 375 and 1174-a of the VTL (the “Local Law”). The Local Law was adopted pursuant to Chapter 145 of the 2019 Laws of the State of New York (the “Stop Arm Law”). The law was enacted to prevent further deaths and injuries caused by dangerous motorists who ignore the law and illegally passed a stopped school bus. In addition, the law expanded the enforcement tools available in the County to further address this issue, with the hope of significantly lessening the numbers of violations that continue to compromise the health, safety and wellbeing of students.

Your Committee is informed that the New York State Legislature recently amended the Stop Arm Law as Part AA in S.8306-C/A.8806-C, Article VII, of the Budget bill signed by the Governor on April 20, 2024 as Chapter 56 of the Laws of 2024 (“Chapter 56”). The proposed local law, if adopted, would amend the Local Law to incorporate the same amendments to the Stop Arm Law as set forth in Chapter 56.

Your Committee is advised that the amendments enact certain statutory presumptions, which address certain evidentiary issues that have been raised in cases adjudicating Stop Arm Law violations. See *People v. Croce (Alfred)*, No. 2023-310, N.Y. App. Term LEXIS 23160 (2d Dep't Nov. 30, 2023). One such statutory presumption concerns the sufficiency of proof that the bus is properly marked and equipped as provided under VTL § 375. To address this issue, Chapter 56 added a new requirement that the certificate sworn to or affirmed by the County technician for a violation be based upon, among other things, an inspection of documents or declarations pertaining to inspections by the New York State Department of Transportation (“DOT”) of the bus. The certificate must also include a statement confirming that the school bus photo violation monitoring system was installed on a school bus marked and equipped as provided by VTL § 375, at the time of the violation, as evidenced by a valid certificate of inspection issued by the DOT. Chapter 56 also provides that such a certificate from the County technician shall be prima facie evidence of compliance with VTL § 375.

Your Committee is further advised that another statutory presumption concerns the sufficiency of proof that the bus was stopped for the purpose of receiving or discharging passengers or had stopped because a school bus in front of it stopped to receive or discharge any passengers. To address this issue, Chapter 56 added a new requirement that any photographs, microphotographs, videotape or other recorded images (“Recorded Images”) evidencing a violation shall include an electronic indicator or indicators showing the flashing red signal lamps were active. Where the Recorded Images are in compliance with the foregoing, the law establishes a rebuttable presumption that such school bus was stopped for the purpose of receiving or discharging any passengers or because a school bus in front of it had stopped to receive or discharge any passengers.

Your Committee is informed that the proposed local law would incorporate these statutory presumptions into the County demonstration program, which will assist local prosecutors and the local Courts in adjudicating the school bus stop arm violations under the demonstration program. Chapter 56 extends the provisions of the Stop Arm Law from December 1, 2024 until December 1, 2029. The proposed local law extends the Local Law until the State law expires.

Your Committee also recognizes that there are currently two Chapters 705 of the Laws of Westchester County; this Local Law rennumbers this School Bus Stop-Arm Demonstration Program chapter to 708 in order to prevent confusion.

Your Committee is further informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ - 2024

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2024, entitled "A LOCAL LAW amending Chapter 705 of the Laws of Westchester County relating to a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm." The public hearing will be held at __.m. on the ____ day of _____, 2024 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.