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PART 560

REGULATIONS OF THE BOARD OF TRUSTEES

Sec.

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§ 560.1 Applicability of this Part.

This Part shall govern vehicular and pedestrian traffic and parking upon the highways, streets, roads and sidewalks owned, controlled or maintained by State University of New York, and shall apply to students, faculty, employees, visitors and all other persons upon such premises.

§ 560.2 Application of Vehicle and Traffic Law to all State-operated institutions.

(a) Application of Vehicle and Traffic Law and orders of the Department of Transportation.

(1) The Vehicle and Traffic Law shall apply upon such premises notwithstanding any references in such law to public highways, streets, roads or sidewalks.

(2) Orders of the Department of Transportation heretofore or hereafter promulgated for State University shall continue in full force and effect.

(b) A violation of any section of the Vehicle and Traffic Law made applicable by subdivision (a) of this section and any applicable order of the New York State Department of Transportation shall be a misdemeanor or traffic infraction as designated in such law, and shall be punishable as therein provided.

(c) Such laws and orders adopted by State University of New York in subdivision (a) of this section shall be enforced in any court having jurisdiction.

(d) A complaint regarding any violation of the Vehicle and Traffic Law, any Department of Transportation order or any traffic ordinance applicable on such premises shall be processed in accordance with the requirements of applicable law.

§ 560.3 Campus rules and regulations.

(a) The council of each State-operated institution of State University shall adopt campus rules and regulations, not inconsistent with this Part and the Vehicle and Traffic Law, relating to vehicular parking, vehicle and pedestrian traffic and safety. All such rules shall be submitted to the respective campus president or designee, or if directed by the Board of Trustees, to the Board of Trustees for approval.

(b) Such rules and regulations shall provide that:

(1) No person shall drive a vehicle on university streets, roads or highways at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing; but in no event shall a person drive a vehicle in excess of 30 miles per hour unless a different speed is authorized and indicated by the university or the Department of Transportation.

(2) No person shall park a vehicle on the premises of the university in such manner as to interfere with the use of a fire hydrant, fire lane or other emergency zone, create any other hazard or unreasonably interfere with the free and proper use of a roadway or pedestrian way.

(c) Such rules and regulations may provide for the:

(1) disposition of abandoned vehicles;

(2) attachment of a vehicle immobilizer and/or the removal by towing or otherwise of vehicles parked in violation of such rules, at the expense of the owner;

(3) payment of fees for the registration and parking of vehicles, provided, however, that a campus may exempt from payment of any such fees, any veteran, as defined in section 360 of the New York State Education Law, attending the university. Such registration and parking fees must be approved by the campus president or designee, or if directed by the Board of Trustees, by the Board of Trustees, and when collected shall be deposited in the State University income fund. Approval by the president or designee, or by the Board of Trustees, as the case may be, shall be based upon a determination that the amount of the fee is substantially based on an analysis of the costs attributable to the operation and maintenance of the parking facilities owned and operated by the university;

(4) assessment of fines upon the owner or operator of such vehicles for each violation of traffic and parking regulations, in accordance with the procedures outlined in subdivision (d) of this section. Fines for violation of campus parking regulations may be set for each campus, not exceeding \$50 for each violation, except that an escalation of fines to a sum not exceeding \$75 may be provided for a second and subsequent violation(s) within the same academic year. Fines for violation of campus parking regulations which prohibit unauthorized parking in fire zones or handicapped parking spaces may be set for each campus not exceeding \$150 for each violation. The prosecution and collection of fines involving visitors shall be in accordance with applicable law. Fines may be deducted from the salary or wages of an offending officer or employee of the university. In the case of students, grades and transcripts may be withheld until all fines are paid. Fines shall be deposited in the State University income fund;

(5) revocation of a campus motor vehicle registration and a loss of parking privileges for the balance of the academic year upon a finding that 10 or more campus parking violations have been incurred during an academic year;

(6) establishment of traffic and parking control lights, signs, signals or markings on its campus affecting vehicles and pedestrians. Where local law permits, a college council may enlist the aid and cooperation of municipal law enforcement authorities in enforcing regulations promulgated pursuant to this section.

(d) Where campus rules provide for the assessment of fines, the following enforcement procedures shall be included in such rules:

(1) A complaint regarding any violation of a campus rule shall be in writing reciting the time and place of the violation and the title, number or substance of the applicable rule.

(i) The complaint must be subscribed by the officer witnessing the violation and attached to the vehicle involved.

(ii) The complaint shall indicate the amount of the fine assessable for the violation, and advise that if the person charged does not dispute the violation, fines may be paid at the business office of the campus within a period to be prescribed by the college council.

(iii) The complaint shall recite that a hearing may be requested within a period to be prescribed by the college council after service of the charges by appearing in person at the office of the campus security director or such other place as may be designated by the council.

(iv) The complaint shall recite that should the alleged violator fail to appear at the time fixed for the hearing or should no hearing be requested within the period as prescribed by the college council in subparagraph (iii) of this paragraph, the complaint is proved and shall warrant such action as may then be appropriate.

(v) Three or more unanswered complaints in an 18-month period by the same person regarding violations of a campus parking rule, shall result in a referral to the New York State Commissioner of Motor Vehicles for review in considering the renewal of an operator's license and/or a motor vehicle registration, and the imposition of a fee as approved by the campus president or designee, or by the Board of Trustees, as the case may be, to meet the administrative costs of such referral.

(2) The campus president or designee, shall designate a hearing officer or board, not to exceed three persons, to hear complaints for violation of campus traffic and parking regulations enforceable on campus. Such hearing officer or board shall not be bound by the rules of evidence but may hear or receive any testimony or evidence directly relevant and material to the issues presented.

(3) At the conclusion of the hearing or not later than five days thereafter, such hearing officer or board shall file a report. A notice of the decision shall be promptly transmitted to the violator. The report shall include:

- (i) the name and address of the alleged violator;
- (ii) the time and place when the complaint was issued;
- (iii) the campus rule violated;
- (iv) a concise statement of the facts established on the hearing based upon the testimony or other evidence offered;
- (v) the time and place of the hearing;
- (vi) the name of all witnesses;
- (vii) each adjournment stating upon whose application and to what time and place it was made;
- (viii) the decision (guilty or not guilty) of the hearing officer or board.

§ 560.4 Filing.

This Part and any rules and regulations promulgated by a college council and approved by a campus president or designee, or by the Board of Trustees, as the case may be shall be filed:

- (a) in the office of the Secretary of State;
- (b) in the office of the clerk of the city, town or village in which the premises of the State- operated institutions are located; and
- (c) in the office of the campus security director or such other location, as may be designated by the campus president or designee.