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PART 561

STATE UNIVERSITY OF NEW YORK AT ALBANY

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§ 561.1 Purpose, scope, and authority.

(a) These regulations have been established in order to control motor vehicle traffic and parking on the State University of New York at Albany campus. The act of parking or driving a motor vehicle on campus is a privilege and constitutes acceptance by the owner and/or operator of the responsibility to see that his/her vehicle is neither parked nor operated in violation of these regulations or any regulations of the New York State Vehicle and Traffic Law.

(b) These regulations apply to the use and operation of all motor vehicles, as described by the New York State Vehicle and Traffic Law, upon all properties owned or leased by the State University of New York at Albany. The regulations apply to all operators of motor vehicles on university property, including faculty, staff, students and visitors.

(c) Section 362 of the Education Law authorizes the State University to develop its own rules regarding traffic and parking, not inconsistent with the New York State Vehicle and Traffic Law. This section provides that punishments for violations of any such campus-created rule be administered by the institution. Violations of provisions of the New York State Vehicle and Traffic Law, made applicable to the campus, shall be adjudicated by the magistrate's court having territorial jurisdiction on campus (Albany Traffic Court or Guilderland Justice of the Peace Court [sic] as the case may be). Under companion legislation (L. 1972, ch. 383), peace officers appointed by State University, shall enforce both the campus parking regulations and applicable State vehicle and traffic statutes.

(d) Section 362 of the Education Law, authorizes the Board of Trustees of the State University of New York to provide for the regulation of vehicular traffic and parking upon property under the supervision and control of the State University. The purpose of this section is to provide for the safety and convenience of students, faculty, employees and visitors upon the grounds of the State University.

(e) Section 560.2 of the trustees' regulation provides for the application of the Vehicle and Traffic Law to all State-operated institutions.

(f) Pursuant to section 560.3 of the trustees' resolution pertaining to the regulations governing vehicular traffic and parking:

(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.

(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.

§ 561.2 Traffic control.

(a) Pursuant to authority conferred by the New York State Education Law, the following traffic regulations are established on the grounds of the State University of New York at Albany, in the City of Albany and in the Town of Guilderland, Albany County.

(1) 15 MPH is the maximum speed limit at which vehicles may proceed on or along all roadways, except on the following roadway:

- (i) Perimeter Road.

(2) 30 MPH is the maximum speed limit at which vehicles may proceed on or along the following roadway:

- (i) Perimeter Road.

(b) Parking is prohibited on or along both sides of all roadways, except as noted by parking control signs.

(c) Campus Perimeter Road shall not be used as a thruway thoroughfare for motor vehicles traveling between Washington Avenue, Fuller Road or Western Avenue unless the driver or occupants of the vehicle have campus-related business. STOP signs are erected on all entrances thereto except those listed below on which YIELD signs are erected:

(1) Easterly spur of Access Road A.

(2) Easterly spur of Access Road J.

(d) Traffic is directed as indicated on the following campus roadways to stop and yield the right-of-way to traffic on the noncampus highway before entering said highway.

Non-campus highway	With STOP sign on campus roadway	Traffic from
(1) Washington Avenue	Easterly Access Road from Traffic Circle	South
(2) Fuller Road	Access Road F	East
(3) Fuller Road	Driveway for Service Area	East
(4) Fuller Road	Access Road E	East
(5) Washington Avenue	Access Road C	South

(e) The following intersections are designated as STOP/YIELD intersections as indicated below:

Non-campus highway	With STOP sign on	Entrance from
(1) Access Road D	Driveway from Infirmary	North
(2) Access Road E	Easterly driveway from Motor Pool	South
(3) Motor Pool Yard Bldg. A	Entrance for Motor Pool Yard Bldg. A	North
(4) Access Road	East & West Driveway for Parking Lot south of Bldg. C	North
(5) Traffic Circle	Driveway for North Plaza	South

(6) Perimeter Road	Access Road F	West
(7) West Spur of Access Road	East Spur of Access Road C	Southeast
(8) Access Road F	Access Road G	North

(f) Roadways for one-way traffic are designated as follows:

(1) Access road K from its intersection with the Perimeter Road to its intersection with Western Avenue for traffic proceeding in a southerly direction.

(2) Access road J from its intersection with Western Avenue to its intersection with the Perimeter Road for traffic proceeding in a northerly direction.

(3) Westerly access road from its intersection with Washington Avenue to the traffic circle for traffic proceeding in a southerly direction.

(4) Easterly access road from the traffic circle to its intersection with Washington Avenue for traffic proceeding in a northerly direction.

(5) Access road B from its intersection with the Perimeter Road to the traffic circle for traffic proceeding in a southerly direction.

(6) Access road A from the traffic circle to its intersection with the Perimeter Road for traffic proceeding in a northeasterly direction.

(7) The main roadway of the traffic circle from its intersection with the Perimeter Road on the west to its intersection with the Perimeter Road on the east for traffic proceeding in a counter-clockwise direction.

(8) Easterly driveway, parking lot, and westerly driveway for the health and physical education building for traffic proceeding in a counter-clockwise direction.

§ 561.3 Parking regulations.

(a) No student, member of the faculty, or staff shall operate or park a motor vehicle of any kind or description on premises or property under the control of the university unless such motor vehicle is properly registered during each university registration period or within the first academic business week following acquisition of the vehicle, whichever is earlier.

(b) Such registration shall be valid for the academic year and shall be conditioned upon the registrant's payment of a motor vehicle registration fee of an amount approved by the chancellor or his designee.

(c) Upon payment of a registration fee, registration decals shall be issued which must be affixed to the vehicle according to instructions printed thereon. No motor vehicle registration fee shall be imposed upon a visitor except that a parking permit may be issued.

(d) Where such registered vehicle is sold or transferred or where the owner or operator is no longer enrolled or employed at the institution, or in the event of the revocation of a registration, such decals must be removed and destroyed.

(e) Special or temporary parking permits shall not be altered.

(f) No person shall park a vehicle in any area except those areas specifically designated as motor vehicle parking lots or spaces.

(g) No motor vehicle shall be parked in a designated parking area other than the parking area(s) to which such registrant or visitor has been assigned. The map indicates campus parking areas for faculty, staff, students and visitors. Parking vehicles in any area not shown or designated as such (including walkways and roadways) is prohibited. In extraordinary circumstances (medical, extreme inconvenience, etc.), a special parking permit may be issued by the public safety office.

(h) No person shall park a motor vehicle within his/her designated parking area other than within the space for the parking or standing of a motor vehicle as indicated by posted signs, pavement markings or painted lines restricting or limiting such parking.

(i) No person shall fail to observe and obey any slow, stop, yield, caution, or any other duly posted sign regulating traffic or parking.

(j) The speed limit on Perimeter Road is 30 miles per hour and the speed limit in parking areas and on service roads is 15 miles per hour.

(k) Motor vehicles shall not be parked so as to block or otherwise hinder access to a fire hydrant, campus building, or entrance or exit to a parking lot or campus roadway.

(l) No person shall park a motor vehicle within the designated pay lots except on payment of a parking fee as approved by the chancellor or his designee.

(m) Vehicles parked on university property shall be deemed to be abandoned if without the permission of the department of public safety:

(1) they are left unattended more than 48 hours; and

(2) they are not currently registered with the department of public safety as required under subdivision (c) of this section; or

(3) if left parked on property owned, leased or operated by the university for more than six hours on any highway or other public place with no license plates affixed thereto as required by the Department of Motor Vehicles of New York State.

(n) Notwithstanding any provision of this Part, a driver shall not fail to obey the traffic commands of an officer of the campus public safety office.

§ 561.4 Towing.

(a) Any motor vehicle operated or parked on campus in violation of this Part may be removed or towed away and stored at the owner's expense.

(b) The owner or operator of a vehicle towed and stored in the university impound area, shall be assessed a storage fee as approved by the chancellor or his designee.

(c) Vehicles towed pursuant to this Part will be charged a tow fee approved by the chancellor or his designee if towed by the university tow truck, or the fee charged by a private tow service if such outside tow service is used.

(d) Snow emergency.

(1) The chief administrative officer of the university center is authorized to declare a snow emergency if snow accumulation impedes access by emergency vehicles, access by persons who need to park in authorized areas or when snow removal operations must proceed for the general health, welfare and safety of the university.

(2) Such declaration shall be in writing and disseminated at least 12 hours before removal of vehicles as provided below:

(i) Prominent temporary signs shall be posted in the affected area to read "SNOW EMERGENCY--NO PARKING. VEHICLES NOT MOVED AFTER DATE TIME SHALL BE TOWED AT THE EXPENSE OF THE OPERATOR."

(ii) Vehicles not moved from the area by the owner or operator following the date and time on the notice shall be towed at the expense of the owner and/or operator.

§ 561.5 Violations, sanctions.

(a) Any person who violates this Part or any campus rules approved by the Board of Trustees shall be subject to:

(1) a fine, revocation of campus registration, or other penalty provided after a hearing conducted by a hearing officer or board designated by the chief administrative officer; or

(2) prosecution under provisions of the Vehicle and Traffic Law of the State of New York.

(b) Such fine for each violation shall be \$20 as noted on the traffic violation notice, except that the fine shall be \$50 for each handicapped parking space violation.

(c) Such fines, in the case of an officer or employee of State University, may be deducted from the salary or wages of such officer or employee found in violation of such regulations; or in the case of a student of State University found in violation of such regulations, the university may withhold his/her grades and transcripts until such time as such fine is paid.

(d) Upon the receipt of 10 campus traffic or parking violations during an academic year, a campus motor vehicle registration may be revoked for the balance of the academic year.

§ 561.6 Notice, hearing and disposition.

(a) A complaint (traffic ticket) regarding any violation of the New York State Vehicle and Traffic Law or any traffic ordinance which a locality is permitted to adopt shall be processed in accordance with the requirements of applicable laws.

(b) A complaint (traffic ticket) regarding any violation of a campus rule approved by the Board of Trustees shall recite the time and place of the violation and the title number or substance of the applicable rule.

(1) The complaint (traffic ticket) must be subscribed by the officer witnessing the violation and shall be served upon the violator or attached to the vehicle involved.

(2) The complaint (traffic ticket) shall also indicate the fine schedule for the violation and advise that if the person charged does not dispute the violation such fine must be paid at the office of parking management within five calendar days of the date of issuance.

(3) The notice shall recite that a hearing to appeal the alleged violation may be requested in writing within 72 hours after being served with the ticket by appearing in person at the office of parking management.

(4) Should the alleged violator fail to appear at the time fixed for the hearing or should no hearing be requested within the prescribed time, the complaint is proved (automatic guilty plea) and shall warrant such action as provided in section 561.5(c) of this Part.

(5) 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 chancellor, or his designee, to meet the administrative costs of such referral.

(c) A hearing officer and/or board is designated by the chief administrative officer of the university to hear appeals for alleged violations of campus traffic and parking regulations. Such hearing officer and/or board shall not be bound by the technical rules of evidence but may hear or receive any testimony or evidence directly relevant and material to the issues presented.

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

(1) the name and address of the defendant;

(2) the time and place when the complaint was issued;

(3) the campus rule violated;

- (4) a concise statement of the facts established on the hearing based upon the testimony or other evidence offered;
- (5) the time and place of the hearing;
- (6) the names of all witnesses;
- (7) each adjournment stating upon whose application and to what time and place it was made; and
- (8) the decision (guilty or not guilty) of the hearing officer or board.

§ 561.7 Amendments and revisions.

This Part shall be subject to amendment or revision. Any amendments or revisions thereof shall be filed as required within 30 days after adoption by the Board of Trustees of the State University of New York.