

## PART 581

### STATE UNIVERSITY COLLEGE AT OLD WESTBURY

(Statutory authority: Education Law, s 360)

Sec.

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#### Section 581.1 Introduction

(a) General. The following regulations are promulgated pursuant to the State University trustees' resolution 72-186, adopted August 17, 1972. The State University of New York College at Old Westbury provides facilities for vehicles for the sole purpose of conducting college business. The method of registering vehicles and the regulations governing their use on campus are stated below. The college assumes no liability for damage or loss to private vehicles, their occupants or contents while on college property. Parking and use of vehicles on campus without registration or permission from the college or in violation of this Part is prohibited. Drivers who require vehicles on campus in order to conduct business related to the college may obtain temporary permits enabling them to drive or park on campus, at the University Police Department. Temporary permits are governed by the regulations stated on the permits as well as those stated below.

(1) Driver responsibility. The person registering a private vehicle for use on campus is responsible for its operation, for payment of the applicable registration fee, and for any fines incurred during its presence on campus. The assignee of a State-owned vehicle is responsible for its operation and for any fines incurred during the period of assignment. By registering a vehicle for campus privileges, a person agrees to abide by traffic and parking regulations in force during such registration.

(2) Temporary instruction. Occasionally, special short-term conditions arise that may require suspending a portion of this Part or may require additional, temporary regulations and/or instructions. The Chief of University Police is authorized by the president to take such of these temporary actions as circumstances may dictate.

(3) Definition. The term motor vehicle as used in this part refers to every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Administration.

- (1) General. The trustees' resolution on traffic and parking adopted August 17, 1972 requires that campus rules and regulations on parking be approved by the college council and also be approved by the Trustees of the State University. Upon approval, the University Police Department has the responsibility of enforcing this Part.
- (2) The University Police Department is charged with developing and recommending policies for the management of the parking resources on the campus within the context of the total college community. The University Police Department annually reports to the president regarding parking policy and any recommendations for policy change.

(3) Traffic appeals

(i) A traffic appeals officer is appointed by the president.

(ii) The traffic appeals officer interprets the college motor vehicle regulations in those cases where clarification is required. The appeals officer shall make the determination on an appeal.

(iii) The traffic appeals officer is not mandated to consider the validity or wisdom of any of the campus motor vehicle regulations; these functions are the responsibility of the University Police Department. Suggestions or comments for the University Police Department may be forwarded through the Chief of University Police.

(4) University Police Department. The role of the University Police Department is primarily that of enforcement, except as otherwise specifically noted in this Part.

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

Section 581.2 Procedures

(a) Who may register.

(1) Any person associated with the college, including anyone employed by a third-party vendor and reports to work on campus, who operates a motor vehicle on campus must register that vehicle with the college. Vehicle registration entitles a person to drive on campus and to park in parking lots only; it does not guarantee a parking space. Each vehicle must be registered each academic year by the beginning of the initial semester of attendance. Vehicles may be registered online on the college website. Currently, there is a charge of \$16 per year for the first vehicle registered with the college. Up to two additional vehicles may be added at a cost of \$8 per vehicle. These charges are subject to change, based upon the costs of operating the vehicle registration program. Vehicles without the appropriate sticker that are subject to ticketing for violations of the college's parking rules will be subject to immediate towing from the campus at the owner's expense.

(2) Multiple registrations. A person may register more than one vehicle if it is for his or her specific use and the registration of the second vehicle bears his or her name or that of his or her spouse, domestic partner or parent. If a registrant is disciplined by revocation of campus parking privileges the revocation applies to all cars registered in his or her name.

(3) Transfer and replacement of permits.

(i) A parking permit is not transferable. If a permitted vehicle will bear a new registration, or if an existing registration will appear on a replacement vehicle, a new permit needs to be purchased following the aforementioned procedure.

(ii) A registration is valid until the next August 31st unless the vehicle changes ownership or the registrant severs his or her relationship with the college

(iii) If a vehicle is sold, transferred, or otherwise disposed of, it is urgent that the registrant notify the University Police Department immediately in writing with proof of same so that there will not be a charge for any violations incurred after the transfer date. Failure to do so may result in liability for violations incurred until such action is taken.

(b) Parking

(1) Where to park. Spaces and parking lot sections reserved for persons with special needs, Honors College students, police vehicles, day care drop-off and pick-up, service vehicles and construction personnel are restricted for use by the aforesaid persons at all times. Otherwise, registered vehicles may be parked in any unrestricted parking area.

(2) Permitted times. Vehicles are generally not permitted to be stored on campus. Exceptions may be requested in advance in writing to the University Police Department, explaining special circumstances that may exist for consideration. (For example, an international student returning to his/her country of residence during winter break but leaving a registered vehicle behind.)

### Section 581.3 Special regulations

#### (a) Restricted areas.

(1) Loading zones - deliveries. Each building on the campus and each dining hall is provided with a loading zone adjacent to the building. No parking is permitted in these loading zones except as specifically marked for State vehicles and for persons with special needs. "Standing" is permitted in loading zones while a delivery or pick-up is being made. Such "standing" is presumed to be short in duration and is not to exceed the period during which the vehicle is required to complete loading or unloading. After 15 minutes, all vehicles used for pick-up or delivery must be attended. An attended vehicle is defined as one with the driver helper, or a member of the college staff able to move the vehicle and in the immediate vicinity of the vehicle.

#### (2) Fire zones and fire lanes.

(i) Each loading zone is by definition a fire zone. Additional fire zones adjacent to a building may be established from time to time by Chief of University Police. Fire zones are areas, paved or unpaved, that permit firefighting equipment to come as close to the building as possible. They are also areas within 15 feet around a fire hydrant or a standpipe connection. No parking is allowed in a fire zone at any time except as defined above. Any vehicle parked in a fire zone is subject to towing at any time.

(ii) For purposes of traffic control, roadways on the campus are divided into two classifications: peripheral or arterial roads and access roads. An example of the former is the Ring Road around the college campus, in addition to Apple, Birch and Cherry Roads, hereinafter referred to as "A," "B," and "C" Gate Roads. An example of the latter is the narrow road leading to Empire State College, parking lot roadways and entrances to and exits from parking bays. All access roads are by definition fire lanes. Neither parking nor standing is permitted in a fire lane. While in general the college will attempt to mark all fire lanes and all fire zones, lack of such marking will not relieve a violator of responsibility for obeying this Part. All walkways on the campus are by definition fire lanes and similar restrictions apply.

(3) Walkways. Any paved way on the campus that is not defined as a roadway is by definition a walkway. No driving is permitted on any walk-way except under emergency

circumstances. Emergencies are presumed to refer to the need to bring fire, rescue, ambulance or police vehicles close to a building in order to safeguard lives or property. The use of walkways by vendors, any State service vehicle, and contractor personnel is explicitly forbidden. Where exceptional circumstances require vehicle access to a walkway, permission must be obtained in advance from the Chief of University Police on a case-by-case basis. Permission in one instance is not a precedent and does not carry over to like circumstances in the future.

(4) Dedicated spaces.

(i) From time-to-time various units of the college establish temporary dedicated parking spaces. These spaces are not considered official when they apply to individuals, whether identified by name or by title. The only dedicated spaces that have official sanction either temporarily or on a permanent basis are those established by the Chief of University Police.

(ii) All visitors to campus shall first stop at the University Police Department to obtain a temporary parking pass.

(b) Special vehicles.

(1) Service vehicles (general). The university enters into a number of service contracts. Contractors include those that service signal systems, computer companies that service data processing equipment, various elevator companies, the telephone company, and the like. Vehicles belonging to such contractors may be considered authorized State vehicles for purposes of special parking needs. All contractors must make an application to the Chief of University Police for special permits. In general, such permits will be issued only for a car that is

(i) clearly the property of the contractor, and

(ii) appropriately so marked on the outside of the vehicle. Such permits will be valid only for that period that the service person is on call and on duty in a given building. Under no circumstances are these to be considered parking permits. Proof of ownership by the corporation and proof of on-call status may be required by police officers charged with enforcing the traffic regulations. Requests for such permits must be submitted in writing on the company letterhead and signed by the responsible officer of the contractor. They should contain an adequate description of the vehicle(s) and the names of those individuals who may be driving the vehicle. Such requests should be submitted for validation to the college office responsible for monitoring the activity of the contractor. For instance, fire alarms and other signal systems should be validated by the University Police Department. Other contractors should obtain validation from the department that is the direct beneficiary of their services. If there is any uncertainty about the

beneficiary, the Chief of University Police is empowered to make a determination and request such validation from the appropriate unit.

(2) Service vehicles (vendors). Vendors that regularly provide direct services to the campus and use their own vehicles may also apply for special permits. Examples of these are vending machine contractors, laundry equipment contractors and the like. They must make application in each case in writing. If in the performance of the work, these contractors require access to a building through other than service areas, they must seek approval of the Chief of University Police and conform to the special conditions which will be indicated on the face of the permit.

(3) Salespeople. All salespeople who come to the campus on legitimate business may be given visitors' parking permits. Such permits will be in general valid for the day of issuance. Salespeople with special requirements, as for instance, heavy sample cases and the like, must request special permission from the Chief of University Police if they wish to park close to a building.

(4) Regulations governing the sale of food on campus by mobile vendors.

(i) No person may sell or distribute food or food stuffs on campus from any mobile vehicle, temporary stand, pushcart, or other similar item without the written authorization of the vice president for business & finance, or his or her designee. This shall not apply to individuals or companies contracting with the college or authorized agents on the campus, nor shall it apply to sales of food conducted over the telephone and completed by delivery on the campus.

(ii) Food vendors must obey all traffic regulations while on campus, and authorization for the use of the campus may be revoked for failure to comply with those regulations.

(iii) Upon applying for authorization any vendor must show compliance with all appropriate New York statutes governing the vending of food. The vendor must remain in compliance with those requirements whenever conducting business on campus.

(iv) A vendor must retain authorization from the vice president of business & finance at all times while on campus for the purpose of selling food. If convenient, the authorization should be displayed and must be shown upon the request of any University Police officer or other college official.

(v) A vendor may be required by the college to leave a specific area or to leave campus at any time for good reason, and any area of the campus or the entire campus may be closed to vendors for good reason.

(vi) Written authorization shall be valid from the date of approval until June 30 next, except that the college may revoke that authorization at any time for failure to comply with college regulations. No authorization shall be valid for more than one year. Motor vehicle registration may be obtained upon presentation of the valid authorization and completion of other parking or traffic requirements.

(vii) The college reserves the right at any time to require vendors or any individual vendor to submit to a medical or health examination, either in compliance with State or local requirements. Refusal to submit to such an examination shall be grounds for revocation of any authorization or for not granting authorization.

(viii) No vendor may discriminate against any person on the basis of race, color, creed, religion, gender, gender identification, sexual orientation, or appearance either in employment or in the conduct of their business.

(ix) If a permit is revoked, no new permit may be issued until one year after the original expiration date of the original report.

(x) The college reserves the right to alter or revoke this Part at any time.

(5) Construction vehicles.

(i) Parking. All cars operated in connection with a construction project on the campus and belonging to contractor personnel are required to observe campus traffic regulations. Such cars still need to register with the University Police Department and, to the extent possible, should park in an area physically separated from other campus parking areas.

(ii) Operations. Vehicles making deliveries to a contractor site may not park in roadways for loading or unloading or for the operation of special equipment without prior written approval of the Chief of University Police. Such written approval will have stated the special conditions under which such vehicles may park or stand in roadways. The approval must be in the vehicles at all times, available to inspection by University Police officers. Failure to present such a permit on demand will subject the driver to the appropriate citation. Contractor vehicles may not drive on walkways except under the conditions outlined elsewhere in this Part.

(6) Motorcycles. Motorcycles are subject to the same restrictions as all other vehicles. Motorcycles may not be driven on walkways, nor may they be parked close to buildings.

(7) All Terrain Vehicles. All two, three and four wheel vehicles fitting the definition of all-terrain vehicles are prohibited from campus as governed by the New York State Vehicle and Traffic Law.

(8) Snowmobiles. All snowmobiles are prohibited from being operated on campus.

(9) Bicycles. Bicycles are permitted to be operated on campus in a manner consistent with the New York State Vehicle and Traffic Law and must follow all of the rules of the road and all traffic control devices, including but not limited to all stop signs, and are specifically prohibited from riding more than two abreast.

(c) Special Operations.

(1) Persons with disabilities. Members of the university community who have a disability and a corresponding municipality-issued accessible parking permit may park in any of the reserved spaces set aside on campus for those who require special access. Requests for special parking privileges by individuals with a temporary disability must be validated by the Office of Student Health. All such validations shall carry a specific time limitation indicating the expected termination of the disability. Such permits are then issued by the University Police Department, and are not renewable, except on recertification by the Director of Student Health.

(2) Visitors. Visitors to campus may be issued a daily parking permit at the University Police Department. These permits are valid only for the day of issue. If the visitor to the campus must be here on a regular basis, it is recommended that the visitor apply for and purchase a regular campus parking permit. Students/faculty/staff are financially responsible for any parking violations incurred by their guests while on campus.

(3) Construction operations. When, in the course of necessary work under a construction contract, a maintenance contract, or campus maintenance work, it is necessary to break a roadway, the contractor shall obtain written clearance from the Chief of University Police not less than six working days before the date on which the work is to start. The contractor should make the request through appropriate channels and final permission from the campus should be requested by the representative of the State University construction fund, with the endorsement of the campus facilities and capital planning offices.

(4) Disabled vehicles. Any operator of any vehicle on campus who finds that the vehicle is disabled and that the car must remain on the campus for an unspecified time must immediately



notify the University Police Department of this fact. Vehicles without license plates parked anywhere on the campus are subject to instant towing and impounding. If a student or member of the staff is forced to remove a license plate in order to re-register a car, he or she may notify the University Police Department of that fact and arrange with them to have the car brought to an area for safekeeping.

#### Section 581.4 Enforcement and control

(a) General. Parking on the campus is controlled by this Part, provisions of the Vehicle and Traffic Law, and orders of the Department of Transportation. No part of the campus motor vehicle regulations may be abrogated or mitigated by any official of the college without appropriate clearance through the Chief of University Police. The Chief of Police may make recommendations to the president and such changes and amendments may be made by the college council with the approval of the trustees. Statements by college employees, if made in error, regarding the suitability of parking in a certain area will not relieve the driver of responsibility. Similar strictures apply to notes left on windshields or inside the car. If extraordinary emergency circumstances arise the driver is advised to call the University Police Department and ask for assistance.

(1) Summary regulations. The Vehicle and Traffic Law shall apply upon such premises notwithstanding any references in such to public highways, streets, or sidewalks. Orders of the Department of Transportation heretofore or hereafter promulgated for State University shall continue in full force and effect. A complaint regarding any violation of the Vehicle and Traffic Law, and Department of Transportation order or any traffic ordinance applicable on such premises shall be processed in accordance with the requirements of applicable law.

(i) All motor vehicles operated on campus must be registered with the college.

(ii) Vehicles may be parked only within the lines designated a parking space whenever provided.

(iii) Vehicles may not be parked in any area other than one designated for parking.

(iv) Vehicles may not be operated except on authorized roadways or parking areas.

(v) Vehicles must be operated in such a manner as not to endanger or injure pedestrians, property, or other vehicles and drivers.

(vi) Vehicles may not be operated beyond posted speed limits. No person shall drive a vehicle on university streets, roads or highways at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing,

but in no event shall a person drive a vehicle in excess of 30 miles per hour unless a different speed is authorized and indicated by the university or the Department of Transportation.

(vii) Vehicles may not park or stand in such a way that traffic, walks, hydrants, fire lanes, or college operations are obstructed. Parking is prohibited on all campus roads at all times, including access roads and service roads.

(viii) Drivers on campus must obey all State and college regulations and all provisions of the State Vehicle and Traffic Law, posted signs, and the directions of college personnel who have been delegated the responsibility for traffic regulations, parking supervision, and the safety of persons and property on campus.

(ix) Vehicles that are inoperative, abandoned or are stored on campus are subject to removal at the owner's expense.

(2) Schedule of penalties.

(i) Section 560.3 of the trustees' regulations permits the college council to set the fines for violation of campus motor vehicle regulations within designated limits. Accordingly, the following schedule of penalties is hereby established.

<u>Violation</u>	<u>Penalty</u>
Parking within 15 feet of a fire hydrant or a standpipe connection	\$35
Parking in a fire zone or fire lane	\$35
Parking in a no parking zone	\$25
No campus parking permit displayed	\$25
Parking out of stall	\$25
Parking in an Accessible parking area	\$100
All other campus motor vehicle regulations	\$25

For second offenses, add \$20 to the base fine, for the third and subsequent offenses, add \$40 to the base fine.

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

(iii) Unpaid fines may be deducted from the salary or wages of an offending officer or employee of the university.

(iv) In the case of students, unpaid fines may be added to their Bursar accounts, and grades and transcripts may be withheld until all fines are paid.

(v) Fines shall be deposited in the State University income fund.

(vi) Motor vehicle registration and campus parking privileges shall be revoked for the balance of the academic year upon the finding that 6 or more parking violations have been incurred during an academic year.

Penalties for violations of the Vehicle and Traffic Law shall be set by the respective traffic court to which offenders shall be summoned (County of Nassau, Village of Old Westbury, Village of Brookville, or Town of Old Oyster Bay) according to the geographical location of the campus where the offense occurred.

(b) Enforcement activities ~~§ 560.3~~

(1) Ticketing.

(i) Police officers are authorized to issue traffic summonses to any vehicle found in violation of traffic and parking regulations.

(ii) A vehicle operator who receives a summons for an infraction of the campus regulations stated above may file an appeal.

(iii) In accordance with the Trustees' regulations which govern vehicular and pedestrian traffic and parking upon the highways, streets, roads and sidewalks owned, controlled or maintained by the State University of New York and in conformity with section 560.3(d) of this Title, the college council has mandated that the following enforcement procedures shall be in effect:

(2) 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.

(i) The complaint shall be subscribed by the officer witnessing the violation and served upon the alleged violator or attached to the vehicle involved.

(ii) The complaint shall indicate the amount of the fine assessable for the violation and advise that if the person does not dispute the violation, fines may be paid at the Bursar's Office of the campus within seven days. The complaint will also notify the violator that the fine schedule is larger for repeat offenders as noted above.

(iii) The complaint shall recite that an appeal may be filed within seven days after service of the charges by mail or by appearing in person at the University Police Department.

(3) In cases when an appeal is filed, the traffic appeals officer shall file his/her decision (guilty or not guilty) with the University Police Department, which shall then communicate that decision to the complainant.

(4) Vehicles that have four or more unresolved parking tickets may be declared a Scofflaw and towed at the owner/operator's expense. Such vehicles will be released only after the parking tickets have been resolved. The towing and storage expenses will be the obligation of the owner/operator of the vehicle. Nothing in this paragraph will prohibit the University Police Department from towing a vehicle that has been determined to be abandoned or is parked in such a manner as to create a dangerous condition, mandating its immediate removal.

#### Section 581.5 General.

(a) University Police Officers are available to answer questions about this Part, about procedures under them, or about particular problems (e.g., Disabled cars, borrowed cars, temporary permits, special loading problems). Call or visit the University Police Department for assistance in any of these matters. The telephone number of the University Police Department is 516-876-3333 or 876-3334. The University Police Department is located in a stand-alone building next to the Student Union.

(b) A copy of the Campus Motor Vehicle Regulations is available on the college's website and is available to everyone who registers a vehicle with the college. The college presumes that all persons have read these and no plea of ignorance will be entertained.