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PART 585

STATE UNIVERSITY COLLEGE AT CORTLAND

Sec

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§ 585.1 Applicability of this Part.

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

§ 585.2 Application of Vehicle and Traffic Law.

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

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

(c) Such laws adopted by State University of New York and/or the State University College at Cortland 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, or any traffic ordinance applicable on such premises shall be processed in accordance with the requirements of applicable law.

§ 585.3 General regulations.

(a) All persons possessing motor vehicles on premises covered by this Part shall be charged with full and complete knowledge of the contents of this Part. Ignorance of the contents of this Part is neither excuse nor extenuation for violation of any of the provisions of this Part.

(b) Possession of a motor vehicle on the premises of the State University College at Cortland is a privilege and not a right.

(c) In order to insure maximum utilization of the limited facilities available, and to promote the orderly handling of traffic, it has become necessary to register all motor vehicles on such premises. Registration of a motor vehicle under and pursuant to this Part confers the privilege of possessing that motor vehicle on such premises in accordance with the terms of this Part.

(d) The Chief of University Police will administer this Part. The Chief of University Police is authorized to administer the rule standards for the eligibility, registration, possession, operation, and parking of all motor vehicles on the premises of the State University College at Cortland, and to adopt such reasonable measures as are necessary to carry out the provisions of this Part. All requests for special arrangements should be directed to the office of the Chief of University Police (i.e.,--parking for seminars, special events, and other unusual campus activities.)

(e) The college shall not be responsible for loss or theft of, damage to, or property missing from motor vehicles on such premises.

(f) *Veterans.* Any veteran, as defined in section 360 of the New York State Education Law, in attendance as a student at the college shall be exempt from registration and parking fees upon submission by the veteran of a written request for exemption together with written certification by the veteran that such veteran was honorably discharged or released under honorable circumstances from such service.

§ 585.4 Definition of terms used in this Part.

(a) Faculty and staff. For the purposes of this Part, faculty and staff shall include only the following persons or groups:

- (1) full-time and part-time members of the faculty of the State University College at Cortland;
- (2) full-time and part-time members of the administrative staff of the State University College at Cortland;
- (3) research foundation employees at the State University College at Cortland;
- (4) civil service employees of the State University College at Cortland;
- (5) full-time and part-time employees of the Auxiliary Services Corporation of the State University College at Cortland, Inc. (ASC); and
- (6) associated employees, including childcare, MEOP, etc.

(b) *Commuting student(s).* For the purposes of this Part, a commuting student shall be any student, whether full-time, part-time, graduate, or undergraduate, who is currently registered at and who attends the State University College at Cortland while living off campus and who needs to drive to and from the campus in order to attend the college as a registered student.

(c) *Noncommuting student(s).* All students who are not specifically covered by the provisions of subdivision (b) of this section.

(d) *Motor vehicle.* Any motor-propelled vehicle used for transporting persons or property.

(e) *Possession.* Actual physical control or operation of a motor vehicle, or the right to control or operate a motor vehicle, even though ownership of the motor vehicle is vested in a parent, spouse, another student, another person, etc.

(f) Overnight parking. For the purposes of this Part, overnight parking shall be parking in a class "A" or "G" parking lot on the main campus of the State University College at Cortland between the hours of 2 a.m. and 6 a.m.

§ 585.5 Who may register and possess a motor vehicle on the premises of the State University College at Cortland.

(a) Faculty and staff as defined in section 585.4(a) of this Part.

(b) Commuting students as defined in section 585.4(b) of this Part.

(c) Noncommuting students as defined in section 585.4(c) of this Part:

(1) who have applied to the office of the Chief of University Police for permission to register and possess a motor vehicle on the premises of the State University College at Cortland under and pursuant to the terms and conditions set forth in this Part; and

(2) to whom such permission has been given by the office of the Chief of University Police (see section 585.3[d] of this Part).

(d) Visitors.

(1) who have applied to the office of the Chief of University Police for permission to register and possess a motor vehicle on the premises of the State University College at Cortland under and pursuant to the terms and conditions set forth in this Part; and

(2) to whom such permission has been given by the office of the Chief of University Police (see section 585.3[d] of this Part).

§ 585.6 Who may not register or possess a motor vehicle on the premises of the State University College at Cortland.

(a) All persons who are not specifically covered by the provisions of section 585.5 of this Part.

(b) Any person who, by reason of previous violations of the provisions of this Part, would have had or did in fact have his or her motor vehicle registration, possession, and parking privileges revoked and/or thereafter denied under the provisions of this Part.

§ 585.7 Motor vehicle registration.

(a) All persons who qualify under section 585.5 of this Part and who wish to possess a motor vehicle on the premises of the State University College at Cortland at any time and for any reason or period of time whatsoever must register said motor vehicle and pay a fee as approved by the chancellor or designee.

(b) Registration stickers and visitor identification may be obtained in the office of the Chief of University Police in the Van Hoesen Building. Persons wishing to obtain a permit must present:

(1) the student identification card of the person registering the motor vehicle;

(2) the State motor vehicle registration document for the motor vehicle being registered with the college;

(3) completed college motor vehicle registration forms;

(4) the office of the Chief of University Police may, but need not, waive any or all of the three above requirements (paragraphs [1], [2], and/or [3] of this subdivision) for a visitor;

(5) commuting students must also present satisfactory proof of:

(i) current local address; and

(ii) ownership of the motor vehicle.

(6) noncommuting students must present all of the above five items, and must also present satisfactory proof

that all of the terms and conditions set forth in section 585.5(c) of this Part have been met.

(c) All persons who wish to possess a motor vehicle on the premises of the State University College at Cortland must have a valid motor vehicle operator's or chauffeur's license issued by a State of the United States.

(d) All persons who wish to possess a motor vehicle on the premises of the State University College at Cortland must be covered by public liability and property damage insurance in at least the amounts set forth by the motor vehicle laws of the State of New York.

(e) Suspension or revocation of a valid motor vehicle operator's or chauffeur's license and/or cancellation of public liability and property damage insurance shall automatically cancel the registration sticker or visitor identification issued by the State University College at Cortland.

(f) Registration stickers and visitor identification must be affixed on the motor vehicle as provided in this Part.

(g) Automobiles may only be registered by the owner of the motor vehicle or the spouse, sons or daughters of the owner. Students may not register another student's automobile.

§ 585.8 Registration stickers and fees; visitor identification.

(a) Registration stickers will be issued to faculty and staff who qualify under section 585.5(a) of this Part.

(b) Registration stickers will be issued to commuting students who qualify under section 585.5(b) of this Part.

(c) Registration stickers will be issued to noncommuting students who qualify under section 585.5(c) of this Part. Noncommuting students may not register more than one motor vehicle. There shall be no exceptions to this rule.

(d) All motor vehicle registration stickers for faculty/staff will expire at midnight on August 31st of every year regardless of the date of issuance, and must be renewed annually. Student and visitor registration stickers must be renewed each year.

(e) Placement of registration stickers and visitor identification. Remove all expired motor vehicle registration stickers and/or visitor identification from the motor vehicle and place the current registration sticker or visitor identification on the left rear side window.

(f) Registration stickers and visitor identification must be visible at all times when the motor vehicle is parked on the premises of the State University College at Cortland, and it will be the responsibility of each individual registrant to see that the registration sticker or visitor identification is properly affixed to the window and is clearly visible when the motor vehicle is parked on the premises of the State University College at Cortland. Registration stickers may not be taped or clipped onto the window of any motor vehicle.

(g) Lost and/or replacement stickers and/or visitor identification. Persons who change motor vehicles during the year must:

(1) remove the registration sticker or visitor identification from the old motor vehicle before it is sold or exchanged;

(2) turn in the registration sticker or visitor identification so removed to the office of the Chief of University Police; and

(3) register any replacement motor vehicle within 24 hours. Registration stickers and/or visitor identification may not be transferred from motor vehicle to motor vehicle without registration of the new motor vehicle at the office of the Chief of University Police. Changes of address and/or changes in license plates must be reported to the office of the Chief of University Police within 24 hours.

§ 585.9 Use of parking lots.

(a) All provisions of this Part are in effect at all times with the exception of "A" lots in which we will allow open parking from 5 p.m.-11 p.m. on weekdays and 8 a.m.-11 p.m. on weekends.

(b) All parking in parking lots on the premises of the State University College at Cortland will be "head-in parking" unless otherwise instructed.

(c) Only those motor vehicles which are validly and currently registered with the college and which bear valid, current registration stickers or visitor identification may be parked in parking lots on the premises of the State University

College at Cortland, and then only as specifically provided in this Part or as stated on the visitor identification in question.

(d) Notwithstanding the provisions of subdivisions (e) through (h) of this section, parking by visitors in parking lots on the premises of the State University College at Cortland is restricted at all times to validly and currently registered visitors' motor vehicles bearing valid, current visitor identification and shall at all times be in conformity with the parking instructions set forth on the visitor identification for the particular motor vehicle in question.

(e) Parking in parking lots bearing the letter designation "A" is restricted (except as noted in subdivision [a] of this section) to validly and currently registered faculty and staff motor vehicles bearing valid, current registration stickers.

(f) Parking in parking lots bearing the letter designation "G" is restricted at all times to validly and currently registered graduate commuter student motor vehicle bearing valid, current registration stickers.

(g) There shall be no overnight parking at any time in any campus parking lot bearing the letter designation "A" or "G" without permission of the University Police Department.

(h) Students who have completed less than 25 1/2 credit hours must park only in parking lots bearing the letter designation "D".

§ 585.10 Off-campus parking.

(a) The college is not responsible for faculty, staff, student and visitor motor vehicles parked off-campus.

(b) The college will cooperate with the City of Cortland authorities in enforcing parking and other motor vehicle laws, ordinances, rules, etc.

§ 585.11 Snow emergency.

(a) The chief administrative officer of the college or designee may declare a snow emergency on the premises of the State University College at Cortland at any time when, in the opinion of said chief administrative officer or designee, weather conditions so warrant.

(b) To determine whether or not a snow emergency has been declared, one should contact the office of the Chief of University Police.

(c) During a declared snow emergency, all persons possessing motor vehicles on the premises of the State University College at Cortland shall obey temporary instructions for the use of parking lots and/or the operation and parking of motor vehicles on the premises of the State University College at Cortland.

§ 585.12 Towing.

(a) Motor vehicles on the premises of the State University College at Cortland which are in violation of any of the provisions of this Part may be towed away at the expense of the person who registered the motor vehicle with the college, or at the expense of the owner thereof if said motor vehicle is not then registered with the college.

(b) The following violations are of such a serious nature as to be given the highest priority for towing:

(1) motor vehicles parked in parking lots bearing the letter designation "A" or "G" between the hours of 2 a.m.-6 a.m.;

(2) motor vehicles committing or otherwise involved in any of the possessory violations set forth in section 585.13(a) of this Part;

(3) motor vehicles involved in habitual and/or repeated violations of the provisions of this Part (see section 585.14[b] of this Part);

(4) motor vehicles parked in such a manner as to block any other motor vehicle which is properly parked; and

(5) motor vehicles parked in such a manner as to interfere with the safety and/or operation of the State University College at Cortland, and more specifically, motor vehicles parked on the premises of the State University College at Cortland in such a manner as to interfere with the use of a fire hydrant, fire lane, or other emergency zone, or parked in such a manner as to create any other hazard, or parked in such a manner as to unreasonably interfere with the free and proper use of a roadway or pedestrian way.

§ 585.13 Types of violations.

(a) Possessory violations. (1) Faculty, staff and students will be allowed one week's grace period, beginning with the first day of each new semester and/or summer session, to comply with the motor vehicle registration requirements set forth in this Part.

(2) The following shall constitute possessory violations of this Part:

(i) Possession, operation, and/or parking of a motor vehicle on the premises of the State University College at Cortland which:

(a) is not then validly and currently registered with the college pursuant to the provisions of this Part; or

(b) bears no valid, current college registration sticker or visitor identification; or

(c) bears a college registration sticker or visitor identification not issued by the college for use on that particular motor vehicle; or

(d) bears a stolen or otherwise improperly obtained college registration sticker or visitor identification; or

(e) bears a counterfeit college registration sticker or visitor identification; or

(f) bears a college registration sticker or visitor identification which has been deliberately modified or altered in such a way that there has been an attempted or actual violation of the provisions of this paragraph.

(ii) Possession, operation, and/or parking of a motor vehicle on the premises of the State University College at Cortland, or the attempted or actual registration with the college of a motor vehicle, by a noncommuting student who is not eligible to do so as provided in sections 585.5, 585.6, and 585.7 of this Part.

(iii) Student authorization of another person to register, operate, or park a motor vehicle possessed and/or controlled by the student in order to evade or circumvent any of the restrictions, limitations, or other provisions of this Part. The owner of the vehicle if a student, will be held responsible for these offenses. If not a student, the driver will be held responsible if he/she is a student.

(b) Parking violations. Parking violations on the premises of the State University College at Cortland.

(1) Parking in a parking lot unauthorized for same by the terms of the college motor vehicle registration or visitor identification of the motor vehicle in question (see section 585.9 of this Part).

(2) Parking in an unauthorized space in a parking lot authorized for parking by the terms of the college motor vehicle registration or visitor identification of the motor vehicle in question (see section 585.9 of this Part).

(3) Overnight parking in an unauthorized parking lot (see section 585.9 of this Part).

(4) Parking in violation of temporary instructions during a declared snow emergency (see section 585.11 of this Part).

(5) Parking in such a manner as to interfere with the use of a fire hydrant, fire lane, or other emergency zone, or parking in such a manner as to create any other hazard, or parking in such a manner as to unreasonably interfere with the free and proper use of a roadway or pedestrian way; and, more specifically, parking:

(i) in such a way as to block any other motor vehicle; or

(ii) in the entrance to any parking lot; or

- (iii) on a roadway or in a driveway; or
- (iv) in a safety lane; or
- (v) in a service drive or service area; or
- (vi) in a loading zone; or
- (vii) where signs or road markings prohibit parking; or
- (viii) on grassy areas not designated for parking; or
- (ix) on or across pedestrian crosswalks; or
- (x) on sidewalks not designated for parking; or
- (xi) in areas designated for the handicapped without specific approval.

(6) Parking without payment of the required fees as approved by the chancellor, or designee, for registration.

(c) Moving violations. (1) Minor-college adjudication. *

(i) Operation of a motor vehicle anywhere but on an authorized highway, street, driveway, roadway, or in a parking lot.

(ii) Operation of a motor vehicle in violation of temporary instructions for the operation of a motor vehicle during a declared snow emergency (see section 585.11 of this Part).

(2) Major moving violations on the premises of the State University College at Cortland (Uniform Traffic Summons). **

(i) Operation of a motor vehicle on 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 25 miles per hour as previously authorized and indicated by the State University of New York and the State University College at Cortland.

(ii) See, generally, section 585.2 of this Part.

* Minor moving violations may be adjudicated on campus. Serious violations may mean City Court.

** Major violations (i.e., State Vehicle and Traffic Law) will be adjudicated in the City Court of Cortland, New York.

§ 585.14 Responsibility, penalties, and fines for violation(s) and/or liability or damage claims.

(a) Responsibility. The individual in whose name the motor vehicle is registered with the college, or the owner thereof if the motor vehicle is not then registered with the college, shall be responsible for any and all penalties and for any and all liability for damage claims, resulting from the possession, operation and/or parking of the motor vehicle on the premises of the State University College at Cortland.

(b) Penalties--revocation and/or denial of privileges of registering, possessing, operating, and/or parking of a motor vehicle on the premises of the State University College at Cortland.

(1) For purposes of interpretation of this section, "habitual and/or repeated" refers to the 15th (or any subsequent) violation, regardless of the type thereof.

(2) The college reserves the right:

(i) to discipline any individual for participation or connivance in any form of violation of the letter or spirit of this Part; and

(ii) to take such disciplinary action in all cases as the circumstances justly warrant.

(c) Fines and penalties for violations (see, generally, section 585.13 of this Part).

(1) Possessory violations (section 585.13[a] of this Part): \$25 fine.

(2) Parking violations (section 585.13[b] of this Part): \$25 fine, except that a \$100 fine shall be imposed for handicap parking violations.

(3) Moving violations (section 585.13[c] of this Part).

(i) Minor moving violations (section 585.13[c][1] of this Part): \$25 fine.

(ii) Major moving violations (section 585.13[c][2] of this Part): sanction will be imposed by the City Court of Cortland, New York.

§ 585.15 Enforcement procedures; complaints, hearings, and payment and collection of fines.

(a) All of the provisions of this section shall be in effect for and govern any and all violations of the provisions of this Part other than sections 585.2, 585.13(c)(2) and 585.14(c)(3) of this Part.

(b) Complaints. Any alleged violation of any of the provisions of this Part to which this section applies shall result in the issuance of a complaint which shall, among other things:

(1) be in writing;

(2) recite the time and place of the alleged violation and the number of said complaint;

(3) recite the title, number, or substance of the provision of this Part alleged to have been violated;

(4) be subscribed by the officer witnessing the alleged violation;

(5) be attached to the motor vehicle involved or served upon the violator;

(6) indicate the amount of the fine(s) assessable for the alleged violation (see, generally, section 585.14[c] of this Part);

(7) state a deadline, which shall be at least seven days after the time of issuance of the complaint, at or prior to which the alleged violator may dispute the alleged violation and request a hearing thereon by appearing in person at the office of the Chief of University Police in the Van Hoesen Building of the State University College at Cortland and presenting his or her copy of said complaint;

(8) advise that if the alleged violator fails to dispute the alleged violation and request a hearing thereon at or prior to the deadline stated in the complaint, or if the alleged violator disputes the alleged violation and requests a hearing thereon in proper timely fashion but then fails to appear at the time fixed for said hearing:

(i) the complaint shall be proved;

(ii) the applicable fine shall be paid in full at the office of business affairs, Miller Administration Building within 14 days of the deadline stated in the complaint; and

(iii) the complaint shall warrant such further action as may then be appropriate.

(c) Hearings. (1) The chief administrative officer of the State University College at Cortland shall designate a hearing officer to hear complaints of any alleged violation of any of the provisions of this Part to which this section applies, which hearing officer:

(i) shall at all times be bound by, and shall at all times enforce and uphold, all of the provisions of this Part;

(ii) should not be concerned with the alleged violator's intent or other state of mind as these elements are not material in such cases;

(iii) 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 produced; and

(iv) may develop its own internal procedures for the processing of complaints and hearings; provided, however, that such internal procedures shall in no way conflict or be inconsistent with any of the provisions of this Part.

(2) At the conclusion of the hearing, or no later than five days thereafter, such hearing officer shall file a report and notice of decision with the office of the Chief of University Police, with the parking committee of the State University College at Cortland, and with the alleged violator, which report and notice of decision shall state:

(i) the name and address of the alleged violator;

(ii) the time and place when the complaint was issued and the number of said complaint;

(iii) the provision of this Part alleged to have been violated;

(iv) a concise statement of the facts established at the hearing based upon the testimony or other evidence offered;

(v) the time and place of the hearing;

(vi) the names 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;

(ix) if the decision is guilty, the amount of the fine for the violation involved and a statement that said fine shall be paid in full at the business office of the State University College at Cortland within 14 days of the date of this report and notice of decision.

(3) All decisions of the hearing officer shall be final.

(d) Payment and collection of fines.

(1) It will be the responsibility of each violator to pay the correct amount of any fine or fines imposed pursuant to the provisions of this Part.

(i) The violator may at any time request the assistance of the office of the Chief of University Police in determining the correct amount or amounts of any fine or fines.

(ii) In the absence of such a request for assistance, any error in the amount of the fine and/or payment, and all consequences of such error, shall be solely the responsibility of the violator.

(2) The prosecution and collection of fines involving visitors shall be in accordance with applicable law.

(3) Overdue and unpaid fines shall be deducted from the salary or wages of an offending officer or employee (faculty and staff) of the State University College at Cortland.

(4) In the case of students, grades and transcripts shall be withheld until all overdue and unpaid fines are paid in full. In addition, a student's name will be placed on the "stop list" if the fine is more than seven days overdue.

§ 585.16 Traffic controls.

(a) The following traffic regulations are herewith established on the grounds of the State University of New York College at Cortland:

- (1) 25 MPH is the maximum speed limit at which motor vehicles may proceed on all roadways on campus.
- (2) 15 MPH is the maximum speed permitted within campus parking lots.
- (3) 20 MPH is the speed limit for the curve on Neubig Road on the west side of Bishop Hall.
- (4) The following parking lots are designated one-way:
 - (i) Miller Administration main lot - Graham Avenue to rear of Van Hoesen building.
 - (ii) Brockway Hall lot.
- (5) The following intersections are designated as yield intersections and yield signs shall be installed at entrances to such intersections as follows:
 - (i) Exit at west end of Miller parking lot.
 - (ii) Intersection of Folmer Road and Tompkins Street.
 - (iii) Intersection of Lankler Road and service complex drive.
 - (iv) Route 281 parking lot and Lankler Road.
- (6) The following intersections are designated as stop intersections and stop signs shall be installed at entrances to such intersections as follows:
 - (i) Intersection of Folmer and Pashley Roads (south end).
 - (ii) Intersection of Folmer and Pashley Roads (north end).
 - (iii) Intersection of Stratton Road and Rte. 281.
 - (iv) The following exits of the P.E.R. parking lot:
 - (a) north east exit;
 - (b) south east exit; and
 - (c) south exit.
 - (v) Intersection of center roads to eastern P.E.R. parking lot.
- (7) The following areas are designated as pedestrian crosswalks and such signs will be installed:
 - (i) Neubig Road - west side of Bishop Hall.
 - (ii) Neubig Road - west side of Alger Hall.
 - (iii) Neubig Road - west side of Hayes Hall.

§ 585.17 Parking fees.

Parking fees as approved by the chancellor, or designee, shall be charged for motor vehicles parked within designated lots, consistent with applicable collective bargaining agreements and in accordance with guidelines established by the chancellor or designee. Such guidelines shall provide that the determination of the amount of the fee be based substantially on an analysis of the costs attributable to the operation and maintenance of the parking facilities owned and operated by the College at Cortland.