

Resolved that the amendments to the Regulations for Vehicular Traffic and Parking at the State University of New York Maritime College, Part 576 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, be, and hereby are, adopted and approved as follows (brackets denote old material to be deleted; underlining denotes new material to be added):

Part 576 of Title 8 NYCRR is amended to read as follows:

#### STATE UNIVERSITY MARITIME COLLEGE

Section 576.1 Applicability of regulations. This Part shall govern vehicular traffic and parking upon the streets and roads controlled or maintained by the State University [of New York] Maritime College [at Fort Schuyler], and shall apply to students, faculty, employees, visitors and all other persons upon such premises.

576.2 Application of New York State law.

- (a) A violation of any section of the Vehicle and Traffic Law shall be a misdemeanor or traffic infraction as designated in such law, and shall be punishable as therein provided.
- (b) Such laws and orders adopted by State University shall be enforced in any court having jurisdiction.
- (c) 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.

576.3 General regulations.

- (a) No person shall drive a vehicle on campus 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] 25 miles per hour or a posted lower speed limit.
- (b) No person shall park a vehicle on the premises of the Maritime College 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, trash dumpster, loading zone, service area, crosswalk or pedestrian way. [With the exception of Reeder Street, which is reserved for resident parking, parking is prohibited on any campus street.] There is no overnight parking allowed on campus unless authorized by permit classification, conducting official College business on campus or in official travel status for Maritime College. Overnight begins at midnight. Parking is restricted to designated areas and prohibited on all

campus roadways whenever a snow emergency is declared by the Vice President of Operations, [director of physical plant] Director of Facilities, [and] or [the director of public safety] the Chief of Police. Temporary stops to pick up or discharge passengers are permitted, providing the driver remains in the vehicle. All faculty, staff, [cadets/graduate] students and visitors must park in assigned areas. [Faculty, staff and student vehicles will be assigned to a specific parking lot, but not to a specific space within the lot, when the vehicle is registered.] Visitors will be directed to a parking area by the officer at [public safety headquarters] University Police. The campus president may reserve and assign [T]temporary parking spaces [in the fort area, marked "FOR OFFICIAL USE ONLY," are reserved] for designated faculty and staff members having official business. [to conduct in the fort. Under normal conditions, parking in these areas is limited to a maximum of one hour.] The [director of public safety] Chief of Police may, in order to meet the parking demands of a specific college function, authorize parking in areas other than the aforementioned ones; providing, however, that such parking in no way impedes the ingress and egress of emergency vehicles.

- (c) All members of the Maritime College community authorized and desiring to operate and park vehicles on the college grounds shall register their vehicles at the [public safety headquarters] University Police Department located at the main entrance to the campus. All commuter students and junior and senior residential students desiring to operate and park vehicles on the college grounds must register their vehicles at the [public safety headquarters] University Police Department and pay a registration fee as approved by the chancellor or [his] designee. [Cadets/graduate] [s]Students must re-register their vehicles at the commencement of each fall semester. All outstanding parking violations must be paid at the [bursar's] Student Accounts office [prior to the annual fall student registration] within ten business days of violation. Student registration expires immediately upon disenrollment from the college. All other registrations expire when employment is terminated.
- (d) All registered vehicles must have affixed to the [right-hand section of the front and rear bumpers] passenger side rear window a sticker issued to the registrant by the [public safety office] University Police Department. When the configuration of the vehicle prohibits display of the sticker on the [bumper] window, a display location will be designated by the [director of public safety] Chief of Police. This sticker must be replaced when it becomes unreadable or removed if the vehicle is transferred to another

owner. Visitor/Guest and temporary passes must be displayed on the driver's side, dashboard of the vehicle, with the effective date facing out.

- (e) A fee as approved by the Chancellor or [his] designee will be charged for student vehicular registration payable at the Student Accounts office [of the bursar] at the commencement of each fall semester. Fee is non-refundable.
- (f) 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 substantially based on an analysis of the costs attributable to the operation and maintenance of the parking facilities owned and operated by the Maritime College. Fee is non-refundable.
- (g) A fee as approved by the Chancellor or designee will be charged for vehicle registration for summer sea term and summer ashore parking and for special events. Fee is non-refundable.
- (h) Permit classifications:
  - (i) Faculty/Staff is any employee on the non-student payroll of the College, Research Foundation or Faculty Student Association. Non-resident Faculty/Staff permit holders may not park vehicles overnight unless they are conducting official College business on campus or are in official travel status for the College. Overnight starts at midnight. Resident Faculty/Staff permit holders may park vehicles overnight in designated staff/resident parking areas.
  - (ii) Commuter Student is a registered student who is not assigned on-campus housing. Commuters may not park on campus after midnight.
  - (iii) Resident Student is a registered student who is assigned on-campus housing. Freshman and sophomore resident students are not allowed to purchase, use or be in possession of a Maritime College parking permit. The Dean of Students or Commandant of Cadets may recommend to UPD a hardship waiver affording the purchase of a parking permit for freshman or sophomore residential students.

#### 576.4 Traffic control.

- (a) The following traffic regulations are hereby established on the grounds of State University [of New York] Maritime College at Throggs Neck, Bronx County, New York City:
  - (1) [30] 25 MPH or posted lower speed limit is the maximum speed limit at which vehicles may proceed on or along all roadways on the grounds of the campus.

- [(2)] (2) Parking is prohibited on or along both sides of all roadways on the grounds of the campus.]
- [(3)] (2) The following intersections on the grounds of the campus are designated as yield intersection and yield signs shall be installed at entrances to such intersections as follows:
- [(i)] (i) Intersection of Crowninshield Street with Shepard Avenue with a yield sign on Shepard Avenue--entrance from west.]
  - [(ii)] (i) Intersection of Shepard Avenue with Wadhams Street with a yield sign on Wadhams Street--entrance from north.
- [(4)] (3) The following intersections on the grounds of the campus are designated as stop intersections and stop signs shall be installed at entrances to such intersection as follows:
- (i) Shepard Avenue with McGowan Street with a stop sign on McGowan Street--entrance from north.
  - (ii) Shepard Avenue with Reeder Street with a stop sign on Reeder Street--entrance from north.
  - (iii) [Hanus Street with Wadhams Street with a stop sign on Wadhams Street--entrance from south.] Shepard Avenue with Crowninshield with a stop sign on Crowninshield—entrance from south.
  - (iv) Erben Avenue with Crowninshield Street with a stop sign on Crowninshield Street--entrance from south.
  - (v) Shepard Avenue with Patterson Street with a stop sign on Patterson Street--entrance from north.
  - (vi) Wadhams Street with Erben Avenue with stop signs on Erben Avenue—entrance from south.
  - [(vi)] (vii) The southerly archway with Wadhams Street with stop signs on Wadhams Street--entrances from north and south.
  - [(vii)] (viii) The northerly archway with Wadhams Street with stop signs on Wadhams Street--entrances from north and south.
  - [(viii)] (ix) Pythian Circle with all roadways for traffic entering or leaving the campus with stop signs on all entrances to Pythian Circle.
  - [(ix)] (x) Erben Avenue with all parking field exits with stop signs on all exits.
  - [(x)] (xi) Hanus Street with all parking field exits with stop signs on all exits.
  - [(xi)] (xii) Shepard Avenue with all parking field exits on all exits.
  - (xiii) Wadhams Street with all parking field exits on all exits.
  - (xiv) Crowninshield Street with all parking field exits on all exits.
  - (xv) Field Place with all parking field exits on all exits.

576.5 Violation of regulations.

- (a) For infractions of the Vehicle and Traffic Law, a traffic ticket answerable before a local magistrate will be issued.
- (b) (1) For nonmoving violations, a Maritime College summons will be issued, answerable before [the commandant of cadets and/or hearing] an Appeals board.
- (2) The prosecution of visitors shall be in accordance with applicable State law.
- (c) The college reserves the right to remove, by towing or otherwise, vehicles parked in violation of the regulations or abandoned. Such removal will be at the expense of the owner of the vehicle.

576.6 Fines and penalties.

- (a) For nonmoving violations the offender will be fined [\$25] in accordance with fee schedule approved by Chancellor or designee. All fines are payable at the [business] Student Accounts office and all monies deposited in the State University Income Fund.
- (b) Unpaid fines may be deducted from the wages of any faculty or staff member. In the case of [cadets/graduate] students, grades and transcripts will be withheld until the fines are paid. All fines are considered debts due the college and must be paid [prior to the campus vehicular registration procedure at the commencement of each fall semester] within ten business days of violation or before commencement.
- (c) Revocation of campus motor vehicle registrations and a loss of parking privileges for the balance of the academic year will result upon a finding that 10 or more parking violations have been incurred during an academic year.
- (d) A vehicle immobilizer may be affixed at the owner's expense by the University Police department [of public safety] to a vehicle parked in violation of these regulations, where there is a need for prompt seizure of such vehicle after reasonable efforts to learn the name and address of the owner.
- (e) The fee for removal of such vehicle immobilizer equipment shall be an amount approved by the Chancellor, or designee. The amount of the fee shall be substantially based on an analysis of the costs attributable to operations and administration associated with the vehicle immobilizer procedure.
- (f) Unpaid fines may be deducted from the salary of a faculty or staff employee. In the case of students, grades and transcripts will be withheld until the penalty is paid.

#### 576.7 Appeals procedure.

- (a) 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.
- (b) The complaint must be subscribed by the officer witnessing the violation and shall be served upon the violator or attached to the vehicle involved.
- (c) 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] Student Accounts office [of the campus] within [14] 10 business days after receipt.
- (d) The complaint shall recite that [a hearing] an appeal may be requested within [14] 10 business days after service of the charges. Any student, faculty member or employee of the Maritime College who feels that he/she has been wrongfully issued a Maritime College summons may, within [14 calendar] 10 business days after receiving the summons, submit [his/her appeal via the director of administration to a hearing board appointed by the president of the Maritime College] a completed UPD Appeal Form to the University Police Department. After the 10-day period, the option of appeal or other consideration expires and summons is irrevocable. The alleged violator may request an in-person hearing.
- (e) The complaint shall recite that, should the alleged violator fail to appeal violation [appear at the time fixed for the hearing] or should no hearing be requested within the period as prescribed by the college council in subdivision (d) of this section, the complaint is proved and shall warrant such action as may then be appropriate.
- (f) The University Police chief [administrative officer] 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. Appeals Hearing officer or board will adjudicate within 30 days of the receipt of the appeal. 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. At the conclusion of the hearing, or not later than five days thereafter, such hearing officer or board shall file a report. All appeals decisions are binding and final. A notice of the decision shall be promptly transmitted to the Chief of Police and violator. The report shall include:
  - (1) the name and address of the alleged violator;
  - (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.