



**THE NASSAU COUNTY LEGISLATURE
OFFICE OF LEGISLATIVE BUDGET REVIEW
MAURICE CHALMERS, DIRECTOR
FISCAL IMPACT STATEMENT**

TITLE:

A Local Law to establish a demonstrative program imposing a monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone.

SUMMARY OF LEGISLATION:

This Local Law establishes a demonstration program to install school speed zone violation monitoring devices, also known as speed cameras, at 56 school districts throughout Nassau County. The legislation only permits one device to be operational per school district at a time. The monitoring devices are expected to include 36 fixed cameras and 20 mobile cameras to be moved at the Traffic Safety Board's (TSB) discretion. The County is amending its current Red Light Camera (RLC) contract with American Traffic Solutions (ATS), Inc. to include the School Zone Speed Cameras. A fine will be imposed on the owner of vehicles captured in excess of the posted speed limits by ten (10) miles per hour within the school zones. Based on the New York State (NYS) Legislation, cameras will be operational in school zones for at least eight hours per day and 180 school days per year; they will be active one hour before and one hour after school hours. In addition to the one hour intervals before and after school hours, the cameras will be functioning for a period during student activities at the school and up to 30 minutes immediately before and up to 30 minutes immediately after such student activities.

For each infraction, the owner of a vehicle will be liable for a \$50 fine and a \$30 administrative fee. However if the said vehicle was operated without permission, it will be incumbent on the registered owner to furnish proof, which can be done in the form of a police report or car rental agreement. All photographs, microphotographs, videotapes or other recorded images produced by the speed camera monitoring system will be thoroughly scrutinized, certified, sworn and affirmed by a County employed technician prior to the mailing of the violation notice. The enforcement of liability under the Speed Camera program will not hinder motor vehicle insurance coverage or viewed as a conviction for the operator of the vehicle.

A notice of liability will be sent to the registered owner via first class mail from TPVA or any other entity authorized by TPVA within 14 business days if the owner resides in New York State (NYS). However, Out of State violations must be sent within 45 business days.

The notice of liability will include:

in the specified time period will incur an additional penalty of \$25. The Administration projects approximately \$25.0 to \$30.0 million in revenue annually.

The Administration initially provided an excel sheet listing nine locations as the basis for their projections for the number of violations. OLBR's preliminary assessment of the program, approximately \$12.0 million annually, was based on a comparison to New York City and the current data from the RLC program. However, at a special meeting on April 17, 2014 Mr. Chris Mistrion of the Traffic Safety Board did offer a formal study conducted by ATS which supports the plausibility of additional fines.

One item which represents a gain to the County is that the original proposed cost structure for the cameras was based on a projected 38% revenue sharing scenario plus a monthly lease fee. The finalized contract the County negotiated included only revenue sharing scenarios and no monthly lease fee which represents a cost savings/revenue enhancement of approximately \$3.5 million annually from the preliminary costing model.

Since the revenue will be directly driven by the number of violations, volume and sustainability of the infractions will be paramount to how much revenue is actually realized.

PREPARED BY:

Dawn Wood Jones, Legislative Budget Analyst

FISCAL IMPACT:

American Traffic Solutions (ATS) will provide Fixed and Mobile Camera Systems to capture speed violations. All equipment and costs associated with installing and maintaining equipment are borne by ATS. In the event that the County provides the staffing needed to operate and relocate the mobile systems, ATS will apply a discount of \$8,000 per mobile vehicle unit per month or \$4,000 per trailer per month; however, the amount of the discount will be prorated if the average number of notices issued is less than 65 per day per camera. Fuel costs associated with the relocation of devices are borne by the County. The current estimated cost for moving the devices is projected to be approximately \$110,000 annually. TPVA is not aware of any additional costs other than the possibility of required individualized Information Technology (IT) services that would exceed the agreed upon 1,000 hours per year. For any hours in excess of the allotted annual hours ATS will charge the County \$125 per hour. ATS will also provide operator training to educate the trainer instructor sufficiently to enable County staff to operate the camera units to comply with New York State automatic speed enforcement statutes. ATS will be entitled to the following:

- 38% of fine revenue if the average number of monthly notices, for all cameras, falls between 1 and 300,
- 30% of fine revenue if the average number of monthly notices, for all cameras, falls between 301 and 500,
- 25% of fine revenue if the average number of monthly notices, for all cameras, falls between 501 or more.

The County may terminate the agreement with ATS upon a 30 day written notice if it is determined that the speed monitoring system is not operational to the satisfaction of the County. However TPVA must provide the justification and give ATS 45 days to resolve the issue.

In the event the County elects to terminate the entire Agreement for convenience within 24 months from the date of execution of this Second Agreement the County shall pay an early termination fee for each dual fixed speed camera based on a price of \$60,000 per camera reduced by \$2,500 per month that the camera was operational. There shall be no termination fee after the 24 month period.

The County provided ATS with a list of 20 school zones that displayed high incidence of speed complaints and motor vehicle accidents. Table 2 below summarizes the findings of the ATS study:

Table 2

Posted Speed Limit	Total Vehicles in All Monitored School Zones	Vehicles Speeding by at Least 10 MPH	% of Total Vehicles Speeding by at Least 10 MPH
20	9,783	7,431	75.96%
25	11,305	6,327	55.97%
30	9,057	2,547	28.12%
40	4,844	914	18.87%

The operation and implementation of the speed cameras will mirror the Red Light Camera program. A \$50 fine and a \$30 administrative fee will be issued to violators. Those who fail to respond to the notice

- The name and address of the registered owner of the vehicle,
- The registration number of the vehicle,
- The location, date and time of the violation,
- The camera identification number that recorded the violation,
- Two date and time stamped images and
- The certificate charging the liability.

The notice of liability will contain information instructing the person charged of the time he/she can contest the notice. Additionally, the notification of liability will include a warning that the failure to contest in the time provided will be deemed an admission of liability and a default of judgment will be submitted.

The County is expected to conduct and submit an annual report on the speed camera program to the governor, the temporary president of the Senate and the speaker of the Assembly. The report should include the following:

- Location of where and dates of when speed cameras were used,
- The total number, type and severity of crashes, fatalities, injuries and damages reported within the school speed zones prior to and after implementation of the photo speed violation monitoring system maintained by the Department of Motor Vehicles (DMV) of the State of New York,
- The number of violations reported within Nassau County, within the school speed zones prior to and after the implementation of the photo speed violation monitoring system on a daily, weekly and monthly basis,
- The number of violations recorded within all school speed zones within the County that were more than ten to forty miles per hour over the posted speed limit prior to and after the implementation of the photo speed violation monitoring system,
- The aggregate number of notices of liability issued for violations recorded by the speed monitoring system,
- The total number of fines and total amount of fines paid after the first notice of the liability issued for violations recorded of such system,
- The aggregate number of violations adjudicated and the results of adjudications including breakdown of dispositions made for violations recorded by speed monitoring system,
- Total revenue realized and expenses incurred by the County in relation to the speed monitoring system,
- The quality of the adjudication process and its results.

EFFECTIVE DATE:

This local law would take effect immediately.

ECONOMIC IMPACT:

The proposed law is not intended nor expected to have any significant economic impact on the local economy.