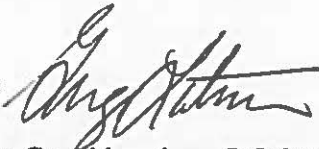


March 2, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **LOCAL LAW –
Establishing a Demonstration Program.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators March 6, 2023 Agenda.

Transmitted herewith for your consideration and approval is an amending Local Law which would establish 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.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for March 6, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

March 1, 2023

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 the Laws of Westchester County by adding a new Chapter 705 relating to establishing 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.

Under current law in Westchester County, a ticket for illegally passing a stopped school bus displaying a red visual signal can be issued only by a police officer who witnesses the violation. In 2019, New York State enacted Laws of 2019, Chapter 145, which enabled counties, cities, towns and villages to provide for additional enforcement options. Such law authorized a demonstration program to allow local governments to impose liability on the owners of motor vehicles for the failure of the drivers of such vehicles to comply with the law prohibiting the overtaking and passing of stopped school buses displaying red visual signals.

Many efforts throughout New York State have already been undertaken to combat the problem of illegally passing a stopped school bus, however, the number of violations continues to be alarming. A 2018 study by New York agencies of 113 school bus fatalities that had occurred across the state since 1960 found 82 fatalities, or 81.4%, involved students outside their buses. According to the state Association for Pupil Transportation, about 50,000 motorists illegally pass stopped school buses, with red lights flashing, each school day around New York State.

This proposed legislation is intended to protect the health, safety, and welfare of schoolchildren riding school buses. This Local Law will establish a demonstration program authorizing the County to impose liability on vehicle owners for the failure of motor vehicle operators to comply with New York State Vehicle and Traffic Law § 1174 (overtaking and passing stopped school buses displaying red visual signals). Under this Local Law, the County will be authorized to install and operate school bus photo violation monitoring systems (stationary or mobile), which can be placed on school buses owned or operated by the school district within the municipality pursuant

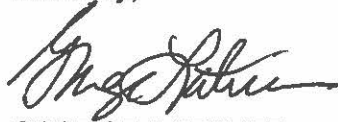
to an agreement. All costs would be borne by the County subject to the agreements. Specifically, the program allows a school district to equip school buses with stop-arm cameras designed to capture images of vehicles illegally passing stopped buses. The images would then be transmitted to the municipality and used to identify the owners of vehicles and to send notices of liability to the owners. Tickets given by these cameras will result in fines of \$250 for a first violation up to \$300 for each violation in an 18-month period. The owners may then pay a fine or contest their liability. Since the New York State law that authorizes counties to establish such demonstration programs will expire on December 1, 2024, this proposed law will also expire on that date unless New York State extends their law beyond December 1, 2024, and then the County law will expire on any subsequent date established pursuant to New York State law.

Many counties in New York State have already adopted laws implementing a School Bus Camera Demonstration Program including the counties of Nassau, Suffolk, Monroe, Dutchess, Rockland and Putnam. Counties or other municipalities have contracted with private companies to engage school districts, install cameras on school buses and then forward violation information to local or County police, who make the call on whether to issue a ticket. Moreover, according to an article in LoHud dated November 21, 2022, two Westchester school districts that participated in a pilot program with video cameras, Somers and Hendrick Hudson, indicated that they videoed nearly 650 illegal passings of school buses between them in September and October of 2022.

The use of school bus photo violation monitoring systems (cameras) is necessary to prevent further deaths and injuries caused by dangerous motorists who ignore current law. This Local Law will expand the enforcement tools available in the County to further address this issue, and will significantly lessen the numbers of violations that continue to compromise the health, safety and wellbeing of students.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the attached Local Law establishing 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 the Laws of Westchester County by adding a new Chapter 705 relating to establishing 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 under current law in Westchester County, a ticket for illegally passing a stopped school bus displaying a red visual signal can be issued only by a police officer who witnesses the violation. In 2019, New York State enacted Laws of 2019, Chapter 145, which enabled counties, cities, towns and villages to provide for additional enforcement options. Such law authorized a demonstration program to allow local governments to impose liability on the owners of motor vehicles for the failure of the drivers of such vehicles to comply with the law prohibiting the overtaking and passing of stopped school buses displaying red visual signals.

Your Committee is further advised that many efforts throughout New York State have already been undertaken to combat the problem of illegally passing a stopped school bus, however, the number of violations continues to be alarming. A 2018 study by New York agencies of 113 school bus fatalities that had occurred across the state since 1960 found 82 fatalities, or 81.4%, involved students outside their buses. According to

the state Association for Pupil Transportation, about 50,000 motorists illegally pass stopped school buses, with red lights flashing, each school day around New York State.

Your Committee is informed that this proposed legislation is intended to protect the health, safety, and welfare of schoolchildren riding school buses. This Local Law will establish a demonstration program authorizing the County to impose liability on vehicle owners for the failure of motor vehicle operators to comply with New York State Vehicle and Traffic Law § 1174 (overtaking and passing stopped school buses displaying red visual signals). Under this Local Law, the County will be authorized to install and operate school bus photo violation monitoring systems (stationary or mobile), which can be placed on school buses owned or operated by the school district within the municipality pursuant to an agreement. All costs would be borne by the County subject to the agreements. Specifically, the program allows a school district to equip school buses with stop-arm cameras designed to capture images of vehicles illegally passing stopped buses. The images would then be transmitted to the municipality and used to identify the owners of vehicles and to send notices of liability to the owners. Tickets given by these cameras will result in fines of \$250 for a first violation up to \$300 for each violation in an 18-month period. The owners may then pay a fine or contest their liability. Since the New York State law that authorizes counties to establish such demonstration programs will expire on December 1, 2024, this proposed law will also expire on that date unless New York State extends their law beyond December 1, 2024, and then the County law will expire on any subsequent date established pursuant to New York State law.

Your Committee is further informed that many counties in New York State have already adopted laws implementing a School Bus Camera Demonstration Program including the counties of Nassau, Suffolk, Monroe, Dutchess, Rockland and Putnam. Counties or other municipalities have contracted with private companies to engage school districts, install cameras on school buses and then forward violation information to local or County police, who make the call on whether to issue a ticket. Moreover, according to an article in LoHud dated November 21, 2022, two Westchester school districts that participated in a pilot program with video cameras, Somers and Hendrick Hudson, indicated that they videoed nearly 650 illegal passings of school buses between them in September and October of 2022.

Your Committee notes that the use of school bus photo violation monitoring systems (cameras) is necessary to prevent further deaths and injuries caused by dangerous motorists who ignore current law. This Local Law will expand the enforcement tools available in the County to further address this issue, and will significantly lessen the numbers of violations that continue to compromise the health, safety and wellbeing of students.

Your Committee is 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 12, 2023, 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: _____, 2023
White Plains, New York

FISCAL IMPACT STATEMENT

SUBJECT: School Bus Stop-Arm Program NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ 1,384,213

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-38-2000-9230

Vendor is responsible for all technology related expenditures.

Potential Related Operating Budget Expenses: Annual Amount \$0

Describe: A Local Law amending the Laws of Westchester County by adding a new Chapter 705 relating to establishing a Demonstration Program imposing vehicle owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop arm.

Potential Related Operating Budget Revenues: Annual Amount 1,384,213

Describe: NYS Law Vehicle Traffic Law 1174-A sunsets September 2024. Projected revenue (September - December 2023) is reflected above.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: March 3, 2023

Reviewed By: 
Budget Director

Date: 3/3/23

RESOLUTION NO. ____ – 2023

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. ____ - 2023, entitled “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 705 relating to establishing 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 _____, 2023 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.