Bus Lane Cameras in the City of New York

Analysis of Current Legislation and Recommendations

June 12, 2015

By Alec Slatky, Legislative Analyst
1415 Kellum Place, Garden City, NY 11530
516-873-2266 / aslatky@aaanortheast.com
# Table of Contents

Background .................................................................................................................. 1
Results from New York City’s Report ........................................................................... 2
Controversies .............................................................................................................. 3
Analysis of NYC Open Data ......................................................................................... 4
  Time and Day Frequency .......................................................................................... 4
  Trends in Individual Routes ....................................................................................... 5
AAA New York State’s Position .................................................................................... 10
Recommendations ...................................................................................................... 11
Appendix A – Revised Legislation ............................................................................... 13
Appendix B – Sources ................................................................................................. 18
Background

Since 2010, New York City has operated cameras that record vehicles violating bus lane restrictions. The City’s authorization to operate these bus lane cameras will expire on September 20, 2015, without legislative action.

AAA New York State has prepared this document to assist City officials and state legislators who will decide whether and how to extend authorization for the bus lane camera program. This report will provide background on the City’s experience with bus lane cameras and will conclude with a brief list of recommendations.

Part II of Chapter 59 of the Laws of 2010 authorized New York City to operate bus lane cameras and issue notices of liability to the owners of vehicles that violated bus lane restrictions.

The Vehicle and Traffic Law provides for certain restrictions on the program:

- The maximum fine was set at $115.¹
- The City can operate both fixed cameras and on-bus mobile cameras.²
- The City must install signs at regular intervals warning drivers that bus lanes are photo enforced.³
- Cameras can only be operated on weekdays between 7:00am and 7:00pm.⁴
- The only authorized corridors for bus lane cameras are Fordham Road (Bronx), First/Second Avenue (Manhattan), Nostrand Avenue (Brooklyn), 34th Street (Manhattan), Hylan Boulevard (Staten Island), and an undesignated route in Queens not exceeding 10 miles.⁵
- The City must complete a report that includes violation, revenue, expense, and adjudication data, as well as an analysis of the effect of bus cameras on bus speeds, reliability, and ridership, and submit such report to the Governor, Assembly Speaker and Temporary President of the Senate.⁶

The New York City Traffic Rules generally prohibit driving or standing in bus lanes, with certain exceptions.⁷ Drivers may enter bus lanes to:⁸

- Make the first available right hand turn where permitted into a street, private road, or entrance to private property.
- Approach the curbside space if the bus-only lane is not the curbside lane.
- Stop to expeditiously pick up or drop off passengers.⁹
- Avoid an obstacle in the roadway, except for temporary situations such as slow moving vehicles or sanitation trucks.
- Follow the directions of a law enforcement officer.

Senator Marty Golden and Assemblymember Nily Rozic have introduced companion bills¹⁰ that would renew the City’s authorization to operate bus lane cameras, allow the program to expand, and remove any reporting provisions. Expansion is particularly important to the City, given that it has already installed bus lanes that are not camera-enforced¹¹ and is planning additional routes.¹²

AAA New York State believes that legislative authorization to operate bus lane cameras should be extended but modified to maximize the fairness and effectiveness of the program.
Results from New York City’s Report

The state-mandated report\textsuperscript{13} summarizes the City’s experience with bus lane cameras:

\textbf{Implementation}

The City has used two types of bus lane cameras. A fixed unit is mounted above the bus lane and contains a camera that shows the license plate of the offending vehicle and another camera that shoots a wider video of the street.\textsuperscript{14}

The City had operated on-bus mobile cameras for standing violations. Because stopping in bus lanes is permitted, a violation was only issued if two buses witness the same vehicle at the same location. These cameras are no longer used.\textsuperscript{15}

\textbf{Violations}

When the report was published, the City had 44 active cameras. Between November 2010 and December 2014, the City issued 420,685 notices of liability. In 2014 alone, it recorded 188,415 violations.\textsuperscript{16}

\textbf{Budget}

The City has spent $3,349,372 in capital costs and spends $1,965,540 annually in operating costs on fixed cameras. It spent $505,251.03 on the defunct on-bus mobile camera program.\textsuperscript{17} Since the beginning of the program, it has earned $36,810,344 (approximately $87 per violation issued).\textsuperscript{18}

\textbf{Adjudication}

Of the notices of liability issued between November 2010 and November 2014, 11\% (48,279) were challenged; of those challenges, 21\% (10,232) were found not guilty.\textsuperscript{19} Without additional information, this unusually high rate of dismissal raises questions about the initial screening process. Oddly, this rate has increased from prior years. Between April 2011 and March 2012, only 17\% of challenges were dismissed. Typically, the rate of reversal would decrease as the program matures.

A partial explanation for the frequency of dismissals may lie in the controversies discussed on the following page. In response to community concerns, DOT has sometimes directed aggrieved motorists to plead not guilty via the normal adjudication process, where they would have a high likelihood of success.

\textbf{Bus Service}

On the Bx12, M15, M34/A, and S79 Select Bus Service routes,\textsuperscript{20} bus speed has increased between 13-23\%, ridership has increased between 10-12\%, and perceived reliability has increased between 9-73\%.\textsuperscript{21}

The “before” period is from 2008, before bus lanes were installed on most of the routes. Thus, it is difficult to isolate the impact of camera enforcement in the context of the overall SBS package (i.e. dedicated lanes, off-board fare payment, etc.). Observing the change in routes that currently have dedicated bus lanes but do not have authorization for camera enforcement will help determine this specific effect.
Controversies

The bus lane camera program has provoked various disputes. These controversies have been resolved by DOT, other City agencies, and elected officials, but exemplify the need to provide additional legislative safeguards to prevent problems before they impact drivers or reach the press.

- After cameras for the B44 Select Bus route on Nostrand Avenue were turned on in early 2014, it took approximately three months for notices of liability to arrive, allowing drivers to incur thousands of dollars in fines before becoming aware of any violation. Admittedly, the aggrieved motorists seemed to have committed the violations and deserved to be ticketed – but such a long time between the violation and notification is unreasonable and diminishes the deterrent effect of the cameras. To its credit, DOT ultimately dismissed all but the first fine on the Nostrand Avenue route between March 17 and July 25.22

- A camera on Hylan Boulevard and Garretson Avenue was alleged to be “entrapment” by various Staten Island officials because it ticketed a driver for not making an immediate right hand turn, even though doing so would have required the driver to travel the wrong way down a one-way street. A not-guilty plea was rejected by the City, and a subsequent appeal affirmed the initial decision.23 DOT later suspended operation of the camera, earning praise from the officials who initially protested its placement.24

- A camera on Richmond Avenue and the Pergament Mall Driveway seemed to induce violations because motorists failed to turn into a private driveway and instead proceeded to the next intersection.25 After complaints from drivers and elected officials, the camera was turned off less than a month after it was initially activated.26

- A Signature Bank branch complained that a camera on Hylan Boulevard and Hunter Avenue was ticketing its employees and customers for passing an intersection while preparing to make a right turn into its driveway. DOT responded that “a vehicle looking to enter [the bank’s] parking lot can enter the bus lane as soon as it has passed Hunter Avenue going northbound, providing enough distance to safely maneuver into the parking lot,” but the branch manager disputed that such a maneuver would be safe.27 After deliberation, DOT revised the relevant section of the New York City Traffic Rules to provide that a vehicle can be operated in a bus lane before making a right turn for up to two hundred feet – as long as such a distance does not constitute a full block. To comply with this rule, all cameras were updated to provide a wider and longer view of the street.

Before installing a dedicated bus lane, DOT engages in outreach by appearing at community boards and hosting workshops, attempting to alleviate concerns and incorporate suggestions from motorists, bus riders, and other road users. Nevertheless, it is conceivable that similar controversies will arise on new routes. While DOT has responded professionally to the aforementioned issues, it would be better to prevent them before they occur.
Analysis of NYC Open Data

New York City publishes extensive information about parking violations (including camera-issued infractions, which are treated as parking violations for adjudication and insurance purposes) on its Open Data website. Currently, statistics from Fiscal Years 2014 and 2015 are available, which means that the following data encompasses July 2013 through March 2015. This data reveals trends in bus lane camera enforcement.

Time and Day Frequency

The open data reveals the times and days of the week when infractions are most likely to occur.

The afternoon rush hour produces the most bus lane camera violations, with a steady increase from the 1:00 hour through the 6:00 hour. The City issues the most violations in the 6:00 hour by a large margin: nearly 10,000 more tickets were issued from 6:00-7:00 (49,205) than from 5:00-6:00 (39,219).

Camera enforcement provides little leniency at the start and end of operation each day. In the morning rush hour, 5,889 bus lane violations were recorded between 7:00am and 7:15am, 2,563 were recorded between 7:00am and 7:05 am, and 588 were recorded at exactly 7:00am. In the evening, 17,812 violations were recorded between 6:45pm and 7:00 pm, 8,342 were recorded between 6:55pm and 7:00 pm, and 1,847 were recorded exactly at 6:59pm. While the City ought to to use discretion in enforcing these regulations, motorists are advised to wait until the bus lane restrictions have clearly ended. If an in-vehicle clock reads 7:01 but may be a few minutes fast, a pragmatic driver should wait a few more minutes before driving in a bus lane rather than risking a $115 ticket.

The most bus lane violations occurred on Friday (68,554) and the least on Monday (49,271). The other three weekdays had approximately equal levels of violations – around 60,000.
Trends in Individual Routes

Bus lane cameras on First and Second Avenues have been operational since the beginning of the program, and have been largely successful in reducing violations. Across the corridor, violations have approximately halved. The M15 bus has increased its speed by 15%, in part due to camera enforcement.

An additional camera at Second Avenue and E 53rd Street was recently added in November 2014; it has not been included in the above table.

Curiously, the areas on First Avenue with the most violations are downtown and uptown, whereas the most violations on Second Avenue are in midtown. There is not a strong correlation between the number of violations and the average daily traffic, so it is likely that peculiarities of particular locations contribute to the pattern. Perhaps the spike at 63rd and 61st Streets results from bottlenecks near the Queensboro Bridge entrance and exit.

Second Avenue and E 45th Street is the only location in the entire bus lane camera program that did not produce a decrease in violations; it is not clear why this is the case. First Avenue and St. Marks Place was also relatively unchanged. DOT and MTA should investigate these locations – as well as E 23rd Street, where violations have been reduced significantly but still remain the highest in the corridor – to see if additional measures are warranted to prevent infractions and ensure a smoother flow of traffic for all.
Bus lane cameras on 34th Street were some of the first cameras installed and have been largely successful in reducing violations. Violations have more than halved at the three above locations with cameras still in place. The M34/A bus has increased its speed by 23%, in part due to camera enforcement.

Omitted from the above table is a westbound camera at E 34th Street and Madison Avenue, which was turned off in September 2014. The open data file shows that it had been operational at least since June 2013. The camera was deactivated due to construction in the area. The other westbound camera at 6th Avenue has been especially successful, with an 80% decrease in violations, but this decline was not mirrored at Madison Avenue. Despite having by far the most violations on the route to start with, the camera did not reduce violations and may have done the opposite:

It is unclear why this camera did not produce a deterrent effect, but the recent reactivation of the camera will allow for further analysis.
Bus lane cameras on Fordham Road in the Bronx (and its continuation on W 207th Street in Manhattan) were part of the first wave of cameras included in the 2012 report. They have markedly reduced bus lane violations, particularly in the westbound direction. The Bx12 bus has increased its speed by 20%.

Most locations reported a gradual but significant decline. However, two cameras have unusual patterns.

First, the Marion Avenue camera had a massive drop in violations, but it was not a linear decrease:

These are remarkable numbers – nearly 500 violations/day for two days in July 2013, well over 100 violations/day the next month, down to single digits the next two months, up to over 200 violations/day for the four winter months, and finally down to a consistently low level of no more than 3 violations/day since June 2014. One possible explanation for this pattern is the high level of black car activity in the area; black cars would quickly learn the location of the cameras. Another is the implementation of the Boro Taxi program, which could explain the spike in late 2013.

Additionally, a westbound camera at Third Avenue/Fordham University was deactivated due to construction between October 2013 and May 2014. From July-September 2013, it recorded 11 violations/day; since June 2014, it has recorded between 2-3 violations/day.
Bus lane cameras on Staten Island’s Hylan Boulevard (and the route’s continuation on Richmond Avenue) have been moderately successful. The S79 bus has increased its speed by 13-19%, in part due to camera enforcement.

Staten Island has been home to the most bus lane camera debate, as described earlier.

Based on the open data, the hubbub over the camera at Richmond Avenue and the Pergament Mall Driveway seems to have been justified. In only 11 days in late July and early August 2013, it recorded a whopping 5,451 violations – including two days with over 950 violations. It was turned off by August 12 and has not since been reactivated. A warning period would have been particularly effective for this camera, preventing motorists from being unjustly ticketed and allowing DOT to sort out any kinks without receiving negative publicity. The results of adjudications for this camera are not specifically known, though DOT officials believe that most violations were ultimately dismissed.

DOT turned the Garretson Avenue camera off by November 2014. The camera had actually been effective in deterring violations: from July-October 2013, it averaged 11 violations/day; during that same period in 2014, it recorded only 2 violations/day. Nevertheless, it seems that the camera could have been better placed.

A southbound camera at Old Town Road was not discussed in the press, but was turned off in May 2014 and has not been reactivated. DOT officials have indicated that the shutdown was based on confusion regarding a private driveway into the nearby Academy of St. Dorothy.
Bus lane cameras on Brooklyn’s Nostrand Avenue route were activated in March 2014 and have been extraordinarily successful in reducing violations. The route began with 134 violations/day – the most of any camera-enforced route – and now has 17 violations/day, an astonishing 87% decline. Each individual location has produced a reduction of greater than 70%. Data regarding bus speed, ridership, and reliability is not yet available.

DOT reasonably hypothesizes that violations began at such a high level because the bus lane was built as part of a capital project prior to the installation of bus cameras; some drivers became accustomed to and exploited a lack of enforcement by driving as if the bus lane were a traffic lane.

Nevertheless, the route still has the most bus lane violations of any camera-enforced corridor, despite having some of the lowest traffic levels. Six of the eight locations with the most violations/day are on the B44 route.

DOT should continue its efforts to reduce infractions. Once the bus statistics are released, it will be possible to determine whether additional enforcement, engineering, or educational measures are merited.
AAA New York State’s Position

The preponderance of the evidence leads to three primary conclusions:

- Bus lane cameras are generally effective in deterring motorists from violating bus lane restrictions.
- The success of bus lane cameras varies significantly across routes and intersections.
- Bus lane cameras are susceptible to misuse and controversy.

These three conclusions form the basis of AAA New York State’s position on bus lane cameras:

AAA New York State supports the use of bus lane cameras to enforce restrictions on bus lanes that have been installed with engineering justification and adequate community consultation, provided that any camera enforcement program is preceded by and supplemented with engineering measures, educational campaigns, and traditional law enforcement; cameras are operated fairly, without traps that induce accidental violations; a thorough evaluation of such program is regularly conducted and disclosed to the public; and the program successfully speeds buses and increases reliability.
Recommendations

AAA New York State has prepared an extensive, but not necessarily exhaustive, list of recommendations to help improve the fairness and effectiveness of the bus lane camera program as it expands to new routes:

Warning Period

The state should mandate, and the City should implement, a 14-day warning period for each new camera that is installed. This will allow for any issues with a particular camera or route, such as a location that induces inadvertent violations, to be addressed before motorists are unfairly ticketed and the City receives negative publicity for the problems. A warning period would have prevented the controversy surrounding the camera on Richmond Avenue and the Pergament Mall Driveway, thereby eliminating drivers’ headaches and reducing the resulting administrative burden on the City.

The City has already been implementing a warning period on its M60 route that traverses Manhattan’s 125th Street, which contains dedicated bus lanes in some sections. The City does not have state authorization to collect fines for camera-recorded infractions on that route, so warning notices have been mailed to those who would otherwise have received notices of liability. DOT plans to utilize similar warning periods for all new bus lanes that will be camera-enforced, and deserves praise for this policy change.

However, since DOT internal policy is subject to change, a legislative requirement for a warning period is the only way to ensure that this provision is enshrined in law and followed in the long term.

Statute of Limitations

The state should mandate, and the City should implement, a statute of limitations analogous to that of speed cameras: the City must mail the notice of liability within 14 days of the alleged violation for in-state residents and within 45 days for out-of-state residents. Speedy notification of a violation is a basic precept of due process, even when the accused is guilty of the underlying charge. DOT recognized this fact when it dismissed multiple Nostrand Avenue violations that were not received in a reasonable period of time while maintaining that those who would have been penalized did indeed commit the alleged violations.

Additionally, an expeditious mailing process enhances the deterrent effect of the cameras – receiving a notice of liability months after an infraction does not prevent infractions in the interim period. Many of the aggrieved drivers racked up hundreds of dollars in fines, implying that they committed many violations.

DOT fairly objects that its labor and financial resources may be insufficient to achieve this goal when the cameras are expanded to more routes. It argues that it makes a good-faith effort to review and process violations as quickly as possible given these constraints.

Accordingly, the City should disburse revenue earned from bus lane cameras first to the expenses associated with the cameras. It has already earned over $36 million from the program, and will certainly earn more when additional cameras are installed, so this request is not onerous. If motorists are committing many infractions, there will be funds available to satisfy a statute of limitations. If motorists are committing few infractions, less money will be needed to process violations.
Videotape

The state should mandate that videotape be required for any notice of liability to be issued. The City already uses video for its violations; it should be required to do so for future cameras. Video provides context that would implicate a guilty motorist or exonerate an innocent one.

Signage

The state should provide that it shall be a valid defense to a notice of liability for a bus lane violation that no “bus only” signs were installed on the block preceding the camera. Motorists should be adequately informed that a lane is a bus lane, particularly in the winter when pavement markings may be eroded due to snow and ice accumulation.

DOT states that this defense is already largely accepted; most administrative law judges will dismiss a violation if the defendant proves that no signs were erected. Current DOT policy provides that a three-foot “bus only” or “bus only & right turns” sign be installed on every block, with a ten-foot sign to the same effect installed once every 750 feet (approximately the distance of three Manhattan blocks). “Photo enforced” signs are placed regularly throughout the route. Therefore, based on DOT signage policy and the current practices at bus lane camera hearings, there should be no objection to codifying this defense.

If possible, given engineering standards and site-specific constraints, the City should install “bus only” signs or “bus only” markings on painted pavement such that videotape and/or images evidencing a bus camera violation will display the offending vehicle driving past such sign or marking. This will ensure that the videotape and/or images designated by the Vehicle and Traffic Law as prima facie evidence do indeed demonstrate that the violation occurred.

Reports

The state should maintain, not remove, the reporting requirements, and the City should post the report online. The most recent report has proven to be valuable: it has revealed that on-bus mobile cameras were removed, adjudications have an unusually high rate of dismissals, and the City has only collected $87 for each $115 violation issued. The expansion authorized by the current legislation makes the report all the more useful, since new cameras could bring new issues.

Given that Open Data provides ample violation data, AAA would accept streamlining the requirements to reduce the burden on DOT while still providing useful information to the public.

Adjudication/Violation Review

The City should study its violation-reviewing and adjudication processes to determine why so many hearings result in dismissal. In addition, the City should compile adjudication statistics for each location if possible, to help determine if any locations are especially problematic – particularly as it expands bus lane cameras to new routes.

It is possible that the high rate of dismissal – significantly higher than that of red light cameras (2.7% requesting hearing, 11% reversal) – is based on a few locations that were later deactivated. DOT should determine whether this is the case, and if it is not, evaluate measures to better screen out non-violations.
Appendix A – Revised Legislation

* § 1111-c. Owner liability for failure of operator to comply with bus lane restrictions. (a) 1. Notwithstanding any other provision of law, the city of New York is hereby authorized and empowered to establish a bus rapid transit demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with bus lane restrictions in such city in accordance with the provisions of this section. The New York city department of transportation or applicable mass transit agency, for purposes of the implementation of such program, shall operate bus lane photo devices only within designated bus lanes in such bus rapid transit demonstration program and on select bus service lanes in such city. Such bus lane photo devices may be stationary or mobile and shall be activated at locations determined by such department of transportation and/or on buses selected by such department of transportation in consultation with the applicable mass transit agency.

2. Any image or images captured by bus lane photo devices shall be inadmissible in any disciplinary proceeding convened by the applicable mass transit agency or any subsidiary thereof and any proceeding initiated by the department involving licensure privileges of bus operators. Any mobile bus lane photo device mounted on a bus shall be directed outwardly from such bus to capture images of vehicles operated in violation of bus lane restrictions, and images produced by such device shall not be used for any other purpose in the absence of a court order requiring such images to be produced.

3. The city of New York shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a bus lane photo device. Such measures shall include:

(i) utilization of necessary technologies to ensure, to the extent practicable, that images produced by such bus lane photo devices shall not include images that identify the driver, the passengers, or the contents of the vehicle, provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because an image allows for the identification of the driver, the passengers or other contents of a vehicle;

(ii) a prohibition on the use or dissemination of vehicles’ license plate information and other information and images captured by bus lane photo devices except: (A) as required to establish liability under this section or collect payment of penalties; (B) as required by court order; or (C) as otherwise required by law;

(iii) the installation of signage at regular intervals within restricted bus lanes stating that bus lane photo devices are used to enforce restrictions on vehicular traffic in bus lanes; and

(iv) oversight procedures to ensure compliance with the aforementioned privacy protection measures.

4. Within the city of New York, such bus lane photo devices shall only be operated on designated bus lanes that are select bus service lanes within the bus rapid transit demonstration program and only during weekdays from 7:00 a.m. to 7:00 p.m.

(b) If the city of New York has established a bus rapid transit demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of any bus lane restrictions that apply to routes within such demonstration program, and such
violation is evidenced by information obtained from a bus lane photo device; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of any bus lane restrictions; provided further that such owner shall not be liable for a penalty imposed pursuant to this section if such violation is evidenced by information obtained from a bus lane photo device that has been operational for less than fourteen days; provided further that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section if the block upstream from the camera did not display a plainly visible “BUS ONLY” sign, or another sign to the same effect.

(c) For purposes of this section, the following terms shall have the following meanings:

1. "owner" shall have the meaning provided in article two-B of this chapter.

2. "bus lane photo device" shall mean a device that is capable of operating independently of an enforcement officer and produces a videotape and one or more images of each vehicle at the time it is in violation of bus lane restrictions.

3. "bus lane restrictions" shall mean restrictions on the use of designated traffic lanes by vehicles other than buses imposed on routes within a bus rapid transit demonstration program by local law and signs erected by the department of transportation of a city that establishes such a demonstration program pursuant to this section.

4. "Bus Rapid Transit Phase I plan" shall mean the following five bus rapid transit routes as designated by the New York city department of transportation: Fordham Road, First/Second Avenue, Nostrand Avenue, Thirty-Fourth Street, Hylan Boulevard, and an undesignated route in the borough of Queens not to exceed ten miles. For purposes of the Fordham Road and First/Second Avenue routes, the authorization of this pilot program is limited to the designated bus lanes as mapped and posted on the official metropolitan transportation authority website as of June seventeenth, two thousand ten. Such designated bus lanes shall not be extended, shifted to another roadway or altered in any other way. Provided, however, that nothing shall prohibit the alteration or addition of any bus stops within such mapped routes.

5. "select bus service lane" shall mean a designated bus lane that includes upgraded signage, enhanced road markings, and minimum bus stop spacing, and may include off-board fare payment, traffic signal priority for buses, and any other enhancement that increases bus speed or reliability within the "Bus Rapid Transit Phase I" plan.

6. "bus rapid transit demonstration program" shall mean a pilot program that operates exclusively on select bus service lanes within the "Bus Rapid Transit Phase I" plan pursuant to this section. Provided, however, to utilize a bus lane photo device pursuant to this program, the roadway, except for the 34th Street and Nostrand Avenue bus rapid transit routes, must have at least two lanes of traffic in the same direction in addition to the select bus service lane up to twenty routes designated by the New York city department of transportation, in addition to the Bus Rapid Transit Phase I plan routes, that operate on designated bus lanes and that may include upgraded signage, enhanced road markings, and minimum bus stop spacing, off-board fare payment, traffic signal priority for buses, and any other enhancement that increases bus speed or reliability.
"designated bus lane" shall mean a lane dedicated for the exclusive use of buses with the exceptions allowed under 4-12(m) and 4-08(a)(3) of title 34 of the rules of the city of New York.

(d) A certificate, sworn to or affirmed by a technician employed by the city in which the charged violation occurred, or a facsimile thereof, based upon inspection of video tape and photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) An owner liable for a violation of a bus lane restriction imposed on any route within a bus rapid transit demonstration program shall be liable for monetary penalties in accordance with a schedule of fines and penalties promulgated by the parking violations bureau of the city of New York; provided, however, that the monetary penalty for violating a bus lane restriction shall not exceed one hundred fifteen dollars; provided, further, that an owner shall be liable for an additional penalty not to exceed twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability pursuant to this section shall not be deemed a conviction of an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(g) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of a bus lane restriction, within fourteen business days if such owner is a resident of this state and within forty-five business days if such owner is a non-resident; provided, however, that warning notices and not notices of liability shall be sent if such violation is evidenced by information obtained from a bus lane photo device that has been operational for less than fourteen days. Personal delivery to the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of a bus lane restriction, the registration number of the vehicle involved in such violation, the location where such violation took place including the street address or cross streets, one or more images identifying the violation, a link to a website where a videotape of the violation may be viewed, the date and time of such violation and the identification number of the bus lane photo device which recorded the violation or other document locator number.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the agency or agencies designated by the city of New York, or any other entity authorized by such city to prepare and mail such notification of violation.

5. Adjudication of the liability imposed upon owners by this section shall be by the New York city parking violations bureau.
(h) If an owner of a vehicle receives a notice of liability pursuant to this section for any time period during which such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of a bus lane restriction that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the parking violations bureau of such city.

(i) 1. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of a bus lane restriction, provided that:

   (i) prior to the violation, the lessor has filed with such parking violations bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

   (ii) within thirty-seven days after receiving notice from such bureau of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to such bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by such bureau pursuant to regulations that may be promulgated for such purpose.

  2. Failure to comply with subparagraph (ii) of paragraph one of this subdivision shall render the lessor liable for the penalty prescribed in this section.

  3. Where the lessor complies with the provisions of paragraph one of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

(j) If the owner liable for a violation of a bus lane restriction was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

(k) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of bus lane restrictions.

(l) If the city of New York adopts a bus rapid transit demonstration program pursuant to subdivision (a) of this section it shall submit a report on the results of the use of bus lane photo devices to the governor, the temporary president of the senate and the speaker of the assembly, and post such report on the website of such city, by April first, two thousand twelve and every two years thereafter. Such report shall include, but not be limited to:

   1. a description list of the locations and/or buses where bus lane photo devices were used;

   2. the total number of violations on each route recorded on a monthly and annual basis;

   3. the total number of notices of liability issued;

   4. the number of fines and total amount of fines paid after the first notice of liability;
5. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made;

6. the total amount of revenue realized by such city and any participating mass transit agency;

7. the quality of the adjudication process and its results;

8. the total number of cameras by type of camera;

9. the total cost to the city and the total cost to any participating mass transit agency; and

10. a detailed report on the bus speeds, reliability, and ridership before and after implementation of the bus rapid transit demonstration program for each bus route, including current statistics.

* NB Repealed September 20, 2015
Appendix B – Sources

1 VTL 1111-c(e)
2 1111-c(a)(1)
3 1111-c(a)(3)(iii)
4 1111-c(a)(4)
5 1111-c(c)(4)
6 1111-c(l)
8 4-12(m) Bus lane restrictions on city streets. When signs are erected giving notice of bus lane restrictions, no person shall drive a vehicle other than a bus within a designated bus lane during the restricted hours, except:
(1) to use such bus lane in order to make the first available right hand turn where permitted into a street, private road, private drive; or
(2) to approach to or leave the curbside space, unless standing or stopping at the curb is prohibited by sign or rule; or
(3) temporarily to enter or leave the bus lane for the purpose of and while actually engaged in expeditiously receiving or discharging passengers, except when such activity is prohibited by sign or rules; or
(4) to avoid an obstacle which obstructs the roadway and leaves fewer than ten feet of roadway width available for the free movement of vehicular traffic (except for temporary situations such as slow moving traffic and vehicles loading refuse; or
(5) to comply with the direction of any law enforcement officer or other person authorized to enforce this rule.
With respect to the exceptions in paragraphs one through four of this subdivision, a vehicle may not be operated in the bus lane during restricted hours for more than one block or two hundred feet, whichever is less. The preceding sentence does not apply where posted signs, markings or other traffic control devices indicate otherwise.
With respect to the exceptions in paragraphs two through five of this subdivision, a vehicle must exit the bus lane at the nearest opportunity where it is safe and legal to do so.
Notwithstanding any other provision of these rules, no person may drive a vehicle within a designated bus lane in a manner that interferes with the safety and passage of buses operating thereon. The same rights and restrictions that apply to vehicles pursuant to this subdivision also apply to horse-drawn vehicles and devices moved by human power.
9 4-08(f) General no standing zones (standing and parking prohibited in specified places). No person shall stand or park a vehicle in any of the following places, unless otherwise indicated by posted signs, markings or other traffic control devices or at the direction of a law enforcement officer: (4) Bus lane. In any lane designated for the exclusive use of buses.
4-08(a)(3) Standing prohibited. When standing is prohibited by signs or rules, no person shall stop a vehicle, attended or unattended, except temporarily for the purpose of and while actually engaged in expeditiously receiving or discharging passengers.
10 S.5608/A.7996
11 Such as E 125th Street in Manhattan and Webster Avenue in the Bronx.
12 Such as Woodhaven Boulevard and Jamaica-Flushing.
13 “New York City Bus Lane Camera Enforcement: 2015 Report, Program Review 2010-2014.” It is unclear whether this report is available online.
14 Ibid., page 4.
15 Ibid.
16 Ibid., 7.
17 Ibid., 4.
18 Ibid., 7.
19 Ibid.
20 Ibid., 8. The B44 does not have data provided ant the Bx41 and M60 are in bus lanes that are not camera-enforced.
21 Ibid.


https://data.cityofnewyork.us/City-Government/Parking-Violations-Issued-Fiscal-Year-2015/kiv2-tbus

There is incomplete data from June 2013 and April 2015.

The data is summarized in the table below:

<table>
<thead>
<tr>
<th>Time</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>7am</td>
<td>4326</td>
<td>4657</td>
<td>4833</td>
<td>4729</td>
<td>4491</td>
<td>23036</td>
</tr>
<tr>
<td>8am</td>
<td>4601</td>
<td>4988</td>
<td>4824</td>
<td>4872</td>
<td>5030</td>
<td>24315</td>
</tr>
<tr>
<td>9am</td>
<td>3637</td>
<td>4618</td>
<td>4223</td>
<td>4264</td>
<td>4387</td>
<td>21129</td>
</tr>
<tr>
<td>10am</td>
<td>1917</td>
<td>2380</td>
<td>2243</td>
<td>2304</td>
<td>2457</td>
<td>11301</td>
</tr>
<tr>
<td>11am</td>
<td>2360</td>
<td>2805</td>
<td>2531</td>
<td>2762</td>
<td>2730</td>
<td>13188</td>
</tr>
<tr>
<td>12pm</td>
<td>2117</td>
<td>2570</td>
<td>2492</td>
<td>2561</td>
<td>2739</td>
<td>12479</td>
</tr>
<tr>
<td>1pm</td>
<td>2062</td>
<td>2542</td>
<td>2801</td>
<td>2611</td>
<td>3355</td>
<td>13371</td>
</tr>
<tr>
<td>2pm</td>
<td>3463</td>
<td>4313</td>
<td>4377</td>
<td>4213</td>
<td>5152</td>
<td>21518</td>
</tr>
<tr>
<td>3pm</td>
<td>4198</td>
<td>5403</td>
<td>5765</td>
<td>5549</td>
<td>7398</td>
<td>28313</td>
</tr>
<tr>
<td>4pm</td>
<td>6137</td>
<td>7359</td>
<td>7619</td>
<td>7353</td>
<td>9543</td>
<td>38011</td>
</tr>
<tr>
<td>5pm</td>
<td>6467</td>
<td>7584</td>
<td>8222</td>
<td>7460</td>
<td>9486</td>
<td>39219</td>
</tr>
<tr>
<td>6pm</td>
<td>7986</td>
<td>9543</td>
<td>10076</td>
<td>9814</td>
<td>11786</td>
<td>49205</td>
</tr>
<tr>
<td>Totals</td>
<td>49271</td>
<td>58762</td>
<td>60006</td>
<td>58492</td>
<td>68554</td>
<td>295085</td>
</tr>
</tbody>
</table>

According to DOT officials. Open Data through March 2015 does not include any violations for this camera.