MEMORANDUM

June 29, 2020

TO: Members of the Board of Trustees

FROM: Kristina M. Johnson, Chancellor

SUBJECT: Amendments to 8 NYCRR Part 587: State University System Administration Vehicular and Pedestrian Traffic and Parking Regulations

Action Requested

This resolution authorizes final rulemaking to revise 8 NYCRR Part 587, which governs traffic and parking on State University System Administration property.

Resolution

I recommend that the Board of Trustees adopt the following resolution:

Resolved that 8 NYCRR Part 587 is repealed, and a new Part 587 is adopted, to read as Attachment A so provides.

Background

This resolution authorizes final rulemaking to advance comprehensive amendments to the regulations governing traffic and parking on State University System Administration property.

The Board of Trustees previously adopted these amendments and authorized proposed rulemaking at its March 18, 2020 meeting and the Notice of Proposed Rulemaking was published in the State Register on April 8, 2020. To date, no comments have been received. The rulemaking process will conclude with the publication of the Notice of Adoption in the State Register on July 22, 2020.
Attachment A

8 NYCRR Part 587 is repealed, and a new Part 587 is adopted, to read as follows:

PART 587
STATE UNIVERSITY PLAZA
(Statutory authority: Education Law, § 360)

587.1 Applicability of this Part.

a. Section 360 of the Education Law of New York State authorizes the State University to regulate traffic and parking on State University property through the adoption and enforcement of rules and regulations. Such rules must be consistent with the New York State Vehicle and Traffic Law and must be approved by the Board of Trustees. The Chancellor, or designee, is authorized to establish such guidelines and procedures, consistent herewith, as may be necessary for the proper administration of State University vehicle and traffic regulations pursuant to this Part.

b. This Part shall govern vehicular and pedestrian traffic and parking upon the highways, streets, roads, parking lots, parking garages, and sidewalks of the State University of New York, System Administration and other University property, and shall apply to all State University Plaza personnel and visitors.

c. The New York State Vehicle and Traffic Law shall apply upon such premises notwithstanding any references in such law to public highways, streets, roads or sidewalks.

d. These parking regulations shall be in effect at all times, including holidays.

587.2 Definitions.

Unless otherwise expressly stated, whenever used in these regulations, the following terms shall respectively be deemed to mean and include each of the meanings and/or the meanings as set forth in the New York State Vehicle and Traffic Law.
(a) State University Plaza personnel.

All persons employed at State University Plaza or University properties by the State University of New York, the State University Construction Fund, the Research Foundation of the State University of New York, or other persons who may be deemed State University Plaza personnel for the purposes of this Part, where such persons continuously and regularly conduct business or have dealing with the State University.

(b) University police officer.

Any person employed or designated by the State University of New York as a police officer and a member of the University police department, for the purpose of enforcing law, order and observance of the rules and regulations enacted by the State University Board of Trustees, pursuant to section 355(2)(l) of the Education Law of the State of New York, as amended.

(c) Parking place.

Any part or area on any University property, duly designated as a place for the parking of vehicles.

(d) Pedestrian right-of-way.

Any road, sidewalk or other place in any University property, the use of which is restricted or limited to persons on foot.

(e) Service roadway.

Any road in any University property, the use of which is restricted or limited.

(f) University property.

All property and facilities owned and operated by SUNY System Administration. Such property and facilities shall include, but not be limited to, System University Plaza, located at 353 Broadway, Albany, NY, 12246 and its adjoining parking structure.

(g) Parking ticket.

Written documentation providing a person alleged to have violated a provision of the New York State Vehicle and Traffic Law with notice of
such violation. Parking tickets shall be returnable in the local court with jurisdiction over such violation.

(f) Parking citation.

Written documentation providing a person alleged to have violated a provision of this Part with notice of such parking or traffic violation. Parking citations shall be answerable at System Administration and shall be adjudicated pursuant to the administrative procedure described in Section 587.5 of this Part.

587.3 General provisions.

(a) Driver responsibility.

(1) The person registering a private vehicle for use on a University property is responsible for its operation and for any fines incurred under this Part during or due to their presence on University properties.

(2) By registering a vehicle for University property parking privileges, a person agrees to abide by the traffic and parking regulations in force at that time, and any subsequent regulation that may be issued. The assignee of a State-owned vehicle is responsible for its operation and for any fines incurred under this Part during the period of assignment.

(b) Registration of vehicles.

(1) Any State University Plaza personnel who operates a vehicle on University property must register that vehicle with the Parking Garage Office at System Administration.

(2) Vehicle registration entitles a person to drive on University property and to park in designated parking places only.

(3) System Administration shall issue an official parking identification to be displayed in a manner as approved by the Chancellor or designee.

(4) A vehicle is considered registered only when the official System Administration parking identification is visibly displayed and legible.

(5) The official System Administration parking identification shall be removed and returned to the Parking Garage Office upon change of ownership and shall be surrendered upon termination of the registrant’s association with System Administration.

(6) Stolen or lost parking identification must be reported to the Parking Garage Office. Should the owner of the parking identification wish to seek a replacement, it may be the responsibility of the owner to purchase a new one.
(7) Reproduction or copying of official parking identification is prohibited.
(8) Contractors and vendors who are granted parking privileges may be required to obtain daily or monthly parking identification at a charge as approved by the Chancellor or designee.

(c) Fees.

Parking fees or other fees as approved by the Chancellor, or designee, shall be charged for motor vehicles parking within the garage or designated lots, consistent with applicable collective bargaining agreements.

(d) Obedience to University police officers and traffic control devices.

No person shall fail, neglect, or refuse to comply with or obey the direction or command of any University police officer, or fail, neglect, or refuse to comply with or obey any instruction or direction, regulation, warning, or prohibition written or printed, displayed or appearing on any traffic or parking sign or placard on any part of University property. The directions on any such sign or placard may be disregarded only on order of a University police officer.

(e) Temporary instructions.

Special short-term conditions arise that may require suspending a portion of these rules and regulations or may require additional, temporary regulations and/or instruction. The chief of University police, or designee, shall be authorized to take such temporary actions as circumstances may dictate.

587.4 Traffic Regulations.

(a) Traffic control devices.

(1) No person shall fail, neglect or refuse to comply with any instruction, direction or regulation displayed on any post, standard sign or marking on any roadway or parking area or other device installed or placed for the regulation of traffic on University property.
(2) No person shall deface, damage or remove any traffic control device without authorization.

(b) Speed limits.
No person shall drive a vehicle, bicycle, or other human powered vehicle on University property including streets, roads, highways, parking lots or parking garages at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In no event shall a person drive a vehicle, bicycle, or other human powered vehicle in excess of 10 miles per hour unless a different speed is authorized and indicated by the University police or the Department of Transportation.

(c) One-way traffic.

Upon a roadway restricted to one-way traffic, no vehicle shall proceed in the opposite direction.

(d) Parking.

1. All vehicles shall be parked in assigned areas.
2. Vehicles shall not be parked off the paved areas.
3. Vehicles, when parked in parking lots, must be parked between the painted striping. Any area not specifically designated for parking is considered a no parking zone and vehicles parked in such area will be cited accordingly.
4. No person shall park a vehicle on the premises of a University property in such a 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 right-of-way.
5. No vehicle may park in or upon any pedestrian right-of-way nor shall any vehicle be driven upon any pedestrian right-of-way, with the exception of construction or service vehicles.
6. Vehicles parked in violation of the official traffic regulations may be ticketed and towed away by an independent vendor operating under contract at the expense of the vehicle owner.
7. The State University of New York is not responsible for vehicle damage or theft of contents while utilizing parking places.
8. Without permission of the University Police Department or the Parking Garage Office, no parking is permitted in the following areas:
   a. Visitors, fleet, contractor, police/Law enforcement, reserved, handicapped, service roadways, the main entrance circle, pedestrian walks/roadways between and around buildings;
   b. Within 15 feet of any fire hydrant or in any fire lane;
   c. Blocking or obstructing any doors or points of entrance or egress;
   d. Blocking or obstructing a dumpster; or
e. On sidewalks, pedestrian walkways, grass or other unpaved areas.

(e) Disabled vehicles.

Disabled vehicles shall be driven or moved to prevent obstruction of traffic. Immediate notification to the Parking Garage Office and/or University Police is required.

(f) Repairing vehicles.

A vehicle shall not be parked or stopped on any roadway, parking garage, parking area or any other place for the purpose of being serviced or repaired, including body work, except with the permission of the University police department.

(g) Abandoned vehicles.

No person shall abandon or shall cause to be abandoned, as such term is defined in the Vehicle and Traffic Law of the State of New York, a motor vehicle anywhere on University property. Vehicles abandoned anywhere on University property may be towed away and disposed of at the expense of the last registered owner.

(h) Impounding vehicles.

Vehicles illegally parked, abandoned, or disabled in such a place as to constitute a safety hazard or to interfere with public convenience on University property may be towed away and impounded at the expense of the vehicle owner.

(i) Roads closed.

Entrance roads to University property, at the discretion of the University police, may be closed to traffic. Persons not properly identifying themselves or giving proper reason for entry to the University property may be denied entrance and turned away.

(j) Unregistered or uninsured vehicles.

No vehicle may be operated upon University property unless that vehicle is registered and insured as required by the Vehicle and Traffic Law and the regulations of the Commissioner of Motor Vehicles. It shall be a violation to park an unregistered vehicle on University property. Vehicles
found to be operating without a valid motor vehicle registration or without insurance may be ticketed, impounded and towed away at the expense of the owner.

(k) Trucks.

Trucks over 10,000 pounds are not permitted on any roadway, except for local delivery and pickup or for construction or other work on University property.

(l) Parking Accessibility

(1) All vehicles parked in University property handicap parking places shall be registered with the Parking Garage Office and obtain the appropriate NYS DMV parking hangtag or license plate.

(2) All vehicles parked in handicap parking places should display a validly issued handicap placard.

(m) Additional requirements.

(1) No vehicle at any time shall cause delay to emergency responders.

(2) No vehicle at any time shall cause delay/prevent snow removal efforts.

(3) Loading. All vehicles loading/unloading must have the emergency flashers on. Activated flashers on an illegally parked vehicle do not exempt the vehicle from receiving a parking citation.

587.5 Enforcement and Adjudicatory Procedure.

(a) University police officers are authorized to issue traffic tickets and/or parking citations against a driver and/or vehicle in violation of traffic and parking regulations or any violation of this Part. Traffic tickets issued pursuant to this Part shall be adjudicated in a court with jurisdiction over such violation, and parking citations shall be adjudicated in accordance with procedures provided in this section.

(b) A parking citation issued for any violation of this Part shall follow the following procedure:

(1) The parking citation shall be subscribed by the officer witnessing the violation; shall include the time and place when the citation was issued; and shall be served upon the alleged violator or attached to the vehicle
involved.

(2) The parking citation shall indicate the fine assessable for the violation and shall state that if the person charged does not request a hearing on the violation prescribed herein, the fine shall be paid by mail or in person at the System Administration, Business Office located at SUNY Plaza, 353 Broadway, Albany NY 12246, or such place as may be designated on the citation, within fourteen calendar days after the service of the citation.

(3) The parking citation shall recite that the person alleged to have committed the violation may request a hearing within 72 hours after service of the charges by such alleged violator appearing in person or responding in writing to the University police department, or such other place as may be designated on the citation.

(4) The parking citation shall recite that if the alleged violator fails to appear at the time and place fixed for the hearing, or should no hearing be requested as provided herein, an appropriate penalty shall be imposed based upon the violation alleged.

(c) The Chancellor or designee shall designate a hearing officer or board, the membership of which shall not exceed three persons, to hear citations for violations of this Part. Such hearing officer or board shall not be bound by the rules of evidence, but may hear or receive any testimony or evidence which is, in the discretion of such officer or board, 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 report in its official records and shall transmit a notice of decision to the alleged violator. Such report for the official records of the hearing officer or board shall include:

1. the name and address of the alleged violator;
2. the time and place where the parking citation was issued;
3. the regulation(s) violated;
4. a concise statement of the facts established in the hearing based upon the testimony or other evidence presented;
5. the time and place of the hearing;
6. the names of all witnesses;
7. each adjournment, if any, 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.

587.6 Penalty.
(a) Each violation of the parking regulations that is cited with a parking citation will carry a fine as follows:
   (1) Parking in a handicapped parking place without possessing a handicapped parking tag, or parking in any fire lane: $50.
   (2) Any other violation of Section 587.4 of this Part: $35.

(b) All fines for parking penalties collected will be deposited in the State University income fund as required by 8 NYCRR 560.3.

(c) Failure to pay fines for parking penalties, or repeated parking violations, may result in administrative action up to and including fines and the loss of parking privileges.

587.7 Validity of regulations.

If any section, subdivision, paragraph or subparagraph of the rules and regulations shall be adjudged invalid, such adjudication shall apply only to the section, subdivision, paragraph and subparagraph so adjudged, and the rest of these rules and regulations shall be and remain valid and effective.