



**Department of
Motor Vehicles**

PRE-LICENSING COURSE STUDENT'S MANUAL

**A Course Outline Prepared by the New York
State Department of Motor Vehicles**

TABLE OF CONTENTS

Foreword	4
Unit I	Introduction to the Pre-Licensing Course.....	5
	Introduction	5
	Pre-Licensing Course Completion Certificate (MV-278)	5
	Rules for Persons with a Learner Permit	5
	Probationary Period for New Licensed Drivers.....	6
Unit II	The Task of Driving Within the Highway Transportation System.....	7
	Introduction	7
	Driving as a Social Activity.....	7
	The Highway Transportation System.....	8
	Characteristics of a Safe Driver.....	8
Unit III	Driver Habits and Skills.....	9
	Introduction	9
	Defensive Driving	9
	Blindspots.....	9
	“Space Cushion System”	10
	Communicate with Other Highway Users	10
	SEE SM Strategy	11
	Right-of-Way Rules.....	12
	Driving Procedures for Intersections, Turns, and Lane Changes.....	13
	Expressway Driving.....	13
	Driving on One-Way Streets.....	13
	Backing Up a Vehicle.....	13
	Passing Other Vehicles.....	14
	Being Passed.....	14
	School Buses	14
	Traffic Signs	15
	Traffic Signals.....	15
	Pavement Markings.....	16
	Traffic Officers.....	16
	Work Zone Safety.....	17
	Distracted Driving.....	18
	Reaction Time and Distance, Stopping Distance, and Covering the Brake .	19
	Hydroplaning	20
	Other Highway Users.....	22
	Fatigue, Drowsiness and Driving.....	23
	New York State Safety Belt Law.....	24
	Sharing the Road with Large Vehicles.....	26
	Cell Phone Use	27

TABLE OF CONTENTS (continued)

Unit IV	Feelings, Attitudes, and Taking Risks.....	30
	Introduction	30
	How Feelings Influence Our Actions as Drivers	30
	How Attitudes Influence Our Actions as Drivers.....	30
	Calculated and Impulsive Risks.....	31
	The Graduated Driver Licensing Law	32
	Road Rage.....	35
	Aggressive Driving.....	36
	Road Rage Charges and Penalties	36
	The Influence of Fatigue and the Use of Alcohol and Other Drugs	37
Unit V	Alcohol, Other Drugs and Driving	38
	Introduction	38
	“Alcohol” and “Drug” Defined.....	38
	Why Do People Drink or Use Drugs and Drive?.....	38
	Physical and Psychological Effects of Drinking Alcohol and Using Drugs ...	39
	How to Compute Blood Alcohol Content (BAC)	40
	Chemical Testing and Implied Consent	41
	The Driver Responsibility Assessment (DRA).....	41
	The “Zero Tolerance” Law.....	42
	“Leandra’s Law”.....	43
	V&T Laws Regarding Driving Under the Influence of Alcohol or Drugs	44
	Penal Laws Regarding Driving Under the Influence of Alcohol or Drugs ..	47
	The High Risk of Using Other Drugs.....	48
	Making Wise Decisions to Promote Safe Driving	49
Appendix A	Recent Laws and Highway Safety Concerns	50
	School Bus Safety Awareness	50
	Pedestrian and Bicycle Safety.....	54
	Motorcycle Awareness.....	62
	Right-of-Way	65
	Distracted Driving	65
	Safety Technology Developments.....	66
	Roundabout	68
Appendix B	Common Drugs and Their Effects	70

FOREWORD

The purposes of the New York State Highway Safety Program are to prevent crashes, save lives, and reduce serious injuries. Enforcement of traffic law, along with public information and instruction, continues to be the foundation of the Highway Safety Program.

The New York State Department of Motor Vehicles (DMV) uses the Pre-Licensing Course to train new drivers and provide them with information to help them drive safely. The Pre-Licensing Course provides instruction about traffic law, the “rules of the road”, safe driving standards, and defensive driving techniques. The course gives information about the effects of alcohol, drugs, and other current highway safety problems.

The Pre-Licensing Course teaches the safe driving skills needed to safely share the road. This instruction can reduce traffic violations and crashes by new drivers and decrease the risks for all users of state roadways.

More information about safety and licensing requirements are found at the DMV website dmv.ny.gov and the Governor’s Traffic Safety Committee website trafficsafety.ny.gov. Visit both sites for additional information to improve your instruction.

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

Introduction

The purpose of the Pre-Licensing Course is to help new drivers:

- know their responsibilities,
- understand the “rules-of-the-road”,
- drive safely and use techniques to avoid crashes,
- understand why occupant protection devices are needed to protect the driver and passengers from possible injury, and
- recognize the risk of driving when tired or after the consumption of alcohol or other drugs.

Pre-Licensing Course Completion Certificate (MV-278)

The Pre-Licensing Course Completion Certificate (MV-278) will be given to you at the completion of the course. This certificate is needed to schedule a road test. A valid MV-278 and learner's permit must be given to the Motor Vehicle License Examiner when you appear for the road test. The MV-278 certificate is valid for one year from the date of issuance. The certificate is not renewable. If you lose the certificate, you can get a duplicate from the school you attended.

Rules for Persons with a Learner Permit

A person with a learner permit may not drive:

- unless accompanied by a supervising driver who is at least age 21 and has a license valid to operate the vehicle the permit holder is driving.
- in a DMV road test area.
- on any street within a park in New York City, or any bridge or tunnel under the jurisdiction of the Triborough Bridge and Tunnel Authority.
- on the Cross County, Hutchinson River, Saw Mill River, or Taconic State parkways in Westchester County.

See the Driver's Manual and DMV website for information about the regional restrictions applicable to your area of the state.

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

Probationary Period for New Licensed Drivers

- Any driver's license, including a license received after a revocation, is considered probationary for six months following the date of issuance. This probationary period does not apply to class DJ or MJ licenses. Refer to the section "General Restrictions for Junior Drivers" found in Unit IV of this manual for information about this topic.
- While a driver is on probation, a conviction for any of the following can cause the license to be suspended for 60 days:
 - speeding;
 - reckless driving;
 - following too closely;
 - participating in a speed contest;
 - use of a mobile telephone (like a cell phone);
 - use of portable electronic device (like a smartphone, GPS or MP3 player);
or
 - two other traffic violations

When the suspension ends, there is a second six-month probation period.

- A conviction from the list above, or two other moving violations during probation, can cause a driver's license to be revoked for six months. When the revocation ends, the driver must reapply to DMV for a license. If the driver is relicensed, the driver will serve another six-month probation period.

Aside from the penalties listed, a motorist can be subject to a Driver Responsibility Assessment (DRA). The DRA is set when you:

- receive six or more points on your driving record within an 18-month period, and/or
- are convicted of any alcohol or drug-related driving offense, or
- refuse to submit to a chemical test.

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

Introduction

Being a safe driver begins with an understanding of the Vehicle and Traffic Law. You cannot drive as an isolated person on the highways, you must share the road with other vehicles and pedestrians. Additional information may be found in Appendix A.

The purpose of the Highway Transportation System is to move products and persons efficiently, safely, and at a lower cost. Improvement to the System is made through the modification of its separate parts:

- the environment
- the vehicle
- the driver
 - The environment is improved by the standardization of traffic controls and laws, and by the construction of limited access highways.
 - Vehicles have more safety devices, which reduce the risk of injury and death.
 - Better licensing procedures, driver safety programs, and legislation that deals with repeat offenders have all been designed to help the driver.

The driver remains the key part of the Highway Transportation System.

Driving as a Social Activity

Any activity where two or more people interact is referred to as a social activity. These activities are normally controlled by rules designed to protect each person. For example, ice skating is a social activity in the entertainment system; driving is a social activity in the highway transportation system. To skate, you need skates (equipment), ice (environment), and skaters (persons who know how to operate in the system). To drive, you need the same parts: equipment (vehicle), environment (roads), and drivers (persons who know how to operate in the system).

Social activities require that we trust that other persons know the rules, and that each person follows the rules. When driving, no person should use faulty equipment that can damage the road and cause another to crash. If another driver does not know, understand, or follow the accepted rules of behavior in the highway transportation system, crashes can occur.

In driving, the following rules of behavior apply:

- Maintain a comfortable space between you and others.
- Prevent collisions.
- Let people know your intentions.

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

The Highway Transportation System

The Highway Transportation System (HTS) has many parts. The environment includes the road, the weather, other motor vehicles, bicycles, pedestrians, obstructions, visibility and lighting conditions. Additional information may be found in Appendix A. Vehicles are different from each other based on type, age and condition. Drivers are different from each other in many ways, like age, sex and fitness levels. While drivers cannot control the weather or the actions of other drivers, drivers can control their own behavior.

Driving requires trust and the ability to predict the actions of others. Drivers trust that their cars will operate properly. They trust the road is in good shape, weather conditions are good and other drivers drive safely. A vehicle failure, a change in the weather or traffic, or the failure of a driver to obey the traffic laws can increase the possibility of a collision.

The most important part of the HTS is the driver. Drivers are responsible for more than 90 percent of all collisions, while other parts of the HTS are responsible for the balance. The driver is the least predictable part. Yet, the driver is the only part that can respond to changing conditions.

Characteristics of a Safe Driver

To be a safe driver, each driver must have the following characteristics:

Physical fitness - the ability to use the body to operate the vehicle.

Mental fitness - the ability to correctly respond to the information the driver encounters while driving.

Driving skills - behind-the-wheel experience.

Knowledge - information a driver can use to safely operate a vehicle.

Good driving methods - combinations of driving actions a driver has repeated enough that they are done automatically.

Emotional fitness – the driver’s ability to control the effects of emotions on driving performance.

Courteous attitude - showing consideration for other drivers.

UNIT III: DRIVER HABITS AND SKILLS

Introduction

Safe driving depends on learning skills and safe driving habits. A driving habit is an action taken regularly. An example of a safe driving habit is when a driver wears a safety belt. A driving skill is the driver's ability to use knowledge correctly and quickly. An example of a good driving skill is using the "three-second" rule to maintain a safe distance behind another vehicle.

Defensive Driving

A person drives defensively by driving carefully to prevent crashes, adjusting for other drivers and allowing for changes in the highway environment.

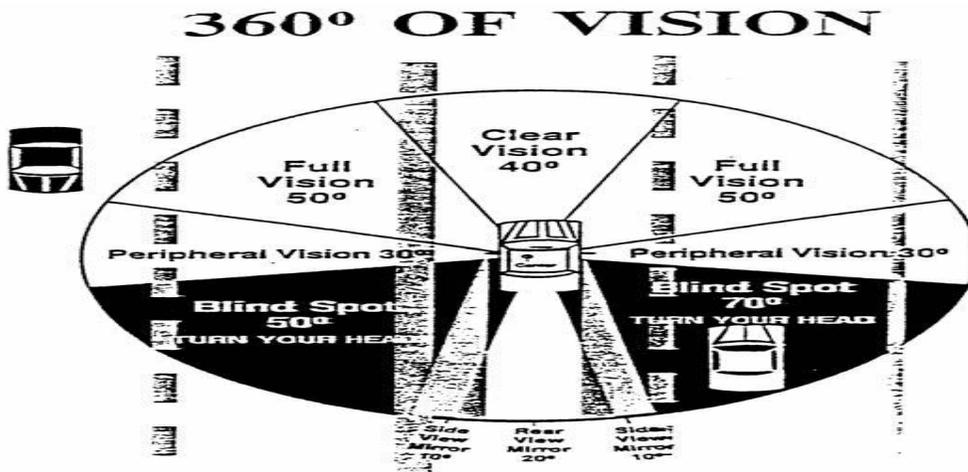
Drivers can prevent crashes by:

1. using their senses to create good perceptual skills,
2. making correct decisions and acting accordingly,
3. driving carefully to reduce errors,
4. adjusting for the lack of skills or bad attitudes of other drivers,
5. allowing for changes to the weather and road conditions or the actions of pedestrians and other drivers,
6. conceding the right-of-way to prevent a crash,
7. recognizing a condition that can cause a crash before the crash can occur,
8. wearing a seat belt, to keep behind the wheel where they can control the vehicle.

Blind Spots

To drive correctly in bad conditions, you must first see the hazard. You will not see the hazard if your vision is blocked by a blind spot. When you use your mirrors, two blind spots occur on the left and right sides near the back of the vehicle. You must turn your head to make sure there are no objects in the blind spot before you move the vehicle. All mirrors have blind spots.

When you see a hazardous condition, you need to decide if the hazardous condition is a threat.



UNIT III: DRIVER HABITS AND SKILLS

“Space Cushion System”

All drivers need to use their vision to see the traffic scene, and to search for any problems or possible collisions. If you only see what you expect to see, you will not see anything unexpected. For example, crashes between two-wheeled vehicles and cars are often the result of the driver not “seeing” the motorcyclist or bicyclist. Another example is a driver who travels over a railroad crossing every day, but never sees a train. Eventually the driver may not look for a train. The defensive driver is always prepared for the unexpected to occur.

One system of defensive driving advises you to maintain a cushion of space between your vehicle and other vehicles. The “**space cushion system**” of driving follows these five steps:

1. Look ahead and be careful of possible hazards. If visibility is poor, you can slow down to give you and your vehicle more reaction time and distance to stop. For example, on a clear day you can see farther (1,320 feet) than you can on a foggy day (100 feet).
2. Get the big picture. Look at both sides of the highway.
3. Keep your eyes moving. Use scanning techniques.
4. Leave an out. Plan where you will steer or leave space to stop.
5. Make sure other highway users see you. Always use the directional signals when you change lanes or turn and make eye contact with other highway users.

Practice these steps and maintain a safe following distance so you have the space and time you need to respond to most emergency conditions.

Communicate With Other Highway Users

Communicate your intentions to other highway users, let them know what you plan to do. There are many methods you can use to communicate your intentions to other highway users. The most common method is to use your directional signals. In a potential emergency situation, you can communicate your intentions by using your horn. When you use these devices, you communicate your intentions to other drivers and make your intentions more predictable. Other ways to communicate your intentions include using hand signals, lane positioning of your vehicle, headlights and eye contact. Also, emergency flashers (known as hazard lights or four-way flashers) can be used to warn other drivers of slow-moving or disabled vehicles.

Proper use of signals helps other drivers better anticipate your intentions. Many vehicles now have daytime running lights. If your vehicle does not have daytime running lights you can use your headlights during daylight hours to make your vehicle more visible. Be careful not to do anything that can make your intentions unclear.

UNIT III: DRIVER HABITS AND SKILLS

SEESM Strategy

Drivers can improve their decisions by following the Motorcycle Safety Foundation's SEESM strategy: a three-step process that helps drivers analyze their surroundings, consider possible problems, and make correct judgments.

- **Search**
- **Evaluate**
- **Execute**

Search

Search ahead, to the sides, and behind, to identify conditions that can increase risks and to prevent possible hazards before they occur. How you search and the time and space you have to react can improve your response to dangerous conditions. When you search ahead you can find information that will help you make good driving decisions. Check your mirrors frequently and use head checks to monitor blind spots. Focus on finding escape routes in or around intersections (where there can be limited visibility), shopping areas and school or construction zones.

Search for conditions like:

- **Oncoming traffic** that may turn left in front of you
- **Traffic** that comes from the left or the right side
- **Traffic** that comes from behind
- **Hazardous** road conditions

Be alert in areas with limited visibility. Busy locations can hide you from other motorists.

Evaluate

Know how hazards can create risks. Consider possible problems and have a plan to reduce risks. Evaluate possible problems and make plans to address things that can occur. Do not think of evaluating as guessing, think of evaluating as reading the conditions to reduce the risk of collisions.

Hazards to watch for:

- **Road and surface characteristics** – potholes, guardrails, bridges, location of telephone poles, streetlights and trees
- **Traffic control devices** – Look for traffic signals, regulatory signs, warning signs and pavement markings, to help you evaluate the circumstances ahead
- **Other vehicles and pedestrians** – Other vehicles and pedestrians can move into your path and increase the possibility of a crash

UNIT III: DRIVER HABITS AND SKILLS

Execute

Carry out your decision to decrease risks.

To create more space and reduce harm from any hazard you should:

- **Communicate** your intentions with directional signals, lights or your horn
- **Adjust your speed** – increase speed, stop, or slow down
- **Adjust your position** or direction, change lanes if necessary

An example of SEESM:

A motorist sees a bicyclist travel on the same side of the road and go in the same direction as the motorist. Because a bicyclist can swerve into the roadway to steer clear of a hazard, a driver must cautiously scan the highway. The driver must be ready to brake if necessary, or move to the left side of the lane or changes lanes.

Right-of-Way Rules

1. A driver approaching an intersection must yield the right-of-way to traffic lawfully using the intersection.
2. If two drivers approaching from opposite directions reach an intersection at the same time, a driver turning left must yield the right-of-way.
3. When two or more drivers arrive at STOP signs at the same time and they are at a right angle to one another, the driver on the left must yield the right-of-way.
4. A vehicle entering a roadway from a place that is not a roadway (i.e. a driveway) must yield the right-of-way to traffic on the roadway.
5. Drivers must yield to pedestrians who are legally using marked or unmarked crosswalks.
6. A driver must not enter an intersection if the traffic ahead is backed up and it is impossible to get completely through the intersection. The driver must wait until traffic ahead clears, to avoid blocking the intersection.
7. A driver who enters a traffic circle must yield the right-of-way to drivers already in the circle.
8. Drivers must pull over and stop for an emergency vehicle, even if the emergency vehicle approaches from the opposite direction.
9. Drivers must stop their vehicle before they reach a school bus with red “cross-over” lights displayed. Drivers can proceed when signaled by a police officer or the school bus driver. Otherwise, each driver must wait until the bus begins to move again, or when the “cross-over” lights are turned off.
10. When you have the right-of-way, it is not a complete right. You must be prepared to yield the right-of-way to other highway users. Rather than risk a crash wait a few seconds for the other driver.

UNIT III: DRIVER HABITS AND SKILLS

Driving Procedures for Intersections, Turns, and Lane Changes

Most crashes occur at intersections. Some drivers do not know or have not practiced safe driving habits or skills at intersections. Below are some important rules to know and follow.

1. Stop signs and red lights. You must come to a full stop before you enter a crosswalk. You must yield the right-of-way to vehicles and pedestrians in the intersection. Continue when it is both safe and legal.
2. Right turn on red. If right on red is not permitted, a sign located on the right side of the road will advise you of this fact. Sometimes an additional sign is next to the traffic light. When right on red is permitted, drivers must stop completely and follow the rules described in #1.
3. Arrow traffic light. The arrow indicates lane position. The color of the arrow indicates whether the driver can proceed.
4. Lane positioning. Vehicle position prepares you to make a maneuver and communicates your intentions to other drivers. For example, when you make a left turn from a one-way street, you are to position your vehicle in the furthest left lane. When you make a right turn, position your vehicle three to five feet from the right curb.
5. Left turn from a middle lane. Many roads now have a middle lane for drivers to use to make a left turn. This lane was created to let traffic continue without interruption. The middle lane permits a driver to wait for a gap in traffic to make a left turn.

Expressway Driving

An expressway entrance ramp is normally used to accelerate to the correct speed. This is not the case if there is a stop sign, yield sign or traffic light on the ramp. After you enter the expressway, you must make a lane change to blend in with traffic.

When you enter or exit a highway, or change lanes, you must allow enough space between your vehicle and other vehicles. You must only merge when you can maintain a space cushion in front of and behind you. A cushion of at least 2 seconds between your vehicle and the vehicles in front of and behind you is recommended. In heavy rain or snow, you need to allow additional space between you and other vehicles.

Exit ramps are used for slowing down. Unless the exit ramp is short, do not apply the brakes while on the expressway. When you are on the exit ramp, slow down.

Driving on One-Way Streets

Most drivers use little of their time driving on one-way streets. That is why the ability to identify a one-way street is important. Besides the "one-way" sign, other indicators that you are on a one-way street are the regulation signs on the left and when all the cars parked on the street are facing the same way.

Backing Up a Vehicle

To back up a vehicle safely, you need to first shift into reverse. Before you move backward turn your head and look in the path the car will move, then turn the steering wheel in the direction you need the vehicle to go. To make sure there are no objects in your way, glance to the side and into the mirrors. Other vehicle equipment can be helpful too, such as rearview cameras and sensors. These must not replace turning your head to look in the direction you are traveling.

UNIT III: DRIVER HABITS AND SKILLS

Passing Other Vehicles

When you pass other vehicles or change lanes to keep away from hazards, be cautious and only pass if necessary. You must not exceed the speed limit to pass another vehicle. Use directional or hand signals, as the law requires, at least 100 feet before you move into another lane. **DO NOT** pass a vehicle that has stopped at a crosswalk to allow a pedestrian to go across.

Passing on the Left: The left lane is normally used for passing other vehicles. That's why the left lane is called the "passing lane." You must **NOT pass a vehicle on the left if:**

- Your lane has a solid yellow center line.
- You cannot safely return to the right lane before you reach a solid yellow center line for the right lane.
- You cannot safely return to the right lane before any vehicle moving toward you comes within 200 feet of you.
- You approach a curve or the crest of a hill on a two-way road and you cannot see around or over it.
- You are within 100 feet of a railroad crossing, a bridge, or a tunnel on a two-way road.
- Passing will cause problems for oncoming traffic.

Passing on the Right: You usually pass other vehicles on the left, but passing on the right is allowed in some circumstances. **You CAN pass on the right:**

- When a vehicle ahead is making a left turn.
- When you are driving on a one-way road that is marked for two or more lanes.
- When the road is wide enough for two or more lanes, and passing is not restricted by signs.

Being Passed

If another vehicle passes you on the left, slow down and remain to the right. When the vehicle has safely passed and is ahead of you, continue your normal speed. If you are passed by many vehicles on the right, move to the right lane and allow them to pass you on the left.

School Buses

When a school bus stops and flashes its red light(s), traffic coming from either direction must stop before reaching the bus. You should stop at least 20 feet from the bus. You must stop for a school bus even if the bus is on the opposite side of a divided highway.

UNIT III: DRIVER HABITS AND SKILLS

Traffic Signs

Traffic signs indicate traffic rules, hazards, where you are, how to get somewhere and where services are available. The color of a traffic sign indicates the type of information it provides:

1. **STOP Sign** (red, with white letters) – The sign means you must come to a full stop, yield the right-of-way to vehicles and pedestrians in or near the intersection. If there is a stop line, you must come to a full stop before the line. Go when you can safely proceed.
2. **YIELD Signs** (red and white, with red letters) – The sign means you must slow down as you approach the intersection and evaluate the traffic conditions. Use caution when you near the YIELD sign and be prepared to stop or to continue carefully. If there are vehicles and pedestrians in or approaching the intersection, you must come to a full stop and yield the right-of-way.
3. **REGULATION Signs** (white, with black or red letters or symbols) – These signs give you information about rules for traffic direction, lane use, turning, speed, parking, and other special requirements.
4. **WARNING Signs** (yellow, with black letters or symbols) – The sign means you are near a hazardous location or a place where there is a special rule. Be careful when you see a warning sign.
5. **RAILROAD CROSSING** (yellow with black letters “RR” and “X” symbol) – The sign means there is a railroad crossing ahead. Use caution and be prepared to stop. Most buses and some trucks must stop at railroad crossings even when a train is not approaching and warning lights are not activated.
6. **WORK AREA Signs** (orange, with black letters or symbols) – The sign means people are working on or near the roadway, and traffic may be controlled by a flag person. A work area speed limit is posted.

Traffic Signals

Traffic lights are red, yellow and green from top to bottom, or left to right. At some intersections, there are single red, yellow or green lights. Some traffic lights are steady, other lights flash. Some lights are circular, and some lights are arrows. Here are what some traffic lights indicate:

STEADY RED: Stop. Do not go until the light is green. Unless not allowed, you can make a:

- right turn on red, or
- left turn on red ONLY from a one-way street to another one-way street.

Before you make any turn on red, you must come to a full stop and yield the right-of-way to oncoming traffic and pedestrians.

You cannot make a turn at a red light if there is a NO TURN ON RED sign posted, or when another sign, signal or pavement marking prevents the turn. Turning at a red light is not allowed in New York City unless a sign is posted which permits the turn. The driver of a school bus with students onboard cannot turn at any red light. Always watch for pedestrians in the crosswalks when you turn on red.

FLASHING RED: Is the same as a STOP sign: Stop, yield the right-of-way, and continue when you can safely proceed.

UNIT III: DRIVER HABITS AND SKILLS

RED ARROW: Do not go in the direction of the arrow until the red arrow goes out and a green light or arrow goes on. A right turn or left turn on red is not permitted at a red arrow.

STEADY YELLOW: Means the light is changing from green to red. Be ready to stop.

FLASHING YELLOW: Means proceed with caution.

YELLOW ARROW: Means the green arrow has ended. Be prepared to stop.

STEADY GREEN: Means proceed but yield the right-of-way to other traffic.

GREEN ARROW: Means you can proceed in the direction of the arrow, but you must yield the right-of-way to other traffic at the intersection as required by law.

Note: State law requires that if the traffic lights or controls are out of service or have malfunctioned at an intersection, you must come to a stop as you would for a stop sign. You must then continue per the rules of right-of-way, unless you are ordered to continue by a traffic officer.

Pavement Markings

Lines and symbols on the roadway divide lanes and indicate when you can pass other vehicles or change lanes. They also indicate which lanes to use for turns, and where you must stop for signs or traffic signals.

Single broken line: Means you can pass other vehicles or change lanes if you can pass safely and not interfere with traffic.

Solid line with broken line: If you are on the side with the solid line, you cannot pass other vehicles or go over the line except to make a left turn into a driveway. If you are on the side with the broken line, you can pass if it is safe and you will not interfere with traffic.

Double solid lines: Means you cannot pass or change lanes.

Single solid line: Means you can pass other vehicles or change lanes, if obstructions in the road or traffic conditions require you to pass.

Stop Line and Crosswalk Lines: When required to stop because of a sign or light, you must stop before you reach a stop line or a crosswalk.

Traffic Officers

Directions from traffic officers take precedence over signs, signals or pavement markings. Among those authorized to direct traffic are police and peace officers (such as on-duty auxiliary or fire police), and highway work area flag persons.

UNIT III: DRIVER HABITS AND SKILLS

Work Zone Safety

Section 160 of the Vehicle and Traffic Law defines a work zone as, "That part of the highway being used or occupied for the conduct of highway work, within which workers, vehicles, equipment, materials, supplies, excavations or other obstructions are present."

Some facts about road work zones:

- As state and federal government look at rebuilding the highway system in the post-interstate era, more work zones are created each year. More work zones increase the risk of accidents and deaths (669 persons died in the U.S. in work zones in the year 2014, per the US Department of Transportation)
- The most common crash in a highway work zone is the rear-end collision (Federal Highway Administration)
- Speeding ticket fines are doubled in work zones
- Enforcement of traffic laws in work zones is maintained 24 hours a day; work zone speed limits are enforced even when no work is underway
- Traffic enforcement is enhanced in work zones because of all the possible risks and dangers

Driving conditions that a motorist can find in a work zone:

- No shoulder and/or median areas that normally are a buffer
- Lanes reduced in width
- Lanes that merge and reduce in number
- Speed reduction
- A change in lane patterns
- Detours to unfamiliar routes
- Large construction or maintenance vehicles on the side of the road that can block your vision
- Highway workers that stand and work near traffic
- Construction vehicles that move slowly
- Drivers who slowdown and/or merge at the last possible moment
- Aggressive drivers who disregard the work zone restrictions
- Drivers who do not use common sense in the work zone area

Some work zones are not stationary, for example operations where lines are painted or roads are patched. These zones move along the highway until the work is completed. Obey all work zone signs until you have passed the sign that states you have left the work zone.

UNIT III: DRIVER HABITS AND SKILLS

Suggestions for how to drive safely through a work zone:

- Diamond shaped orange warning signs are provided before work zone areas. Pay attention to these signs!
- There may be a "flagger ahead" warning sign before a work zone. A flagger has the same authority as a regulatory sign, so obey the flagger's directions. You can be ticketed if you do not obey the flagger's directions.
- When you see arrow panels that flash or "lane closed ahead" signs, merge as soon as it is safe.
- Slow down as indicated by the signs.
- The most common crash in the highway work zone is the rear-end collision. Leave enough space between you and the car in front of you (the 2 second rule is best).
- Remain calm and expect the unexpected.
- Observe all posted signs until you see one that states you have left the work zone.
- If you know about a work zone, you can plan to use a different route.

Source: U.S. Department of Transportation, Federal Highway Administration

Distracted Driving

Driving is a difficult mental task that requires your full attention. Distractions can cause crashes that result in injury, death, or property damage. There are driving risks if you take your eyes off the road or hands off the steering wheel as there are with any activity that takes your mind from driving. It can be dangerous to treat the driving task too casually. As a driver, you are responsible for the safe operation of your vehicle.

When you drive at 55 miles per hour, your vehicle moves at 80.7 feet per second. Diversions (such as when you look at a text message, dial a telephone number, rummage through your wallet for toll money, etc.) can cause your vehicle to travel hundreds of feet while your attention is not on your driving. This distance can easily be more than the length of a football field.

As a driver, your primary task is to safely operate the motor vehicle - this requires your full attention. Avoid or at least minimize other activities while driving. With preparation and common sense, you can avoid a crash by planning ahead and avoiding unnecessary activities while you drive.

1. Before you drive, prepare yourself. Have toll money available and have your sunglasses within reach. Have GPS programmed and music media or other media loaded before you start driving.
2. Use optional equipment and accessories only when necessary. Car sound systems and GPS devices can be confusing and can distract drivers who use them.

UNIT III: DRIVER HABITS AND SKILLS

3. Share some activities if you have a passenger in the vehicle, have the passenger:
 - change the radio or other media;
 - adjust the climate control;
 - read a map or navigational system;
 - use the cell phone or handheld electronic device.

Remember: If you must use a cell phone, as a driver you are required to use a hands-free device.

4. Pull off the road to do things that distract from driving, such as to read a navigational device, get a bee out of the car, rummage through a purse, etc.
5. If you drink, eat, or smoke while driving you can get distracted. It is safer to avoid these activities while driving.
6. Postpone or delay the activity. The driving scene changes every few seconds. Do not change your radio station at an intersection, or in "tight" driving situations. Wait for a low risk situation, like when you are at a traffic light, or when traffic is minimal.
7. Use good visual habits. When driving, do not look at passengers when you talk to them, and look quickly at the radio when you change stations.
8. Keep a clear head and look at on your surroundings. Do not daydream while driving. Do not think about an argument or try to make an important personal decision while you drive. These distractions can be dangerous.

Reaction Time and Distance, Stopping Distance, and Covering the Brake

All drivers need to determine a safe following distance between vehicles. Some people find it difficult to judge distances accurately while in a moving vehicle. The best method to establish a safe following distance is to remain at least two seconds behind the car ahead (this is called the two-second rule). The formula of one car length for each 10 miles per hour of speed is also used to establish a safe following distance. These formulas apply on dry pavement under good driving conditions. You need to double or triple your following distance if you are driving in rain, or other bad conditions.

To try the two-second rule, select a fixed object on or by the road. When the rear bumper of the vehicle ahead of you reaches the object, begin to count. If you count two seconds before you pass the fixed object, your following distance is good.

Reaction Time: The time it takes to recognize a situation (perception time), decide on an action, and begin to take the action.

Perception Distance: This is the distance your vehicle travels from the time your eyes see a hazard until your brain recognizes it. The perception time for an alert driver is 3/4 second; in this time, a vehicle traveling at 55 mph will travel 60 feet.

Reaction Distance: The distance traveled from the time your brain tells your foot to move from the gas pedal to the brake pedal. An alert driver takes 3/4 second to react, traveling another 60 feet at 55 mph.

Reaction time of an alert driver is 1½ seconds, a vehicle moving at 55 mph will travel 120 feet.

UNIT III: DRIVER HABITS AND SKILLS

Stopping Distance = Perception Distance + Reaction Distance + Braking Distance

Braking Distance: The distance it takes to stop when the brakes are applied. This distance changes with speed, type and condition of vehicle, and road conditions. A normal car that travels at 55 mph on a dry road takes 140 feet to stop.

Stopping distance includes the number of feet the vehicle travels during reaction time, plus how many feet it takes to stop the car. In the example, above for an alert driver on dry roads, the stopping distance is 260 feet. At 65 mph, the stopping distance is 340 feet, more than the length of a football field.

Remember to look to either side every few seconds as you drive to help shorten stopping distance.

The practice of covering the brake occurs when you place your foot above the brake pedal. This is done to shorten reaction time in conditions such as when you approach children playing near the road or approach a stale green light. A stale green light is a light that is green when you first see it, that can turn to caution (yellow) at any time.

Speeding influences vision, stopping distance, and crash survival as:

- peripheral vision decreases
- stopping distance increases
- the force of impact increases
- chances of survival decrease

Hydroplaning

Roads are most slippery during the first five to ten minutes of rain, because the water, surface dirt and oil combine to create a slippery layer that reduces the ability of your tires to hold the road. At speeds as low as 35 mph, the tires of a vehicle begin to slide along the wet surface of the road. The tires can completely lose contact with the road and be on a thin film of water. This is called hydroplaning. Hydroplaning is very dangerous because it severely limits your ability to control your car. Good tires with deep tread help prevent hydroplaning. To reduce hydroplaning, always have correctly inflated tires, reduce speed by about one-third when driving on wet roadways, and avoid driving through water.

To avoid skids, brake early and carefully on roads that are wet, snowy or icy. You must always know the type of brakes the vehicle you are driving has. Most cars come with an anti-lock braking system (ABS). A driver must not pump the brakes when the car has ABS; the brakes in cars with ABS automatically pump. You must use steady, firm brake pressure if you are in a skid. If your vehicle does not have ABS, pump your brakes slowly and steadily when in a skid. Allow the wheels to keep rolling. If the brakes start to lock up, ease off the brake pedal. As you slow down, you can shift into a lower gear. (More information about ABS and other vehicle safety systems can be found in Appendix A.)

Although front-wheel drive and four-wheel drive vehicles handle better than rear-wheel drive vehicles in ice and snow, they do not have flawless traction. Skids can occur without warning. The best approach to recover from a skid is the same for both front-wheel and rear-wheel drive vehicles.

UNIT III: DRIVER HABITS AND SKILLS

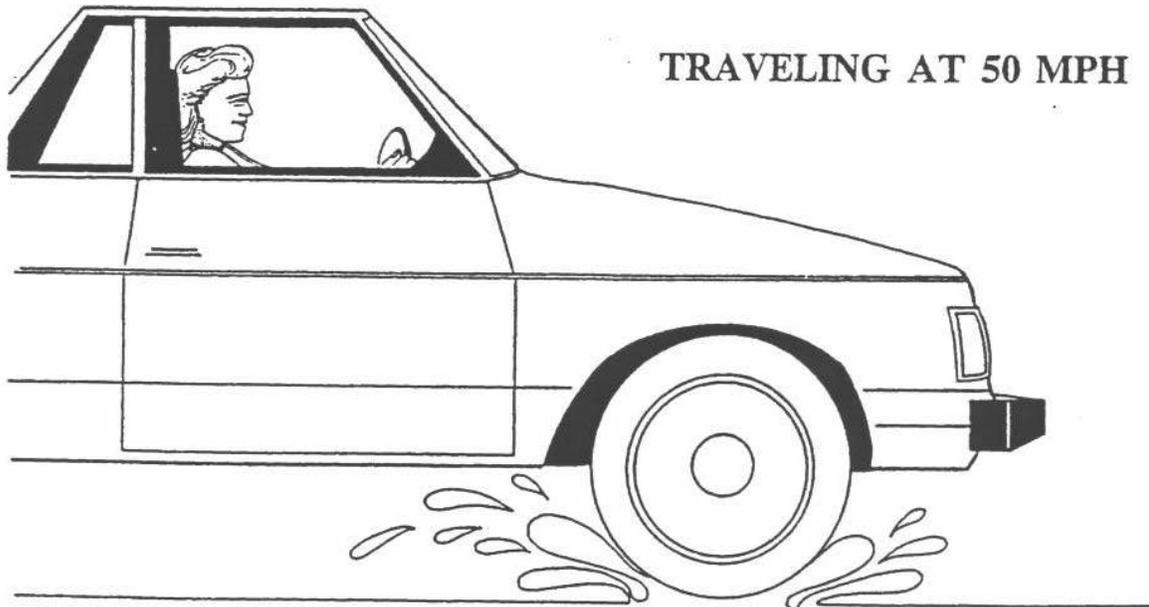
If the *rear wheels* start to skid:

- Turn the steering wheel in the direction the vehicle has started to slide. If the rear wheels slide left, steer left. If they slide right, steer right.
- If the rear wheels start to slide toward the other direction as you recover from the skid, move the steering wheel in that direction. You might have to steer left and right more than once to get your vehicle completely controlled.
- If the vehicle has ABS, keep your foot on the brake pedal with even pressure.
- If the vehicle does not have ABS, gently pump the pedal. If you brake hard, you will make the skid worse. Pump more rapidly only as the car slows.

If your *front wheels* start to skid:

- Take your foot off the gas pedal and shift to neutral or push in the clutch. Do not immediately try to steer.
- As the wheels skid sideways, the vehicle will slow and traction will return. As traction returns, steer in the direction you want to go. Then put the transmission in drive or release the clutch, and gently accelerate.

Note: When sleet, freezing rain and snow fall, remember that bridges, ramps and overpasses freeze first, and that slippery spots can remain after road crews have cleared the highways.



UNIT III: DRIVER HABITS AND SKILLS

Other Highway Users

Pedestrians are the highway users most at risk. Be careful when you make a right turn; pedestrians legally crossing at intersections always have the right-of-way. Of all pedestrians, children are the least predictable and hardest to see. Take caution and watch for children, near schools, bus stops, playgrounds, parks, and behind parked cars on the road.

Bicyclists and moped users have the right to share the road with vehicles as they travel in the same direction. You must yield the right-of-way to a bicyclist. Bicyclists, like pedestrians, are difficult to spot and have minimal protection. Be careful when you approach bicyclists. Give them room and slow down when you pass them. Air pressure from a quickly passing vehicle can make bicyclists lose their balance.

Motorcyclists have the right to the full use of a lane. They can change position within a lane to get a better view of traffic and keep away from hazards. Motorcyclists have lower visibility, less stability and less protection. It is difficult to judge how far away a motorcycle is or how fast the motorcycle moves. Many car and motorcycle crashes occur when the car driver turns left in front of a motorcyclist. This can be caused by misjudging the cyclist's speed or distance or the time it will take for the motorcyclist to brake.

Farm vehicles, construction equipment and vehicles drawn by animals must display the official New York State slow-moving vehicle symbol. Use caution when you approach a slow-moving vehicle and be sure it is safe to pass.

Horseback riders are to ride single file near the right curb or road edge. The law requires you to be careful when you approach a horse. It is illegal to sound your vehicle's horn when you approach or pass a horse.

Large vehicles, like tractor trailers, buses and large trucks, must be able to see you in their rearview mirrors. It takes longer to pass a big truck or bus on level pavement than it does to pass another car. When going downhill, a large vehicle goes faster, which means passing a large vehicle will require additional time. Large vehicles can be easier to pass when going uphill because they lose speed. Pay close attention to a large vehicle's turn signals. Trucks and buses can make wide right turns that will leave an open space to their right. To avoid a crash, do not pass a truck or bus on the right, as it might turn right. If a truck blocks the roadway while it backs up to a loading area, wait until the driver backs off the road before you proceed. Leave space when you stop at a light or sign behind a truck or bus because if the truck or bus faces uphill it can roll back when starting to move.

Disabled vehicles can be a hazard. You can find a disabled vehicle on any roadway, when you least expect it. Disabled vehicles can have their emergency flashers on, to warn other traffic of the hazard.

UNIT III: DRIVER HABITS AND SKILLS

Fatigue, Drowsiness and Driving

Temporary impairments, like those caused by illness, injury, distractions, and alcohol or other drugs, can be detrimental to driving. The danger caused by driver drowsiness is far greater than is recognized.

The possibility of falling asleep at the wheel is more common than people know. One out of five drivers admit to falling asleep at the wheel at least once. Many drivers who deny falling asleep at the wheel can experience microsleeps while driving. Microsleep occurs when a driver takes involuntary “naps” that last four to five seconds. The NHTSA estimates that 100,000 reported crashes annually are the result of drowsiness.

Many drivers do not know that they have no voluntary control over whether they fall asleep. They also do not know that they cannot predict when they are about to fall asleep. In a test condition, 80% of drivers thought that they could calculate when they were about to fall asleep behind the wheel; they were proven wrong. The mistaken idea that drivers can predict when they are about to fall asleep creates a false sense of security in the sleepy driver.

Even if the sleepy driver does not fall asleep, driving ability is seriously impaired by drowsiness in the following ways:

1. Visual misperception: Drivers misinterpret what they see on the road.
2. Increased reaction time: The driver responds more slowly to a change in the road or vehicle conditions.
3. Decreased attention span and reduced information processing: The driver cannot concentrate on the road and vehicle conditions and has a diminished ability to process that information to make appropriate driver decisions.
4. Diminished judgment: There is an increased possibility the driver will make decisions based on poor judgment, such as attempting dangerous maneuvers like passing other vehicles without fully surveying the conditions.
5. Impaired problem-solving ability: The driver has less ability to get out of dangerous conditions.
6. Decreased ability to control the vehicle: The driver can have less control of the vehicle and allow the vehicle to drift from lane-to-lane.

STAYING AWAKE – Before you drive:

- Be realistic – rather than try to cover a long distance all at once, plan to stop for a short rest or an overnight stay.
- Avoid alcohol and other drugs – even one drink makes a tired person drowsier. Avoid medicines, like allergy pills, that cause drowsiness.
- Travel well rested – get plenty of rest before your trip.
- Respect your body clock – if you drive during a period of time when you normally sleep, you fight your body’s natural rhythm. Avoid this, or make plans to rest along the way.

STAYING AWAKE – On the road:

- Park and Nap – a short rest can be an effective remedy to drowsiness. Find a safe place like a lit parking lot of an open restaurant or store, or a designated “rest stop.”
- Stay stimulated – listen to the radio (a talk show may keep you more alert than music), open a window, chew gum.

UNIT III: DRIVER HABITS AND SKILLS

- **Share the ride** – a travel partner can keep you awake with conversation and give you a break from driving.
- **Take a walk** – get out at a rest stop to take a quick walk to the rest room or walk around for five minutes. Even a short break is helpful.
- **Drink caffeine** – but remember that the effects begin to wear off in an hour or so.
- **Recognize the warning signs of drowsiness** – you are at risk if your eyes get heavy, your head nods, your sight begins to decrease, your attention to the driving tasks wanders, or you cannot stop yawning.
- **Recognize deterioration of your driving ability** – you are at risk if your vehicle drifts back and forth in your driving lane, if you accidentally tailgate other vehicles, or misread traffic signs.

More information about fatigued driving can be found on the Governor's Traffic Safety Committee website at trafficsafety.ny.gov.

New York State Safety Belt Law

Around the world, more than 40 countries and provinces have enacted mandatory seat belt laws. Statistics on Australia, one of the first to institute a law in 1970, show that 95 percent of persons regularly wear safety belts. Sweden and Great Britain have 90-95 percent seat belt use. Fatalities dropped by about 50 percent in these countries.

New York State law requires that all drivers and front seat passengers of motor vehicles operated in the state (even if registered elsewhere) must wear safety belts. Children less than age four must ride in federally-approved child safety seats; however, if the child weighs more than 40 pounds, the child can ride in a booster seat with a lap shoulder belt. Children who are age 4 or older, but less than age 8, must ride in a child restraint system appropriate to the child's height and weight. All back-seat passengers less than age 16 must be properly restrained, either in a child restraint system or with a seat belt. Special needs safety seats are available for children with conditions that make regular safety seats unsuitable. Parents can contact a health care provider or hospital for information on how to get a special-needs safety seat.

The law carries a fine up to \$100 for the driver and front seat passengers age 16 or older and a fine of not less than \$25 nor more than \$100 to the driver for passengers less than age 16 for non-compliance. In addition, safety belts are required to be in good working order as part of the annual inspection of automobiles registered in New York State.

When used correctly, child safety seats reduce the risk of death by 71% for infants and by 54% for toddlers. Correct use of a child restraint helps to prevent minor injuries. Any child seat must be appropriate for the child, and installed correctly. A rear-facing infant seat must not be placed in the front seat of a vehicle that has a passenger side air bag. Read the instructions in the owner's manual before you fasten a child seat in a car with automatic seat belts.

Drivers can get a ticket if they or any of their passengers less than 16 years old do not obey the law. Passengers age 16 and older can be ticketed if they do not comply. A jury can reduce the amount of recovery in a lawsuit if the injured person did not have a safety belt on when the accident occurred.

UNIT III: DRIVER HABITS AND SKILLS

Some vehicles are exempt from the safety belt law. These include taxis, liveries, and all 1964 and older model vehicles and buses. Since 1969 school bus drivers are required to wear safety belts. All new school buses must have passenger belts. Local school districts decide if safety belt use by passengers is voluntary or mandatory.

Belt systems are designed to contact the strongest part of your body, the hips and shoulders, to prevent harm to internal organs.

- The lap belt must be worn across the hips, not on the abdomen.
- Shoulder belts must be worn over the shoulder. Tucking the belt under the arm can cause the rib cage to be crushed during impact and may harm the heart and lungs.
- Belts reduce the effects of crash forces as they spread these forces over a large area of the body. This is why belts and harness straps are wide and must not be used when twisted or rolled.

Most states have mandatory safety belt laws. Safety belt use in those states has increased to 79% or more. These states have seen a large decline in automobile fatalities and injuries. Some of the reasons safety belts work are:

1. They keep the occupants inside the car; it is five times more dangerous to be ejected.
2. They keep children from moving about in the vehicle and being a distraction to the driver.
3. They prevent rear passengers from being thrown against the front seat occupants and each other.
4. They protect front seat occupants from colliding with the dashboard or windshield (the "second collision").
5. They keep the driver behind the wheel, in a better position to control the automobile.

Common myths or excuses regarding safety belt and child safety seat use are not valid. For example:

1. Safety belts are not necessary for short trips or low speeds.

Not true. Eighty percent of all crashes occur at speeds of less than 50 miles per hour. Three out of four fatal crashes occur within 25 miles of home.

2. Safety belts are uncomfortable.

Adjustments can be made by automobile dealers or auto body shops. Some accessories make it easier for those who have problems, such as extenders, comfort clips, and locking slips. Drivers must consult their owner's manual for information about how to correctly adjust their safety belts and child safety seats.

3. A person can be trapped in a car in cases of submersion in water or fire.

You are better off if you always wear a safety belt in a car. With the safety belt on, you are more likely to be unhurt, alert and can escape quickly. Although less than one-half of one percent of all injury-producing crashes involve fire or submersion, a safety belt can keep you from being knocked unconscious. This can increase your chances of getting out of a burning or submerged car.

UNIT III: DRIVER HABITS AND SKILLS

Sharing the Road with Large Vehicles

In over 60% of fatal crashes where automobiles and big trucks were involved, the automobile driver added to the cause of the crash. Because trucks are bigger than cars, four out of five times the driver of the car is killed in a fatal car-truck crash. Many of these crashes could be avoided if drivers knew more about the limitations of large vehicles, and learned how to steer clear of conditions that are not safe where large vehicles are involved.

Remember trucks and buses are not big cars. The bigger they are:

- the bigger their blind spots,
- the longer they take to stop,
- the more room they need to maneuver, and
- the longer it takes a car to pass them.

Blind Spots

Unlike cars, trucks and buses have deep blind spots behind them. Trucks have larger blind spots on both sides than cars. Tractors with long hoods can have a 20 foot blind spot in front of the vehicle.

- **Rear Blind Spots**

If you remain in the rear blind spot of a large vehicle, you increase the possibility of an accident. The truck or bus driver cannot see your automobile, and your view of traffic can be cut off.

- **Side Blind Spots**

Trucks and buses have larger blind spots on both sides than cars do. If you drive in these blind spots for any length of time, you cannot be seen by the truck driver. Even if the truck driver knows you are there, remaining next to a large vehicle can hamper the driver's ability to avoid a dangerous condition.

Stopping Distance

Large vehicles, like tractor-trailers, take longer to stop than a car that travels at the same speed. The difference comes from brake lag, which is unique to trucks. Air brakes transmit brake power from the tractor to the trailer and can have a lag that can add to stopping distance. A good plan is to leave enough space between your car and the truck. If you are driving in front of a truck, indicate your intention to turn or change lanes early and avoid sudden moves.

Maneuverability

Large vehicles are not made to be as maneuverable as cars. They take longer to stop and to accelerate, and because of their size they need to swing wide to make their turns.

You can reduce the possibility of a collision with a large vehicle if you:

- Do not cut in front of a large vehicle. When you exit, take time to slow down and exit behind the large vehicle. When you pass, do not pull in front of the truck until you see the front of the truck in your rearview mirror.
- Do not remain next to a truck, because the truck driver may not be able to see your vehicle in the wide area the truck driver needs to make a turn.
- Pay close attention to a large vehicle's turn signals. Trucks and buses make wide right turns and need to move to the left before they turn right. Make sure you know which way the vehicle will turn, observe the turn signals.

UNIT III: DRIVER HABITS AND SKILLS

Passing

Passing a large vehicle takes longer and requires more space than when you pass a car. On a two-way road, give yourself time and space when you pass a large vehicle. Make sure you can see the front of the truck before you return to the lane after you pass.

Remember that on an upgrade, a truck loses speed. Get the big picture: look ahead when driving and know when you are approaching an incline so you are prepared to pass any large vehicle ahead of you. When you go downhill, a large vehicle is likely to go faster, which means you will need more time to pass.

Backing Up

DO NOT pass close behind a large vehicle that is about to back up. Sometimes a truck driver does not have a choice but to block a road to back into a loading area. Be patient! It is far better to wait until the truck has completed its backing maneuver than to try to pass. If you try to pass in this situation, you will likely enter one of the truck's blind spots, which can make you invisible to the truck driver and increase the risk of a crash.

Approaching a Truck or Bus

Do not underestimate the size and speed of an approaching tractor-trailer or other large vehicle. Because of their size, they can appear to travel at a slower speed than they really are. When driving on an undivided highway, move as far to the right as possible, as soon as possible. This can help you avoid a sideswipe from an approaching tractor-trailer or other large vehicle. Remember that the truck can reach you sooner than you expect!

Stopping Behind a Truck or Bus

Always leave space when you stop behind a truck or bus at a traffic light or stop sign, especially if you are on an incline. The truck or bus can roll back when it starts.

Cell Phone Use

The danger involved with the use of cell phones or portable electronic devices while driving is an important issue in traffic safety. According to the National Highway Safety Administration (NHTSA), at any time, 1 out of 10 motorists in the U.S. uses a phone while driving.

According to the Center for Disease Control, "...one-third of all U.S. drivers 18 to 64 years old read, send, or email messages while driving. Reading or sending text or email messages while driving and other distracted driving behaviors cause more than 420,000 injuries and more than 3,100 deaths every year in the United States." (Mobile Device Use While Driving – United States and Seven European Countries, 2011. *Morbidity and Mortality Weekly Report, March 15, 2013.*)

UNIT III: DRIVER HABITS AND SKILLS

New York was the first state to enact a law that bans the use of hand-held cell phones while driving. This law includes use of any portable electronic device, such as:

- any hand-held mobile telephone (a wireless telephone device);
- personal digital assistant;
- handheld device with mobile data access, (a.k.a. “smart phone”);
- laptop computer;
- pager;
- broadband personal communication device;
- two-way messaging device;
- electronic game; or
- portable computing device.

The statute defines “using” as holding a mobile telephone to or near the user’s ear and holding a portable electronic device for any type of use: viewing, taking or transmitting images; playing games; or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data.

Texting and other uses of portable electronic devices are frequent causes of distracted driving and have become a dangerous epidemic on our highways. **Simply put, distracted driving kills.** Distraction occurs any time you take your eyes off the road or your hands off the wheel. These actions distract you from your primary task at hand which is driving. Texting involves taking your hands off the wheel, taking your eyes off the road and taking your mind off driving.

The current law now includes all of the following:

n

- Drivers must not operate a motor vehicle on a public highway when they use a mobile phone
- Drivers who hold a mobile phone near their ear are presumed to be making a call
- A person holding a portable electronic device while driving is presumed to be using the device
- These rules do not apply to calling an emergency response operator, such as police, fire department, etc., and
- These rules do not apply to emergency personnel
- A violation is a traffic infraction and is punishable by a fine and 5 points on your driver license record
- Conviction for a first-time offense of this violation is a traffic infraction and is punishable by a fine of not less than \$50 nor more than \$200. Multiple offenses committed within 18 months are punishable by a fine ranging from \$50 to \$450.

UNIT III: DRIVER HABITS AND SKILLS

The law defines the following:

- (a) “A portable electronic device” is any hand-held mobile telephone, personal digital assistant, handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device
- (b) “Using” means holding a mobile telephone near your ear. Using also means holding a portable electronic device for any type of use, like viewing, taking or transmitting images; playing games; composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, or other electronic data; or text messaging

The National Highway Traffic Safety Administration (NHTSA) reported in 2015 that 10% of fatal crashes, 15% of injury crashes, and 14% of all police-reported motor vehicle traffic crashes were labelled distraction-affected crashes.

More information about this topic is found at the following websites:

Department of Motor Vehicles: www.dmv.ny.gov

Governor’s Traffic Safety Committee: www.trafficsafety.ny.gov

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

Introduction

The actions of drivers are responsible for most of the risks we face in the HTS. Those actions relate to the state of mind of the driver. Perceptions, values, life pressures, life styles, etc., influence our decision making and actions when we use streets and highways.

Feelings and attitudes influence our driving behavior. Fatigue, or the use of alcohol or other drugs, can change feelings and attitudes so that our actions cannot be easily predicted. We need to be aware of our feelings and attitudes, and the ways they can affect our actions while driving.

Most of our driving experiences will be acceptable and uneventful, if each driver acts in a responsible way. However, dealing with our own internal forces, combined with those of other highway users can lead to many possible risks. We each have a personal challenge and responsibility to be prepared to handle the risks of driving.

How Feelings Influence Our Actions as Drivers

Emotions are a normal part of our daily experience. Each of us have many emotions every day, and at times we have more than one emotion at the same time. Emotions are a short-term experience, but they can change in time and intensity as circumstances change.

Even when we do not show our feelings, they still can influence the way we think and behave. For example, if one driver does something to make another driver angry, there can be a temptation to retaliate. If a person is happy about something, there is a high possibility they are distracted enough to ignore the driving task. We need to know how feelings can come into play when we drive. There can be serious consequences if we allow our feelings to command the way we drive.

Some things can sharpen or dull our feelings and lead us to overreact or underreact to a situation. Things that happen around us can make us excitable or can distract us. For example, when we consume alcohol it reduces our inhibitions, which compels some people to show their feelings.

Before we get on the road, dealing with our feelings is important to the mental task of driving. We need to recognize when a feeling, or feelings, can be acted on and negatively influence our actions as drivers. There are ways to deal with those feelings before they lead to irresponsible actions.

How Attitudes Influence Our Actions as Drivers

Our feelings change continuously. We can experience happiness, anger, frustration, fear, anxiety, and a variety of other feelings in the same day. However, attitudes are more constant, they provide us with a sense of mental balance and perspective, which can help keep our feelings controlled.

Attitudes are a part of what we believe and value. They help us make sense of the world around us, and influence the way we act. A person who knows drinking and driving is wrong will try to avoid making that error. That attitude can also influence the way the person deals with friends who run the risk of drinking and driving. Some people have an "I do not care" attitude about the safety of other drivers. Those people will behave on the streets and highways in ways that pose risks to all of us.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

We share similar attitudes about safe driving with other drivers. Because we believe that there are possibilities we could get hurt, we trust drivers to act in a way that avoids that outcome. Some drivers have a different attitude about the possibility that they can get hurt. They believe “it cannot happen to me; it only happens to others.” When they have a crash, that attitude can be so strong that they will insist that someone else is at fault. To have an attitude different from others can put pressure on a person to act against what the person believes is correct. If all your friends do something you disagree with, they can pressure you to go against what you believe.

Our attitudes filter the way we view things. If people do not have the correct attitude, the mental picture they get about a situation can lead them to misinterpret information and take inappropriate action. A driver with an incorrect attitude about the need to obey rules might come to a yellow traffic light and see a need to accelerate rather than the intended warning to prepare to stop.

It is important to be aware of our attitudes and the positive and negative influence they can have on our actions on the road.

Calculated and Impulsive Risks

A risk is the chance of suffering loss, damage, or injury when we act without regard to what we can gain. Most things involve some degree of risk. This is true of our activities in the HTS. We can put risks into two categories, impulsive risks and calculated risks.

Impulsive risks occur when a driver acts hastily before knowing the consequences. Speeding through a yellow light as it turns red is an example of an impulsive risk. A driver in that situation will think of little except beating the light. The result of this impulsive behavior is unpredictable. Other drivers at the scene will have little opportunity to evaluate the situation in time for adjustments they might have to make.

Calculated risks are different. The driver acts only after evaluating a situation. For example, a person who traveled on a snowy day decided to continue driving at a certain speed after considering the weather. This person made a calculated choice to drive at a certain speed to reach a destination on time despite the hazards. The risk of an accident remains, and can increase. The situation is less likely to get out of control with a calculated driver than with an impulsive driver because a calculated driver has increased knowledge of what the situation requires and is better prepared to make a change if needed.

There is no way to completely prevent risk. Impulsivity causes incorrect actions, and leads the driver to take actions with unknown results. Drivers need to be vigilant and must analyze driving conditions to prevent or reduce risks. This increases the driver’s chances of correctly operating in the HTS.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

The Graduated Driver Licensing Law

Junior Drivers and Graduated Driver Licensing

Young driver statistics:

- Motor vehicle crashes are the leading cause of death for young drivers (drivers ages 16-24).
- Drivers ages 16-20 are overrepresented in crashes; 4% of the licensed drivers in New York are ages 16-20, but 8% of the drivers involved in crashes in 2015 were in this age group.
- The younger the driver, the more likely he or she is to crash. Crash rates of 16 and 17-year-old drivers are 35% higher than 18 to 20-year-old drivers, and 62% higher than 21 to 24-year-old drivers.

Key risk factors for teens:

- Immaturity;
- Inexperience and lack of driving skills;
- Judgment and the ability to make decisions is not fully developed;
- Risky driving behaviors (speeding, distracted driving, impaired driving).

“Driver Inattention/Distraction” (15%), “Unsafe speed” (12.5%), “Failure to Yield Right-of-Way” (14%), “Following Too Closely” (16%) and “Driver Inexperience” (6.5%) were the most frequent conditions cited for drivers ages 16-20 who were involved in fatal and personal injury crashes in New York State in 2015.

Source: Institute for Traffic Safety Management & Research

To address these issues, the Graduated Driver Licensing law (GDL) was created. GDL slowly introduces young drivers to unrestricted driving privileges through three stages: junior permit, junior license, and senior (unrestricted) license. Each stage includes specific parts and restrictions, and requires junior drivers to meet certain standards before they advance to the next stage. Most states have some form of three-stage GDL system.

Source: National Highway Traffic Safety Administration

New York’s Graduated Driver Licensing law took effect on September 1, 2003. On February 22, 2010, important changes were made to New York’s GDL. These changes strengthened the law and aligned the provisions of the law with nationally recommended standards.

General restrictions apply for all junior permit and junior license holders (junior drivers). For junior drivers, there are also specific regional restrictions that depend on the area in the state they **drive in**. These rules apply to the time of day the junior driver is allowed to drive, when a supervising driver is required, and who can act as a supervising driver.

Typically, young people are involved in crashes because they are inexperienced or lack the awareness of other drivers. They are unable to identify risk or improperly react to hazards when behind the wheel. High prevalence of contributing factors, like speed and distracted driving, increase the problem as they give young drivers less time to react.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

Examples:

- **The junior driver knows that a sharp turn ahead means it is necessary to slow down but the driver does not account for the slippery road surface or dangerous conditions. The junior driver does not have the experience to identify that the conditions present a high risk.**
- **Many inexperienced drivers will overcorrect or oversteer when given a hazardous condition.**

We use the word “crash” rather than “accident” when we refer to these events, because accident indicates an event beyond the driver’s control. Many of the events involving young drivers result from completely avoidable factors like the ones described above.

Through both general and **regional restrictions** for young drivers, GDL addresses the most hazardous driving conditions. The GDL puts limits on nighttime driving, the number of passengers, and who can supervise a junior driver. Driving requirements, like 15 hours of driving after sunset, allow young drivers to gain experience in a safe and controlled environment. This will help young drivers when they experience these high-risk conditions on their own.

- **Nighttime driving is risky for young, inexperienced drivers. Most severe crashes that involve junior drivers occur after 9pm. Reduced visibility and increased glare add to the challenges faced by inexperienced drivers. This is why gaining experience driving after dark (15 hours of supervised driving after sunset) is so important. Failure to follow GDL nighttime restrictions can expose a young driver to significant risk, beyond the possibility of sanctions on the license.**
- **Passengers are one of the most dangerous forms of distraction for teen drivers. Each passenger increases the possibility of being involved in a fatal or personal injury crash. Driving with two or more passengers can make the risk of a crash three times greater than when driving alone. Research indicates that crash risk is increased when passengers are of a similar age as the young driver, particularly male peers. Young drivers must understand the importance of being “good passengers” when they ride in a vehicle. They must make every effort to remain quiet and not distract the driver.**
- **Driving is like any activity that must be learned. Driving takes years of practice before a person gets enough experience and becomes comfortable behind the wheel. The following are all examples of other activities that require practice before they are mastered:**
 - *Swimming – “Did you learn to swim by jumping into the deep end?”*
 - *Sports (Baseball/Football) -- “Can you win the big game without practice?”*
 - *Video Games – “Can you beat “the boss” if you do not know the buttons?”*
 - *Theater – “Must you go right to opening night without rehearsing?”*
 - *Final Exams – “Must you take your final exam at the beginning of the year?”*
 - *Musical Instrument – “Can you just pick up an (instrument) and play it well?”*

The 50 hours of supervised driving, with 15 hours required after sunset, is a way for young drivers to experience a variety of situations under the supervision of a parent or guardian and learn how to correctly respond to these situations.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

General Restrictions for Junior Drivers

- Parental consent is required for clients who apply for a junior permit or junior license (Class DJ or MJ) **unless** the driver is age 18.
- A junior driver must have **six months of valid permit status*** from the date the permit is issued to the date of the road test.
**If a junior permit was suspended or revoked, the amount of time of the suspension or revocation will not be included in the count of the amount of time that the junior permit has been valid.*
- When supervision is required under the law, the only passenger allowed in the front seat is the supervising driver.
- A junior driver cannot operate a vehicle with more than **one passenger** under the age of 21 **unless** they are immediate family or if the junior driver is accompanied by a supervising driver who is the junior driver's licensed parent, guardian, person "in loco parentis," driver education teacher, or driving school instructor.
- The junior driver and every passenger must wear a **seat belt**; one seat belt per person. All children under age four must ride in **federally-approved child safety seats**.
- When a junior permit holder takes the road test they must present to the license examiner a completed **Certification of Supervised Driving** (form MV-262). With this form, the junior driver's parent or guardian certifies that the junior driver has completed at least **50 hours of practice**, with at least **15 hours at night** (after sunset).

Please note, junior permit holders cannot drive:

- **At any time** on any street within a park in New York City, or any bridge or tunnel under the jurisdiction of the Triborough Bridge and Tunnel Authority.
- **At any time** on the Cross County, Hutchinson River, Saw Mill River or Taconic State Parkways in Westchester County.
- **At any time** in a DMV road test area.
- **At any time** without a **supervising driver** or in violation of the restrictions specific to the **geographical region** the junior permit holder is driving in.

Penalties for Traffic Violations as a Junior Driver

A junior permit or junior license will be **suspended for 60 days** if a junior driver is:

- convicted of any two moving violations during the probation period.
- found guilty of committing a single, more serious violation (as listed below) during the probation period.

If the junior driver is found guilty of committing a "use of a mobile telephone/ use of portable electronic device" violation during the probation period, the license will be **suspended for 120 days**.

A junior permit or junior license will be **revoked for 60 days** if a junior driver, after having the license/permit/privileges restored from a suspension or revocation, is:

- convicted of any two moving violations during their probation period.
- found guilty of committing a single, more serious violation (as listed below) during the probation period.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

If a junior driver is found guilty of “use of a mobile telephone/use of portable electronic device” violation during the probation period, the driver’s license will be **revoked for 1 year**.

A "serious traffic violation" is a violation that carries three or more **driver violation points**.

Examples:

- speeding;
- reckless driving;
- following too closely;
- participating in a speed contest;
- use of mobile telephone (such as a cellular phone);
- use of portable electronic device (such as a smartphone, GPS or MP3 player); or
- two other traffic violations.

Road Rage

Road rage is a state of anger that can result from an incident which involves the use of a motor vehicle and can escalate into violent criminal acts. Road rage can include provocative behavior intended to intimidate others.

Aggressive driving is not road rage, but can escalate into road rage. Aggressive driving involves traffic infractions (like speeding or running a stop sign), while road rage involves crimes.

Road Rage adds to violent and dangerous driving conditions. The following behaviors constitute road rage:

- Driver behaviors -- yelling, cursing, excessive horn honking, rude or obscene gestures and threats which can lead to:
 - Vehicular actions – cutting off, extremely close tailgating, blocking maneuvers, pursuing or chasing, running another vehicle off the road, deliberate ramming or bumping of another vehicle which can lead to:
 - Actions outside the vehicle – exiting the vehicle to threaten, frighten, attack, fight and hurt another motorist, pedestrian, cyclist etc.

Tips to avoid becoming a target of road rage:

- Do not make obscene gestures
- Do not use your horn excessively
- Do not block the passing lane
- Do not block the right-hand turn lane
- Do not tailgate
- Do not stop in the road to talk with another driver or a pedestrian
- Use signals when switching lanes
- Do not take other driver's errors personally
- Avoid eye contact with a driver that tries to engage you
- Smile, be courteous, and avoid conflict
- Do not exit the vehicle to argue with or otherwise engage another motorist or pedestrian

(Source-AAA Foundation for Traffic Safety)

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

Aggressive Driving

Aggressive drivers:

- Under stress, aggressive drivers have different reactions than other drivers; they respond to stressful conditions with physiological responses connected with hostility. (Source: Applied Psychophysiology and Biofeedback)
- Persons who engage in aggressive acts when driving are more affected by mood than other drivers. A bad mood appears to have a bad effect on driving behavior which appears to be most pronounced among unsafe drivers. (Source: *AAA Foundation study*)

Average drivers:

- Blood pressure increases for drivers that experience rage
- Facial muscles tighten while they experience rage

The average driver can reduce the possibility of road rage by reducing stress while driving.

Suggestions for reducing stress:

- Leave yourself enough time to get to your destination
- Listen to soothing music in your car
- Make sure your car is serviced and in good condition
- Make your vehicle a more comfortable place

(Source: *AAA Foundation for Traffic Safety*)

Road Rage Charges and Penalties

The driving behaviors that are associated with road rage could result in the following charges and penalties:

Under the Vehicle and Traffic Law

Reckless Driving

Section 1212 – Reckless Driving is a misdemeanor and carries a penalty of 5 points.

Under the Penal Law

Criminally negligent homicide

Section 125.10 – This is a class E felony. Maximum sentence is 4 years imprisonment.

Assault in the first degree

Section 120.10 – This is a class B violent felony. Maximum sentence is 25 years imprisonment.

Assault in the second degree

Section 120.05 – Assault in the second degree is a class D violent felony with a maximum sentence of 7 years imprisonment.

Assault in the third degree

Section 120.00 – Assault in the third degree is a class A misdemeanor with a maximum sentence of 1 year imprisonment.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

Manslaughter in the first degree

Section 125.20 of the Penal Law -- This is a class B violent felony. The maximum sentence is 25 years imprisonment.

Manslaughter in the second degree

Section 125.15 of the Penal Law - This is a class C felony. The maximum sentence is 15 years imprisonment.

For the felony convictions listed here, a fine up to \$5,000 can be levied in addition to the term of imprisonment. A felony conviction also carries a mandatory surcharge of \$300 and victim assistance fee of \$25.

VEHICLE AND TRAFFIC LAW §510(2) requires the revocation of the license of anyone convicted of homicide or assault that arises from the operation of a motor vehicle.

The Influence of Fatigue and the Use of Alcohol and Other Drugs

Fatigue and the use of alcohol or other drugs reduce the ability of a person to do the mental task of driving. They reduce the person's ability to concentrate and increase the effect of feelings and attitudes.

Two of the more immediate effects of drinking alcohol are loss of judgment and lowered inhibitions. This can happen even after consuming small amounts. Inhibitions keep feelings in check. As those inhibitions fail, feelings have a more marked influence on how we act. A person can get angry quickly and intensely, or allow a celebration of the moment to dominate the attention needed for driving. Our attitudes can surface inappropriately, or become distorted, which can lead to unpredictable and painful results.

Alcohol is the most available and used drug. There are many other drugs that can influence our feelings and the way we think. There are sedatives, stimulants, and hallucinogens; over-the-counter, prescription, and illicit drugs. They each have the potential to influence the degree of risk that feelings and attitudes can have on driving behavior.

Fatigue and drowsiness are more of a risk than people realize. There is the danger a driver will fall asleep while at the wheel. Fatigue and drowsiness can also cause confusion and inappropriate expressions of feeling. A tired person can change from normal driving behavior to untimely agitation, outbursts, panic, etc. To act on these emotions while driving a vehicle can put the fatigued driver, and others sharing the road at the time, in danger.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Introduction

Death and injury associated with drinking and driving is a national tragedy. It is the number one contributor to the highway death toll, with thousands of victims every year.

Police records show that about half of all motor vehicle-related deaths involve alcohol; a driver, a passenger or someone else, like a pedestrian, have been drinking. In most cases, these deaths are the result of someone who was drinking and driving. Nationally, over 17,000 motor vehicle-related deaths occur each year because of alcohol, and hundreds of thousands of people are injured.

“Alcohol” and “Drug” Defined

Alcohol is an odorless, colorless, depressant contained primarily in beer, wine and distilled spirits. The amount of alcohol in beverages is as follows:

- Beer: 3.2% to 5% alcohol
- Wine coolers: 4% to 8% alcohol
- Malt liquor: 5% to 10% alcohol
- Wine: 10% to 16% alcohol
- Distilled spirits: 39% to 50% alcohol

These amounts can be higher or lower depending upon the product. Most beverages containing alcohol, though not beer or wine, have the alcoholic proof (percentage of alcohol times two) described on the label. For example, 80 proof liquor contains 40 percent alcohol.

Drugs come in liquid, powder, and tablet form in different strengths for many purposes (refer to Common Drugs and Their Effects, Appendix B). A drug is any substance that, when absorbed into the body, changes bodily function.

Why Do People Drink or Use Drugs and Drive?

The following are a few of the reasons why people drink or use drugs and drive:

1. believe risk is minimal
2. feel that “crashes happen to others”
3. no concern for others; “I don’t care” attitude
4. can be okay if driving only a short distance
5. believe that being extra careful will compensate
6. self-destructive attitude
7. perception that alcohol and/or drugs improve abilities
8. show-off attitude; “I can do it when others cannot”
9. use a minimal amount of alcohol to mask a drug high; this improves chances of avoiding detection at sobriety checkpoints
10. judgment impaired by substance
11. many drugs, including alcohol, are addictive
12. problem drinkers have developed a tolerance

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Physical and Psychological Effects of Drinking Alcohol and Using Drugs

Alcohol-impaired drivers can display the following characteristics:

1. mild neurosis, or anxieties and phobias
2. low tolerance of tension and frustration
3. reduced inhibitions and greater risk taking
4. immaturity
5. enhanced emotions
6. inhibition of the decision-making process

The impairments caused by the consumption of 1-1/2 to 2 ounces of alcohol in an hour can be the following:

1. peripheral vision decreases
2. eye reaction decreases
3. visual acuity decreased by an amount comparable to wearing dark glasses at night
4. recovery time from headlight glare is longer, from 7 to 32 seconds depending upon the individual
5. complex reaction time increases 15 to 25 percent
6. judgment of distance and speed is less accurate
7. attention to details is lacking
8. driver talks more
9. a false increase in self-confidence
10. the moral code may be temporarily decreased
11. double vision occurs
12. blurring of vision occurs
13. nystagmus (rapid involuntary oscillation of the eyes) occurs
14. night vision impaired
15. impairment of stereopsis (three-dimensional vision)
16. visual hallucinations occur
17. dizziness occurs
18. feelings of drowsiness and fatigue enhanced

Many drugs, like depressants, have effects similar to alcohol (refer to Common Drugs and Their Effects, in Appendix B).

Note: Alcohol also impairs pedestrians; their behavior is often unpredictable. Be particularly attentive after sporting events and near taverns.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

How to Compute Blood Alcohol Content (BAC)

You can accurately measure a person's Blood Alcohol Content (BAC) when you administer a blood test, urine test, saliva test or breath test. Individuals can calculate their own BAC if they know the following facts:

- An average drink (12 ounces of beer, 5 ounces of wine, 1 ounce of distilled spirits) will produce a BAC of .020 percent in a 160-pound person (.030 percent in a 110-pound person, .015 percent in a 220-pound person).
- Once the alcohol is in the bloodstream, all people will metabolize .015 percent to .020 percent alcohol in approximately one hour (approximately one drink for a 160-pound person). This can decrease with the onset of middle age.
- Alcohol takes approximately $\frac{1}{4}$ to $\frac{3}{4}$ of an hour to permeate the stomach wall and enter the bloodstream.

Here is an example of the BAC of a 160-pound person who begins to drink at 5:00pm:

<u>BEVERAGE</u>	<u>BAC/DRINK</u>	<u>TIME</u>
12 ounces of beer	.02%	5:00-5:10pm
12 ounces of beer	+.02%	5:10-5:25pm
12 ounces of beer	+.02%	5:25-5:40pm
12 ounces of beer	+.02%	5:40-5:55pm

Approximate blood alcohol content at 6:00pm equals .08 percent minus .01 percent that was metabolized, and perhaps .01 percent in the stomach. BAC is approximately .06 percent.

Approximate BAC at 6:30pm equals .08 percent minus .02 percent metabolized. Therefore, BAC is approximately .06 percent.

Approximate BAC at 7:00pm equals .08 percent minus .03 percent metabolized. Therefore, BAC is approximately .05 percent.

NOTE: These are estimates. There can be errors when you estimate BAC. It is possible to have two people of equal weight with an equal amount of food in their stomachs to have BACs that differ by .02 percent.

NOTE: Zero tolerance is defined as any measurable amount (.02 and above) of alcohol in the blood, breath or urine of a driver.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Chemical Testing and Implied Consent

Chemical tests use blood, breath, urine or saliva to measure the alcohol and/or drug content of a person's blood. When a driver is arrested for an alcohol or drug-related violation, the police officer can request that the driver submit to a chemical test. Under New York's "Implied Consent" law, any person who drives in this state is considered to have given consent for this test.

The penalties if you refuse a chemical test are in addition to penalties imposed after conviction of the alcohol or drug related traffic violation. If a driver refuses to take the chemical test after the driver is arrested, the driver's license will be suspended at the court arraignment. The fact that the chemical test was refused can be introduced in court when the driver is tried on the alcohol or drug-related charge. A separate DMV hearing will be held to determine if the chemical test was refused. If the hearing confirms that the test was refused, the driver's license will be revoked. This is true even if the driver is found not guilty of the alcohol or other drug-related violation. In addition to the license revocation, the driver will be required to pay a civil penalty and a driver responsibility assessment.

The court will order a screening to determine if treatment for alcoholism or substance abuse is required.

Specific information about sanctions and penalties for chemical test refusal can be found in Chapters 2 and 9 of the Driver's Manual.

The Driver Responsibility Assessment (DRA)

DRA General Information

Sections 503(4) and 1199 of the Vehicle and Traffic Law impose a Driver Responsibility Assessment (DRA) following convictions for certain traffic violations.

This assessment is in addition to any fines, fees, penalties or surcharges that are collected by the courts. DMV (not the courts) is responsible for the collection of this assessment from motorists.

The DRA is imposed in the following circumstances:

- When a motorist is convicted of any alcohol or drug-related driving offense. Or when a motorist is convicted of a refusal to submit to a chemical test that did not arise out of the same incident as the conviction. The assessment is \$250 each year for three years.
- The DMV assigns points for conviction of some traffic violations. When a motorist accumulates six or more points on the driving record within an 18-month period, the assessment is \$100 each year for three years. They must also pay \$25 for each additional point accumulated during that 18-month period.

Completing a point reduction course will not reduce the number of points for the purposes of the DRA.

DRA Suspension

If a DRA remains unpaid for a period of 45 days, driving privileges are suspended. The suspension can only be cleared upon receipt of payment.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

The "Zero Tolerance" Law

What is the "Zero Tolerance" law?

This law makes it illegal for a driver under age 21 to have consumed any alcohol. A police officer can temporarily detain you to request or administer a chemical test to determine your Blood Alcohol Content (BAC). If your BAC is .02 to .07 percent, you will be notified to appear at a DMV hearing. If the judge's finding supports the charge, the penalty is a 6-month license suspension, a \$125 civil penalty, and a \$100 suspension termination fee. Each additional offense will result in your license being revoked for at least one year or until age 21, whichever is longer. Each additional offense will also result in a \$125 civil penalty, and a \$100 license re-application fee.

NOTE: If your BAC is .05 percent or greater, the police can charge you with driving while ability impaired (DWAI) or driving while intoxicated (DWI), and can prosecute your arrest in criminal court.

The Zero Tolerance law will have a direct effect on drivers under the age of 21.

Here are the major provisions of the Zero Tolerance law:

1. It is illegal for a person under age 21 to operate a vehicle with a Blood Alcohol Content (BAC) of .02 - .07%.
2. Violators must appear at a DMV hearing. If they are found guilty, their license is suspended for six months.
3. In addition to a license suspension, the violator must pay a \$125 civil penalty and a \$100 suspension termination fee before license reissuance.
4. If the youth refuses to submit to a chemical test, a DMV hearing is scheduled. If the police officer had grounds for the chemical test request, the penalties are:
 - \$300 civil penalty,
 - one-year license revocation, and
 - license reapplication fee.
5. Penalties for second or subsequent offenses are:
 - consumed alcohol = six-month license revocation
 - chemical test refusal = one-year revocation or license loss till age 21, whichever is longer
6. Violation remains on youth's record for three years or until age 21, whichever is longer.
7. A finding that a youth age 16-20 drove after consuming alcohol is considered an administrative violation and not a criminal conviction.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

“Leandra’s Law”

Section 1192 of the NYS Vehicle and Traffic Law provides penalties when a person drives while intoxicated. It also provides penalties for when their ability is impaired by drugs or a combination of drugs and alcohol. In December, 2009, the Vehicle and Traffic Law, NYS Penal Law and Executive Law, were amended. The amendment increased penalties for motorists who are in violation of these laws when a child 15 years of age or younger is a passenger in the vehicle. “Leandra’s Law” is named in honor of 11-year old Leandra Rosado, who was killed in an automobile crash in a vehicle driven by the intoxicated mother of a friend.

What is “Leandra’s Law”?

All persons who drive while intoxicated pose a danger to others. The person who chooses to drive under the influence of alcohol or drugs with children in the car has made a conscious decision to put those children at risk of harm or death. An adult can take steps to avoid riding with an impaired driver, but a child does not have that choice, especially when the driver is a parent or guardian.

Leandra’s Law, an amendment to Section 1192, created a new aggravated driving while intoxicated offense. The law applies to a person who operates a vehicle while intoxicated by alcohol, impaired by drugs, or a combination of both ***while a child, 15 years of age or younger, is a passenger in the vehicle***. This is a class E felony (maximum sentence of four years). A person convicted of aggravated DWI must install and maintain an ignition interlock device. The applicable Penal Law penalties are increased by one felony class level if the operator causes the death or serious physical injury of a child. All persons convicted of misdemeanor offenses per Vehicle and Traffic Law section 1192(2) and (3) will be required to install and maintain an ignition interlock device.

These are the major provisions of Leandra’s Law:

1. It is a crime to drive while intoxicated with a child in the vehicle who is 15 years of age or younger.
2. A law enforcement officer must note when a child or person other than the offender has been killed or suffered serious physical injury. This also applies when a child age 15 or younger in the vehicle is present at the time of the arrest and the operator of the vehicle is the parent, guardian, or custodian of the child. This allows the police to make an appropriate report to the Department of Social Services.
3. Aggravated driving while intoxicated with a child age 15 or younger in the vehicle is a class E felony (maximum sentence of four years). Along with any fine or imprisonment for this conviction, the court must also sentence the person to probation or conditional discharge. A condition of the discharge must be the installation and maintenance of an ignition interlock device on any vehicle the person owns or operates, for a period of at least six months. *Any person charged with aggravated driving while intoxicated with a child is prohibited from receiving a reduced charge to a non-criminal violation.*
4. Penal Law was amended so persons convicted under the Vehicle and Traffic Law of driving while intoxicated and aggravated driving while intoxicated can be properly sentenced. This would include the full range of penalties currently allowed for a misdemeanor or class E felony. Additionally, the person must be sentenced to a period of probation or conditional discharge that ensures the use and monitoring of ignition interlock devices.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

5. Under Penal Law, vehicular assault in the first degree is a class D felony (maximum sentence of seven years). The amended Penal Law now includes a person who commits the crime of vehicular assault in the second degree and causes serious physical injury to a child age 15 or younger in the vehicle.
6. Under Penal Law, aggravated vehicular assault is a class C felony (maximum sentence of 15 years). The amended Penal Law now includes a person who commits the crime of vehicular assault in the second degree and engages in reckless driving and causes serious physical injury to a child age 15 or younger in the vehicle.
7. Under Penal Law, vehicular manslaughter in the first degree is a class C felony (maximum sentence up to 15 years). The amended Penal Law now includes a person who commits the crime of vehicular manslaughter in the second degree and causes the death of a child age 15 or younger in the vehicle.
8. Under Penal Law, aggravated vehicular homicide is a class B felony (maximum sentence of 25 years). The amended Penal Law now includes a person who commits the crime of vehicular manslaughter, engages in reckless driving and causes the death of child age 15 or younger in the vehicle.
9. Executive Law was amended to require a person who is released on parole or conditional release, following a conviction for the above-mentioned Penal Law violations or a conviction for aggravated driving while intoxicated with a child age 15 or younger in the vehicle, to install and maintain an ignition interlock device as a condition of that release.

V&T Laws Regarding Driving Under the Influence of Alcohol or Drugs

NYS Vehicle and Traffic Law Section 1192. Operating a motor vehicle while under the influence of alcohol or drugs

NYS Vehicle and Traffic Law Section 1198. Installation and operation of ignition interlock devices

Sanctions cited are as follows:

DWAI

Section 1192(1) - Suspension for 90 days (if less than age 21, revocation for one year*). Second offense within 5 years (conviction date to violation date), revocation for 6 months (if less than age 21, revocation for one year or until age 21, whichever is longer)*.

DWI; per se.

Section 1192(2) - Revocation for 6 months (if less than age 21, revocation for one year*). Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year. (if less than age 21, revocation for one year or until age 21, whichever is longer)**

Aggravated DWI; per se and with a child.

Section 1192(2-a) - Revocation for 1 year (all ages). Second offense of 1192(2-a), with a prior conviction of 1192(2), (2-a), (3), (4) or (4-a) within 10 years, revocation for 18 months (if less than age 21, revocation for 18 months or until age 21, whichever is longer). Second offense of 1192(2), (3), (4), or (4-a) with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

DWI (Not necessary for BAC to be .08%--known as "common law DWI")

Section 1192(3) - Revocation for 6 months (if less than age 21, revocation for one year or until age 21, whichever is longer)*. Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year (if less than age 21, revocation for one year or until age 21, whichever is longer). Second offense of 1192(3) with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**.

DWAI - Drugs

Section 1192(4) - Revocation for 6 months (if less than age 21, revocation for one year or until age 21, whichever is longer)*. Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year (if less than age 21, revocation for one year or until age 21, whichever is longer). Second offense of 1192(4) with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**.

DWAI - Combined Drugs or of Drugs and Alcohol

Section 1192(4-a) - Revocation for 6 months (if less than age 21, revocation for one year or until age 21, whichever is longer)*. Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year (if less than age 21, revocation for one year or until age 21, whichever is longer). Second offense of 1192(4-a), with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**.

Under 21

* A court must issue a minimum one-year revocation for a first offense of any violation of Section 1192 if the motorist is less than 21 years of age at the time of the offense, or is adjudicated as a youthful offender.

** If less than age 21 and the prior conviction is for Section 1192(2-a), aggravated DWI, revocation is for 18 months or until age 21, whichever is longer.

Why are penalties for drinking and driving so strict?

Drinking and driving is a hazardous combination. Consider these facts:

- One third of the fatalities in NYS involve impaired or intoxicated drivers and pedestrians,
- Increased Blood Alcohol Content (BAC) increases the risk of a crash. A driver with a BAC of 0.08 is four times more likely to cause a crash as a driver who has not been drinking. A driver with a BAC of 0.16 is 25 times more likely.
- Young drinking drivers are at the highest risk. Drivers 20 years old or younger are three times more likely to be involved in alcohol related fatal crashes than other drivers.

How much can I drink before it affects my driving ability?

Any amount of drinking will affect your judgment and coordination, and reduce your ability to judge distances, speeds, and angles. The degree of impairment depends on four basic factors:

- The amount you drink.
- If you have eaten before or while drinking (food slows absorption).
- Your body weight.
- The length of time spent drinking.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

No one should consume alcohol and drive. Your safe driving ability decreases after you drink. Young drivers lose their driving skills more quickly. This is why state law makes it illegal for any driver or passenger to have an alcoholic beverage with intent to consume ("open container" law).

It is illegal to purchase an alcoholic beverage if you are less than 21 years old.

What is the quickest way to sober up?

The way to reduce your BAC after drinking is to wait for your body to metabolize (eliminate) the alcohol – and that takes several hours. Your body metabolizes one drink each hour. Coffee will not sober you up. Neither will a walk or a cold shower. They can make you feel more awake, but you will still be impaired and it will be dangerous for you to drive.

Are license penalties the same for all age groups?

No. If you are less than 21 years old your driver license will be revoked for one year if you are convicted of any alcohol-related offense. If you commit a second such offense while you are less than age 21, your license will be revoked for at least one year or until you are 21, whichever is longer.

If you enroll in the Drinking Driver Program (DDP) and receive a conditional license, your license will remain in conditional status for the original full period of revocation.

Your driver license or privilege will be suspended if you are found guilty of using a driver license or non-driver ID as proof of age to illegally purchase alcoholic beverages.

What will happen to me if I am stopped by the police?

If you are stopped by a police officer who believes you are under the influence of alcohol or drugs, you may be required to take a "field sobriety test". The test can include a breath-screening for the presence of alcohol. If you are arrested, you will be asked to take a "chemical test" for BAC. You can also be fingerprinted.

Driving While Intoxicated (DWI) is a crime. If you are convicted, you will face a large fine, a mandatory surcharge, license revocation, higher insurance premiums, and a possible jail sentence.

What will happen if I refuse to take the chemical test?

If you refuse a chemical test for BAC (Blood Alcohol Content), your license will be suspended at arraignment in court. It will also be revoked for at least one year (18 months for a commercial driver) at a Department of Motor Vehicles hearing. If you are age 21 or older, and you have a second refusal within five years of a previous refusal or alcohol conviction, your license is revoked for 18 months (permanent for a commercial driver).

If you are under age 21, and you have a second refusal within five years of a previous refusal or alcohol conviction, your license is revoked for one year or until age 21, whichever is longer.

You will be subject to a civil penalty of \$500 (second offense, \$750). A driver less than 21 years old who refuses to take a chemical test under the Zero Tolerance Law is subject to a 1-year license revocation and a \$125 civil penalty. The penalties and fines for refusing to submit to a chemical test are separate from, and in addition to, the penalties and fines for alcohol or drug-related convictions.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Penal Laws Regarding Driving Under the Influence of Alcohol or Drugs

In addition to the penalties for alcohol and drug related violations of the NYS Vehicle and Traffic Law, there are penalties set forth in the NYS Penal Law related to driving while intoxicated or impaired by drugs.

Vehicular assault in the second degree - Section 120.03 of the Penal Law

Vehicular assault in the second degree is a class E felony; maximum sentence of 4 years.

Vehicular assault in the first degree - Section 120.04 of the Penal Law

Vehicular assault in the first degree is a class D felony; maximum sentence of 7 years.

Aggravated vehicular assault - Section 120.04-a of the Penal Law

Aggravated vehicular assault is a class C felony; maximum sentence of 15 years.

Criminally negligent homicide - Section 125.10 of the Penal Law

Criminally negligent homicide is a class E felony; maximum sentence of 4 years.

Vehicular manslaughter in the second degree - Section 125.12 of the Penal Law

Vehicular manslaughter in the second degree is a class D felony; maximum sentence of 7 years.

Vehicular manslaughter in the first degree - Section 125.13 of the Penal Law

Vehicular manslaughter in the first degree is a class C felony; maximum sentence of 15 years.

Aggravated vehicular homicide - Section 125.14 of the Penal Law

Aggravated vehicular homicide is a class B felony; maximum sentence of 25 years.

Driving while intoxicated offenses - Section 60.36 of the Penal Law

This section was added to the Penal Law. It is meant to describe that when a court is imposing a sentence for a violation of misdemeanor or felony DWI and, as a condition of the sentence, orders the installation and maintenance of an ignition interlock device, the court can set another penalty authorized pursuant to Section 1193 of the Vehicle and Traffic Law (fine, imprisonment, license revocation).

Driving while intoxicated or aggravated driving while intoxicated offenses - Section 60.21 of the Penal Law

Additional penalties apply when a person is sentenced for misdemeanor or felony DWI. Penal Law Section 60.21 allows the court to sentence a person to a period of imprisonment as authorized by law. The court must sentence the person to a period of probation or conditional discharge pursuant to Section 65.00 of the Penal Law. The court must also order the installation and maintenance of an ignition interlock device. Such period of probation or conditional discharge must run consecutively to any period of imprisonment and must start immediately upon a person's release from imprisonment.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Related Executive Law Amendment (2009) - Section 259-c of the Executive Law

Subdivision 15-a was added to provide additional sanctions when a person serves a sentence for Vehicular Assault, Vehicular Manslaughter, Aggravated Vehicular Assault or Aggravated Vehicular Manslaughter, or for felony DWI. If such person is released on parole or conditional release, the person must install and maintain an ignition interlock device in any motor vehicle the person owns or operates during the term of parole or conditional release. Furthermore, the Parole Board cannot authorize the operation of a motor vehicle by any person whose license or privilege to drive is revoked.

The High Risk of Using Other Drugs

Alcohol is the most widely used and abused drug in the world. There are other drugs that alter perception: there are hundreds of herbal drugs, over 300,000 over-the-counter drugs, over 35,000 prescription drugs and approximately 500 illicit drugs. Xanax is the most commonly abused tranquilizer (sedative-relaxant), Oxycontin is the most commonly abused narcotic (pain killer). The most widely used illegal drugs are:

- | | | |
|-----------------------|---------------------------------|-------------------------|
| 1. marijuana | 4. psilocybin (magic mushrooms) | 7. cocaine/crack |
| 2. opioid painkillers | 5. tranquilizers | |
| 3. ecstasy | 6. LSD | 2014 Global Drug Survey |

The definition of a drug is any substance taken that will create a physiological effect when ingested or introduced into the body. The classes of drugs are stimulants, depressants, hallucinogens, narcotics and tranquilizers. They can impair judgment, slow reflexes and hamper eye-hand coordination. Marijuana is a special category with properties and effects similar to depressants and stimulants.

Some examples of depressants are Xanax, alcohol, barbiturates, narcotics and tranquilizers. The effects of depressants are difficulty in concentration, drowsiness and extreme relaxation.

The major types of hallucinogens are LSD, Psilocybin, ecstasy, and Peyote. Hallucinogens have the effect of altering the perception of reality and can cause disorientation.

Some examples of stimulants are nicotine, caffeine, cocaine (crack), and amphetamines. Their effects are irritability, lack of concentration, and an over-estimation of abilities.

Drugs which are prescribed for pain, anxiety, blood pressure, heart disease and colds can cause drowsiness. Check with your pharmacist or physician.

Some over-the-counter drugs can be as dangerous as prescription and illegal drugs. For example, antihistamine contained in many cold remedies, cough medicines, allergy medications and decongestants can cause drowsiness. It is important to read the precautions on the labels of all substances before you use them, especially if you intend to drive.

“Potentiation” or “Synergism” are terms used to describe the combined effect of two drugs that interact differently than the sum of their individual effects. The combined effect is often unpredictable.

Tolerance is the ability of the body to withstand the effects of certain drugs. The user must take greater amounts to sustain a predictable “high.”

(NOTE: See “Common Drugs and Their Effects” in Appendix B)

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Making Wise Decisions to Promote Safe Driving

The decision to drink and drive is based on two variables: THE INDIVIDUAL and THE SITUATION. Each of these variables has two categories: low risk and high risk. Simply put, a LOW RISK PERSON, in a LOW RISK SITUATION can make the decision to drink moderately; a HIGH-RISK PERSON, in a HIGH-RISK SITUATION must decide not to drink.

The decision to drive must be made ONLY when your ability and judgment is not impaired by alcohol or other drugs. No “safe” level of consumption has been established for substances such as marijuana and cocaine.

DECISION MATRIX

INDIVIDUALS

PEOPLE WHO ARE LOW RISK:

- are in good physical health
- have no emotional disorders
- have no history of alcohol-related problems or of alcoholism in their family
- are not under stress

PEOPLE WHO ARE HIGH RISK:

- have physical disorders which they are not aware of
- are experiencing emotional stress or disorder
- are from a family with a history of alcohol-related problems or drug addiction
- have a sensitivity to alcohol
- are women who are pregnant

Particular at-risk populations are CHILDREN, ADOLESCENTS AND THE ELDERLY.

SITUATIONS

SITUATIONS THAT ARE LOW RISK:

- a “safe environment,” where little judgment or physical coordination is or will be required
- where the quantity used is small enough not to cause intoxication or impairment. (There is no established safe level of consumption for substances like marijuana or cocaine.)

SITUATIONS THAT ARE HIGH RISK:

- where judgment and physical coordination are critical
- where use averages more than two standard drinks a day
- when the quantity consumed is sufficient to cause impairment (BAC reaches .02 percent or greater)
- a time of unusual stress or emotional upheaval
- when taking medication such as sedatives, psychoactive drugs, tranquilizers or antihistamine

Appendix A

Recent Laws and Highway Safety Concerns

School Bus Safety Awareness

The New York State Vehicle and Traffic Law Section 142 defines a school bus as:

- Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

School buses have bigger blind spots, take longer to stop, and need more room to maneuver than a standard vehicle. Buses should be treated differently than you would treat an average-sized vehicle. It is important for drivers to know how to react to a school bus in operation.

When you encounter a school bus:

- Slow down. School buses make frequent stops, so be patient and drive at a reasonable speed. Remember, in addition to picking up and dropping off students, school buses are required by law to stop at railroad crossings.
- Be alert. Always be aware of children and parents that may be waiting at a school bus stop or perhaps running to catch the bus before it departs.
- Come to a complete stop at least 20 feet away from the bus.
- Be extra careful to look around before moving your vehicle, as children may be walking in front of, behind, or on the side of school buses. Check for pedestrians - especially near schools, bus stops, playgrounds, parks, and behind parked cars.

The Governor's Traffic Safety Committee (GTSC) reports that in New York State, 2.3 million children are transported by more than 50,000 school buses annually.

- Laws protect students who are getting on and off a school bus by making it illegal for drivers to pass a school bus while the school bus is stopped for the purpose of dropping off or picking up passengers and the red lights on the school bus are flashing, regardless of the direction of approach.

Youngest Students at Risk

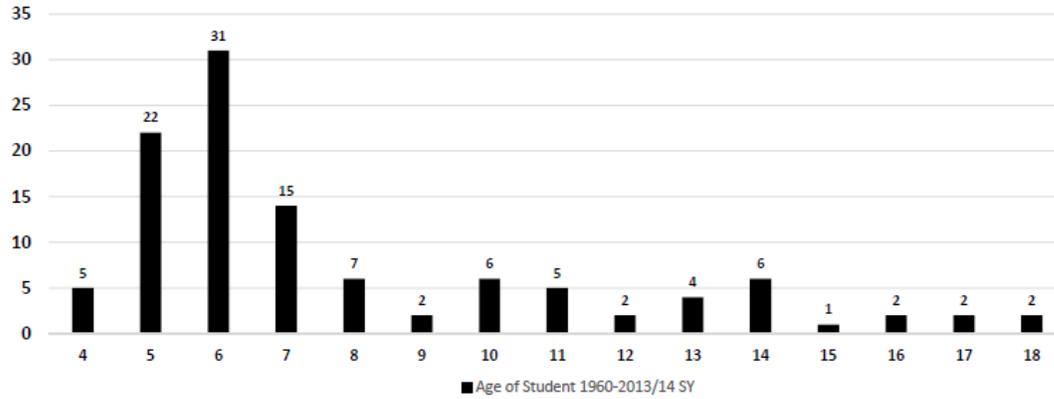
The NY State Education Department, Department of Pupil Transportation, states that the youngest students are most at risk.

Children ages 4 to 8 (grades K-3) are most susceptible to a school bus fatality. These children, though they represent less than 35% of the student population, were involved in 69% of the fatalities (79 out of 114). Factors that likely contribute to these statistics:

- The smaller stature of younger children makes them more difficult for bus drivers and motorists to see.
- These younger students are unable to see over or around objects such as parked cars or bushes.

Appendix A Recent Laws and Highway Safety Concerns

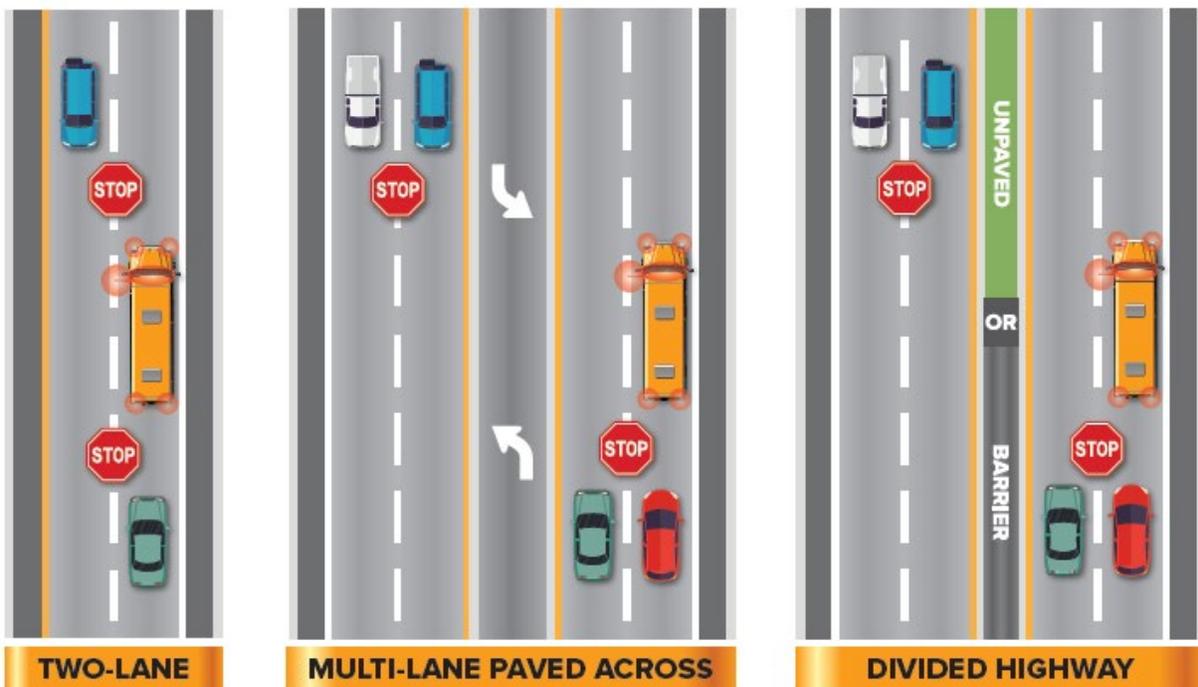
Age of Student 1960-2017/18 SY



Right of way

When a school bus stops and flashes its red lights, traffic approaching from either direction **must** stop before reaching the bus

- on a two-lane road,
- on multi-lane highways, and
- on divided highways.



Appendix A

Recent Laws and Highway Safety Concerns

Share the Road

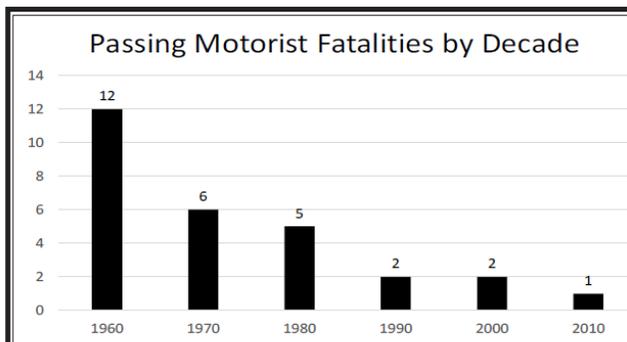
Yellow flashing lights mean the bus is preparing to stop to load or unload children. Slow down and prepare to stop your vehicle.

Red flashing lights mean the bus has stopped and children are getting on or off. Stop your vehicle and wait until the school bus resumes motion or until signaled by the bus driver or police officer to proceed.

Fatalities Caused by Passing a Bus

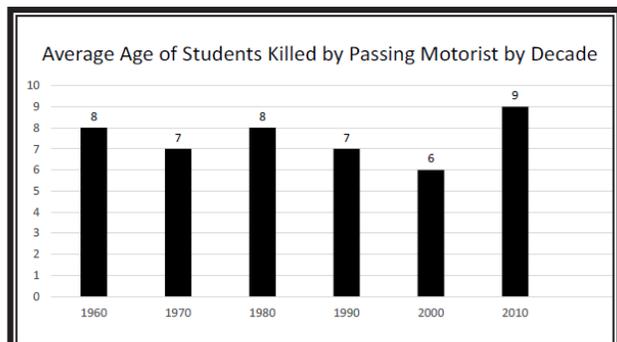
Fatal crashes involving children who were struck by motorists passing a bus typically involved one or more of the following factors:

- Motorists attempted to pass the bus, claiming they didn't have time to wait.
- Motorists claimed they couldn't see the flashing lights because the lights were dirty or because sun, rain, snow, or fog blinded them.
- The bus driver waved the car through the red flashing lights, unaware a child was crossing the road at that time. Even if the bus driver waves you ahead, you should still remain vigilant and keep to slower speeds.
- The motorist, demonstrating disregard for the law and/or children's safety, did not stop for the flashing red lights.



The number of Passing Motorist fatalities has decreased steadily over the last five decades. However, the number of close calls or near misses continues to plague the school transportation system.

- *Even when red lights are flashing, motorists sometimes pass on the left or right side of the buses that are stopped to load or unload students.*



- *Of the 27 student pedestrians who were struck and killed by a passing motorist, 4- to 8- year-olds represent 71% of the total fatalities.*
- *Over the past five decades, that number has stayed consistent.*

Appendix A

Recent Laws and Highway Safety Concerns

Consequences

Vehicle Operators - There are legal and financial consequences for vehicle operators who pass a school bus while the school bus is stopped for the purpose of dropping off or picking up passengers and red lights on the school bus are flashing.

- First conviction – fine of \$250-\$400 and/or up to 30 days in jail
- Second conviction within 3 years – fine of \$600-\$750 and/or up to 180 days in jail
- Third conviction (or more) within 3 years – fine of \$750-\$1,500 and/or up to 180 days in jail

*Five points will be added to the operator’s driving record for each conviction.

Vehicle Owners - A law was passed in 2019 that authorizes school districts and municipalities to use stop-arm cameras on school buses to impose penalties on the owners of vehicles which pass a school bus while the school bus is stopped for the purpose of dropping off or picking up passengers and red lights on the school bus are flashing.

- First violation - penalty of \$250
- Second violation within 18 months – penalty of \$275
- Third violation (or more) within 18 months – penalty of \$300

OWNER LIABILITY FOR FAILURE OF OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM (Vehicle and Traffic Law Section 1174-A)

“Owner liability for failure of operator to stop for a school bus displaying a red visual signal and stop-arm. (a) 1. Notwithstanding any other provision of law, a county, city, town or village located within a school district ("district") is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village, in accordance with the provisions of this section. Such demonstration program shall empower such county, city, town or village to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within such county, city, town or village, on school buses owned and operated by such school district or privately owned and operated for compensation under contract with such district. Provided, however, that (a) no stationary school bus photo violation monitoring system shall be installed or operated by a county, city, town or village except on roadways under the jurisdiction of such county, city, town or village, and (b) no mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless such county, city, town or village and such district enter into an agreement for such installation and operation....”

Appendix A Recent Laws and Highway Safety Concerns

PEDESTRIAN AND BICYCLE SAFETY

Pedestrians, bicyclists and other road users are extremely vulnerable to the careless actions of motor vehicle drivers. New drivers can help make a difference and prevent senseless injuries and death by being aware and conscious of their driving behavior, particularly in and around intersections and at crossings.

According to information from the U.S. Department of Transportation, pedestrian and bicyclist fatalities comprise about 20% of all traffic fatalities with approximately 7,000 pedestrian deaths and 900 bicyclist deaths nationally. Another 76,000 pedestrians and 47,000 bicyclists are injured in roadway crashes annually. In New York State, injuries and deaths vary by community, but in New York City, for example, nearly 50% of all traffic fatalities involve pedestrians and bicyclists.

In addition, certain age groups, particularly children and the elderly are over-represented as victims in these crashes and injuries. For example, 40% of pedestrian fatalities in New York City are over the age of 60.

In this segment, we will discuss pedestrian and bicyclist safety and how this impacts you as a driver. We'll also discuss your responsibilities and ways you can minimize the risk. Keep in mind that pedestrians and cyclists are people, fellow human beings, going about their daily lives and trying to get to a destination safely. Also remember that as a driver, YOU are a pedestrian before you enter and after you exit a vehicle.

What can you do to be safe around pedestrians or bicyclists? Motor vehicle operators are responsible for safe and lawful operation of the vehicles they drive. It is important for you, as a driver, to do everything possible to respect the safety of pedestrians and bicyclists. You as the driver are responsible to exercise due care by being **aware**, **alert**, and **driving defensively**.

AWARENESS

The first step to any solution is to be aware of the issues. Pedestrians and bicyclists are also users of the roadways and they have as much right to use them as motorists do, but there are some key differences:

- **The risk of injury or death is much higher for pedestrians and bicyclists than for a driver.** Drivers have a vehicle around them and many safety features (such as seat belts, airbags, weather protection, etc.), but pedestrians and bicyclists do not. Therefore, in a crash, the pedestrian or bicyclist is much more vulnerable to injury or death than you are as a driver.

Drive slowly. Understand and be aware that speeding is a significant factor in crashes and how severely injured you, other drivers, and other road users (including pedestrians and cyclists) can be. Nearly a third of all fatal crashes that occur in New York State are speed related. Your speed matters. While the difference between 30 mph and 25 mph may not feel like much to you when you are driving, a pedestrian or cyclist's risk of death in a crash can be reduced by almost half by slowing down.

- **Pedestrians and bicyclists are not required to be licensed.** They don't have to get a learner permit or pass tests to qualify. That means pedestrians and bicyclists may not be trained in the rules that apply to all roadway users.

Appendix A

Recent Laws and Highway Safety Concerns

ALERTNESS

The second step is being alert when you drive. Bicyclists and pedestrians can be anywhere. You must actively use all your senses and your knowledge to detect these vulnerable road users.

- **Visibility.** Some contributing factors:
 - Pedestrians and bicyclists are much smaller than even a compact car, so you may have a much more difficult time seeing them. Bicyclists and pedestrians can also disappear in your front and rear blind spots, especially when you are turning.
 - They may not have lights or brightly colored clothing.
 - They may be hidden by other vehicles or other obstructions.
 - In inclement weather, as well as at night, you may not easily be able to see them.

Many new drivers are told to watch out for other cars. The brain looks for other cars - what it identifies as a hazard. As such, you may not cognitively recognize the hazard (pedestrians or bicyclists). What you don't "see" you can't avoid. The solution: You must actively look for bicyclists and pedestrians – as well as other vehicles – when you drive. Make sure they see you!

- **Know where to look.** Think about where you are likely to see them:
 - **Intersections** are especially dangerous. Pedestrians and bicyclist may come from any direction. Not all intersections are designed with crosswalks.
 - **Crosswalks:** Crosswalks are intended to give pedestrians a safe place to cross a street. Crosswalks also give drivers an idea of where to expect to find pedestrians.
 - It is important to know that not all crosswalks have signs or pavement markings. Unmarked crosswalks are usually at intersections. An unmarked crosswalk is the area of the road between two curbs/roadsides where a pedestrian could continue from one sidewalk, directly across the road to the sidewalk on the other side. They crosswalk is the area of the road that lines up with the sidewalks on either side.
 - The law (statewide and New York City) requires that drivers must complete stop and allow pedestrians to cross at both marked and unmarked crosswalks.
 - **Bicycle paths** and bicycle lanes are designed to provide bicyclists with a safe place to ride. Motorists are not permitted to drive in or block the bicycle lanes. There are no exceptions – you cannot drive in these lanes, and there is no stopping, no standing, no parking – not even for a minute.
 - More detail about the different types of bicycle lanes and their pavement markings is presented later in this section.
 - **Schools:** Pedestrians and bicyclists are very common around schools. Expect children around schools – even when school is not in session.

Appendix A

Recent Laws and Highway Safety Concerns

- **Playgrounds and parks** are supposed to be a safe place for children to play. But often children may run out into the street to catch or retrieve a ball or toy. They might run out between parked vehicles. A careful driver will be especially alert around schools and playgrounds.
- **Other areas commonly having a lot of pedestrians and/or bicyclists are:**
 - Residential areas such as your neighborhood
 - Retail areas such as outside (strip) malls, restaurants
 - Mass transit stops
- **On common roadways:**
 - Pedestrians are supposed to walk on sidewalks, but not all roads have sidewalks. On roads where there is no shoulder or a narrow shoulder or no sidewalks, pedestrians have no choice but to walk along the road and they have the legal right to do so. Pedestrians walking along the roadside should walk facing traffic but not all pedestrians know this so, as a driver, you must be alert and expect the unexpected.
 - Cyclists also have the right to operate along the roadside, even when no bicycle lane markings are present. They should be riding in the direction of traffic and observing all traffic rules but expect that some cyclists may not be aware of this. Be alert, give them the space they are entitled to.
 - Be aware when leaving or backing out of driveways, alleyways, and private roads, regardless of whether they are residential or commercial properties; pedestrians have the right of way crossing those areas when using the sidewalk that intersects them.
- **Generally, bicyclists and pedestrians are prohibited from limited access highways.** But that does not mean you don't have to be alert there. For example, you might encounter someone with a disabled vehicle who is walking alongside the highway to get help.
- **Pedestrians and bicyclists often move at different speeds and often slower than traffic, making them unpredictable.** They may be of any age (a child, teen, or adult of any age) and may move at different speeds or change direction suddenly. For example:
 - someone out for a leisurely stroll
 - someone late to work or school
 - a runner
 - a person using a cane, walker, or wheelchair and has great difficulty moving
 - a person who is blind, deaf or hard of hearing
 - someone pushing a child in a stroller
 - someone walking between parked cars or in front or behind a bus.
 - a child who is just learning to ride a bicycle and worrying more about falling than watching for traffic.
 - someone trying to get to school or the playground, to work, or make a delivery.
 - someone who might be distracted.
 - someone who may be reacting to other traffic situations or obstacles which can affect how they operate their bike and/or their path of travel.

Appendix A

Recent Laws and Highway Safety Concerns

DRIVE DEFENSIVELY!

The third step is to be a defensive driver. A good driver will anticipate situations that could be dangerous – not just to themselves, but to other roadway users. Remember, bicyclists and pedestrians are highway users, too! It is important to acknowledge that driving can be difficult, but by following the laws meant for drivers, you can reduce your risk of being in a crash and hurting yourself or another. You can save a life! While pedestrians and cyclists may not always be doing the right thing, in a collision with a motor vehicle they are always going to be the ones who lose, so it is important for you, the driver, to do everything you can to prevent a crash and its consequences, regardless of who may be in the wrong.

Passing bicyclists can be very dangerous. Bicycles sometimes must swerve to avoid obstacles (a pothole, debris, a car opening a door, etc.). If you are too close, you might collide with the bicyclist. Bicyclists are also susceptible to wind. Crosswinds may cause a cyclist to swerve into the lane of traffic unexpectedly. Also, when a vehicle drives past a cyclist, the shape of the passing vehicle may create a wake that draws the cyclist from the intended path. This could cause the cyclist to suddenly swerve into the traffic lane.

When you approach a pedestrian or cyclist, don't assume they are aware of you. If you are approaching from behind, they may not hear you.

Whenever possible, slow down and give them some extra room.

Driving defensively applies not just when you are driving, but also when you are parked. When parked or getting ready to pull out, be aware as bicyclists may come within 3-5 feet of your door. One technique that can help with this is to Reach, Swivel, and Look:

- **REACH:** Use your right hand (not the left hand) to reach for the handle to open the driver's door.
- **SWIVEL:** Reaching for the driver's door handle with your right hand will cause your body to turn to the left, and help you look for a bicycle that may be overtaking you.
- **LOOK:** Look alongside and to the rear of your car to search for hazards.

This method will help you avoid opening your driver's door into the path of a bicyclist or other traffic.

PEDESTRIAN SAFETY - TIPS FOR DRIVERS

Be patient: Drive the speed limit and avoid aggressive maneuvers

- Be alert: Always watch for pedestrians.
- Make sure the pedestrian sees you!
- Scan the road and the sides of the road ahead for pedestrians.

Appendix A

Recent Laws and Highway Safety Concerns

- Do not expect a pedestrian to always follow the rules of the road and expect that a pedestrian may be entering the roadway at anytime, anywhere, including outside of crosswalks. Expect the unexpected.
- Before making a turn, look in all directions for pedestrians who are crossing. Then look again. Left turns can be very dangerous maneuvers for a motor vehicle driver. For example, 35% of New York City pedestrian injury crashes occur when a driver is attempting to make a left turn. Turn slowly and expect that pedestrians are in the crosswalk every time. A safe speed in an area with dense pedestrian traffic is 5 mph. Many car-pedestrian crashes can be avoided if the driver turns slowly.
- The law requires drivers to yield to pedestrians in a crosswalk. Drivers must stop when a pedestrian is in any part of the crosswalk or any part of the roadway crossing, even when unmarked. Failing to yield to pedestrians is a traffic infraction. If you violate the pedestrian's right of way and cause an injury or death, you could be charged with a crime. These laws are enforced aggressively in New York City under the Vision Zero Program, but expect to face severe consequences if you cause injury or death to a pedestrian no matter where you drive in the state.
- When in doubt, give the pedestrian the right of way, even if that person isn't doing the correct thing.
- Don't drive after consuming alcohol or other drugs, or when you are fatigued.
- Do not use your cell phone or text while driving.
- Do not use portable electronic devices, headphones or do any other activity that will distract you.
- Before backing up, look carefully behind your vehicle for approaching pedestrians, especially small children.
- For maximum visibility, keep your windshield clean and headlights on.
- Be responsible: Pedestrians have the right of way at all crosswalks. Yield to pedestrians at all crosswalks and intersections, whether marked or unmarked.
 - When there is no traffic control signal, drivers must yield the right-of-way to pedestrians, particularly if a pedestrian is in a crosswalk, or there is potential danger to the pedestrian.
 - Every driver approaching an intersection or crosswalk must yield the right-of-way to a pedestrian. This means you must stop your vehicle when a pedestrian is in any portion of the crosswalk, marked or unmarked.
 - Drivers may be issued tickets if they are involved in a crash with a pedestrian, injure a pedestrian/bicyclist, or fail to exercise due care.
- Stop well back from the crossing to give other vehicles an opportunity to see the crossing pedestrians so they can stop too. If there is a stop line on the pavement, stop before reaching the line.

Appendix A

Recent Laws and Highway Safety Concerns

- Yield to pedestrians when making right or left turns at intersections. Turn slowly, ideally 5mph in areas with a lot of pedestrian traffic. Expect that someone may be entering the roadway or crossing the street that may not see or hear you – expect that there may be persons with disabilities who may have hearing, sight, or mobility challenges in and around crossings.
- Pay particular attention to pedestrians accompanied by a guide dog, or who are using a white cane or other mobility assistive devices.
- Use extra caution when driving near children playing along the street or older pedestrians.
- Do not block or park in crosswalks.
- Always stop for a school bus with flashing red lights. Never pass or overtake a vehicle that is stopped for pedestrians. There may be people crossing where you can't see.
- Drive slowly and come to a complete stop at STOP signs.
- Use extra caution when driving in hard-to-see conditions, such as nighttime or bad weather.
- Slow down and be prepared to stop when turning or otherwise entering a crosswalk.
- Be extra cautious when backing-up and look for pedestrians.
- Be aware of your vehicle's a-pillars (vertical supports on the vehicle that are located around all glass) as these may interfere with seeing clearly, they can create blind spots!
- Never pass vehicles stopped at a crosswalk. There may be people crossing where you can't see.
- Follow the speed limit, especially around people on the street, in school zones, in neighborhoods where children are present, and as you approach an intersection.

BICYCLE SAFETY - TIPS FOR DRIVERS

- People on bicycles have the same rights as drivers.
- Drivers must be alert to the presence of bicyclists and drive responsibly to avoid colliding with them or encroaching on their rightful path of travel.
- Yield to bicyclists as you would other drivers and do not underestimate their speed. This will help avoid turning in front of a bicyclist traveling on the road or sidewalk, often at an intersection or driveway.
- Give bicyclists extra space. When passing a cyclist, a good rule of thumb is to give them a space of at least three feet.
- When there is no bike lane available the cyclist can legally operate along the roadside and, if there is no room along the roadside, the cyclist has the right to "take the lane" of traffic, which means they can operate in a full lane, just as motor vehicle would. If this occurs, drive patiently and use due care.
- Make sure bicyclists see you.
- In parking lots, at stop signs, when backing up, when parking, and before opening your door, search your surroundings for people, bicycles, and other vehicles.
- Learn to recognize common hand signals used by bicyclists to indicate right and left turns and stopping.

Appendix A

Recent Laws and Highway Safety Concerns

- Drivers turning right on red should look to the right and behind to avoid hitting a bicyclist approaching from the right rear. Stop completely and look left-right-left and behind before turning right on red.
- Be alert, drive slowly, reduce speed for road conditions and drive defensively to avoid a crash with a cyclist.
- Give cyclists room. Do not pass too closely. Pass bicyclists as you would any other vehicle when it's safe to move over into an adjacent lane. Look before getting out of your parked vehicle; avoid opening your door into the path of an oncoming bicyclist.
- When passing a bicyclist, reduce speed. Air pressure from your vehicle can send the cyclist off balance.
- Be aware that a bicyclist near or in front of you can react to road hazards like a motorcyclist would with sudden changes of speed, direction, or lane position.
- Learn to recognize designated bicycle lanes, bike boxes, 2-way cycle tracks, green painted cycle lanes and other roadway modifications designed for bicyclists to operate safely and efficiently. Drivers are prohibited from operating in these dedicated spaces and must be aware of how bicyclists operate in and around these spaces.
 - Bicycle lane – a marked lane dedicated for use by bicycles.
 - 2-way cycle track – a marked bicycle lane that allows travel in both directions, similar to a sidewalk for pedestrians.
 - Bike Box – a marked area at an intersection, ahead of where traffic is required to stop. This area provides extra space for bicyclists. Some bike boxes extend across the entire intersection and function similar to a crosswalk for pedestrians.
 - Green painted bike lanes are used to increase visibility to cyclists in some high traffic areas.
- Bicycle lanes are similar to crosswalks in that they cross intersections. When turning from a road that has a bike lane, be sure no cyclists are going straight who will be cut off by your turn. Let them pass, and then turn slowly. Turning into a bike lane at an intersection is a common type of serious crash and it causes injury and death to cyclists. These crashes are completely preventable if the driver is alert and watching for cyclists before making the turn. **You** can save a life by watching for cyclists at intersections and before turning!

The rules of the road and right-of-way apply to and protect bicyclists and other roadway users. You must yield the right-of-way to them just as you would to another vehicle. Bicyclists have to follow traffic rules too, but as a driver, you can and must control your actions and always anticipate that others may not always do the right things at the right time. Your actions can be the difference between life and death when it comes to cyclists.

Appendix A

Recent Laws and Highway Safety Concerns

What to do if you are involved in a crash with a pedestrian or bicyclist:

What do you do if a crash occurs?

We always try to avoid crashes, but sometimes a crash can occur no matter how careful the driver, pedestrian or bicyclist may be. It's important that every driver knows what to do in the event of a crash.

- Do not panic!
- Determine if anyone is hurt and how badly.
- Call 911 or the local police department to report the accident and summon any emergency aid.
- Exchange information with others involved in the crash, including:
 - Name, address, and phone number
 - Vehicle registration and insurance information
- Don't move anyone or any vehicles unless it's absolutely too dangerous to leave them where they are. For example, if there is a fire, get everyone away from the fire.
- See if there any witnesses and, if so, get their contact information.
- Remain at the scene until law enforcement arrives and they tell you that you can leave.
 - "Leaving the scene of an accident" may result in any of the following, depending on the circumstances of the incident:
 - Points being added to your driving record
 - Being ticketed
 - Paying hefty fines
 - Having your driver license revoked for up to 6 months
 - Spending up to 15 days in jail
 - You could also be charged with a misdemeanor or felony crime
 - Leaving the scene of a crash occurs throughout the state, but more densely populated urban areas see higher concentrations of such incidents. For example, in New York City 25% of car-pedestrian injuries involve the driver leaving the scene. If you witness a driver leaving the scene of a crash involving a pedestrian bicyclist, or other roadway user, please notify law enforcement.

As a driver, you are required by law to report any crashes that you are involved in where there is any of the following:

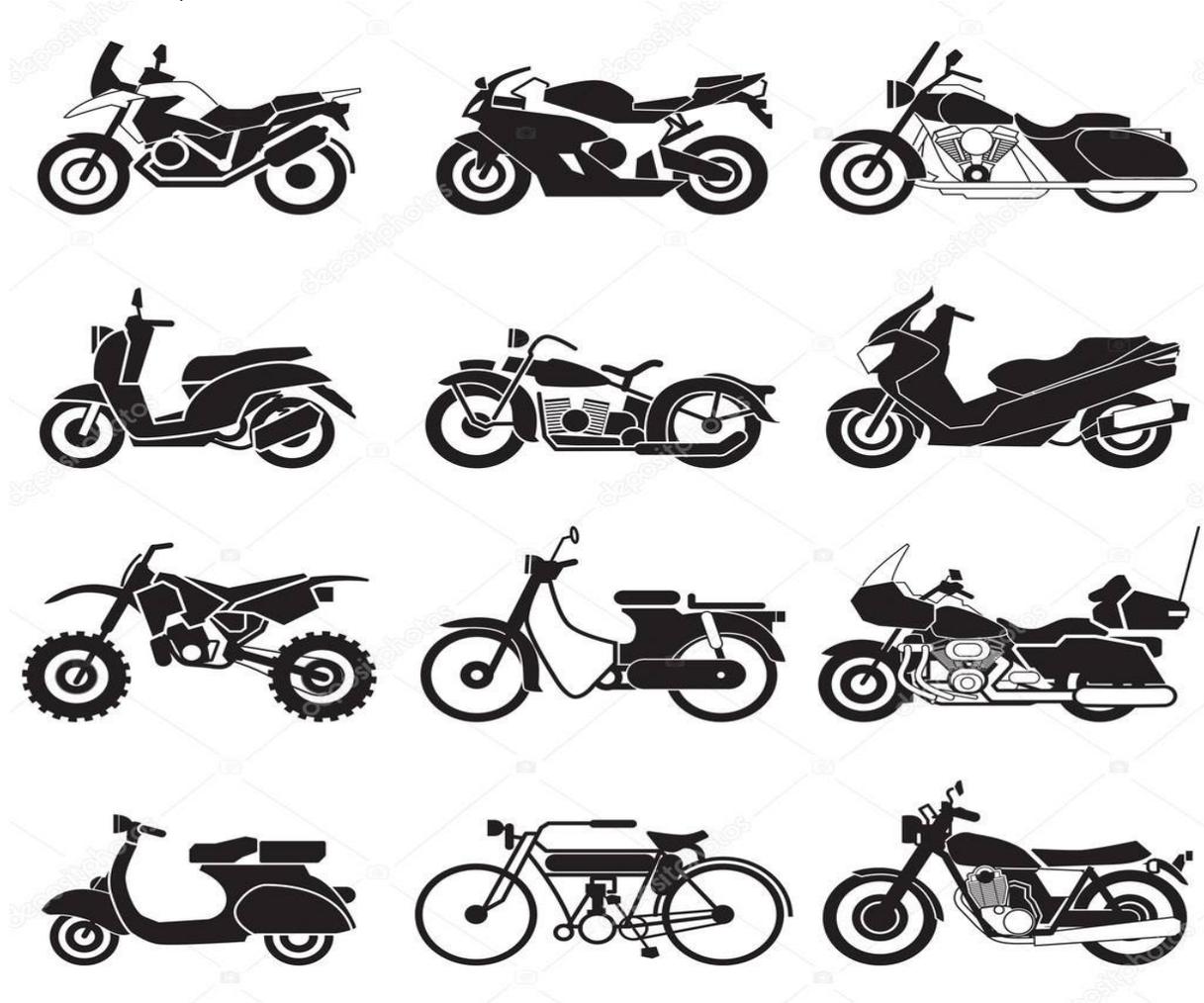
- Damage over \$1,000 to any vehicle/property
- Injury of any person involved in the crash
- Death of any person

Appendix A Recent Laws and Highway Safety Concerns

Motorcycle Awareness

Drivers share the road with a lot of other motorists who are driving cars, trucks, and motorcycles. Motorcycles are common on New York roads. If there is a crash that involves a car or truck and a motorcyclist, the motorcyclist has a higher risk of serious injury or death than the driver of the car or truck. Motorcycles do not offer the rider the protections you have with other types of vehicles. For example, motorcycles do not protect the rider with a frame around the rider.

Motorcycles (which includes scooters and mopeds) come in many shapes and sizes. New York State Law describes a motorcycle as “Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.” Most motorcycles you see have either two or three wheels. Examples include (but are not limited to):



Appendix A

Recent Laws and Highway Safety Concerns

Motorcycles are smaller than most other vehicles on the road, which adds to their not being seen. There are several other conditions that make motorcyclists harder to see.

- ✓ Motorcycles are narrow compared to other vehicles on the highway. If you approach a motorcycle from the front or the back, the motorcycle can be less obvious to your eye. This can make it difficult to judge how far away the motorcycle is or how fast it is going.
- ✓ Motorcycles are often a “seasonal use” vehicle. Most motorcyclists ride in the Spring, Summer, and Fall – few are on New York roads in the Winter. Because we do not see them throughout the year, we do not think about them.
- ✓ Motorcycle lighting is different, and often less obvious, than lighting on other vehicles.
 - Motorcycles in New York State are required to operate with the headlights and taillights illuminated at all times. This can help them be seen. But, because so many vehicles are equipped with daytime running lights (i.e. headlights that are always on), motorcycles do not stand out.
 - It is harder to see the brake lights. Motorcycle tail lights are always on, so the brake lights do not stand out. Also, the tail lights on a motorcycle are generally smaller in size than those on other vehicles.
 - Motorcycles are equipped with a tail light and brake light, but do not have a “Center High Mount Stop Light” (CHMSL) as cars and trucks do. A CHMSL is designed to be at, or close to, eye level. Most motorcycle brake lights are mounted lower than eye level, which makes them less easy to see for many motorists.
 - Turn signals on motorcycles are often close to the headlight or taillight, which can make them more difficult to see.
- ✓ Some motorcyclists do not dress “conspicuously.” Many motorcyclists wear brightly colored clothing (which includes hi-visibility vests, jackets, and/or helmets) to be easier to see, but not all motorcyclists do.
- ✓ Motorcycles can slow down without using their brakes. Motorcyclists can downshift (shift to a lower gear) or roll off the throttle (similar to taking your foot off the accelerator) and let their motor slow them down. When doing this, the brake lights do not come on unless the motorcyclist applies the brakes. Most new motorists expect to see the brake lights, and can be surprised when the motorcycle slows without the brake lights coming on.
- ✓ Motorcycles can appear to move faster than other vehicles. Motorcycles can appear to be moving faster because they are narrower and shorter than cars. Because they appear to move faster, motorcycles are harder to see. Motorcycles can accelerate, brake, and turn quicker than other vehicles.
- ✓ Motorcycles can be more difficult to predict than other traffic. Motorcycles must take additional precautions when they come upon special highway surfaces like loose gravel, steel deck bridges and railroad crossings, so motorists need to adjust how they drive when around motorcycles.
- ✓ Motorcycles are entitled to an entire lane of traffic, but their narrow profile can make them less visible than a car. If you are overtaking a car/SUV/truck, you might not see a motorcycle in front of that vehicle until you are already in the passing lane. The same can be true when you enter an expressway and do not see a motorcycle that is driving in the left portion of the lane you intend to merge into.

Appendix A

Recent Laws and Highway Safety Concerns

- ✓ Motorcyclists can share a lane with other motorcyclists. They can travel in a staggered lane position (one motorcycle in each “wheel track,” with one motorcycle ahead of the other).

Drivers do not see motorcycles because they look for cars, they do not look for motorcycles. It is human nature to look for something specific. A new driver can be told to look for cars (and trucks) before going through an intersection, and that is what the driver will look for. Unfortunately, not everyone thinks about motorcycles, so they do not *look for motorcycles.* New motorists need to train themselves to look for a multitude of hazards including, **but not limited to,** trucks, buses, bicyclists, pedestrians, and motorcycles.

Drivers need to adjust how they drive around motorcycles.

- Do not tailgate, because motorcycles can stop in a shorter distance than cars.
- When it rains or is dark, give motorcycles even more space.

Ways that you can increase your awareness of motorcycles:

- Expect the unexpected!
- Actively look for motorcycles. We all see what we look for, what we expect to see. Add motorcycles to that list!
- Identify what motorcycles look like. You need to know what you are looking for.
- Reduce distractions in your vehicle:
 - Turn off your phone!
 - Turn your music down. If your music is so loud you cannot hear anyone speak in a normal voice, you will not hear other vehicles around you
- Avoid sudden movements like lane changes.
- Use technology (like blind spot monitoring and back-up cameras) as an assist, not a crutch!
 - Motorcycles cannot always be “seen” by these technologies
- Recognize that it can be harder to judge how far away a motorcycle is, or how fast it is going.
 - Motorcycles have a narrower cross-section than other vehicles.
 - Motorcycles do not take the entire width of a lane of traffic.

Appendix A

Recent Laws and Highway Safety Concerns

Right-of-Way

Important Vehicle and Traffic Laws (VTL) about right-of-way, include:

VEHICLE TURNING LEFT (VTL-1141)

MOVE OVER LAW (VTL-1144-a)

VEHICLE APPROACHING ROTARY TRAFFIC CIRCLE OR ISLAND (VTL-1145)

More intersections are engineered with traffic circles (sometimes called roundabouts or rotaries).

PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS (VTL-1151)

Motorists must be aware of a pedestrian's right-of-way in crosswalks.

OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN (VTL-1170)

In the last several years there have been a number of tragic collisions where motorists have failed to yield right-of-way at railroad crossings. The motorist always loses....

CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS (VTL-1171)

OVERTAKING AND PASSING SCHOOL BUS (VTL-1174)

OBSTRUCTING TRAFFIC AT INTERSECTION (VTL-1175)

OBSTRUCTING HIGHWAY-RAILROAD GRADE CROSSINGS (VTL-1176)

Distracted Driving

Driving is a full-time responsibility. Your performance as a safe driver depends on being aware of many things: your surroundings, weather, road conditions, your vehicle's condition, other traffic, other drivers, your physical condition (are you alert?), etc. Your safety, as well as the safety of any passengers in your vehicle, depends on you. That is a big responsibility.

Today's society relies on staying connected. Being connected is a good thing, but like many things, there is such a thing as *too much of a good thing*. When you operate a motor vehicle, you need to minimize anything that can interfere with your ability to concentrate on driving safely.

New York State has several laws that address distracted driving. Use of an electronic handheld device can result in fines of \$50 to \$450 PLUS add 5 points to your driving record. "Electronic handheld devices" include (but are not limited to) cell phones, tablets, computers, navigation systems, and gaming devices. The severity of these penalties underscores the danger of distracted driving. But the penalties must not be the only reason to comply with the law – think about how much risk is involved in activities that distract us from driving.

Appendix A

Recent Laws and Highway Safety Concerns

Let's say it takes an average of 5 seconds to read a text message. If you are driving at 60 miles per hour, and you look away from the road for 5 seconds to read that text, your vehicle will have traveled 440 feet in the time it took you to read that message. Let's put that distance in perspective:

- The Brooklyn Bridge is 277 feet high. You covered that distance in less than 3½ seconds, and you are still reading!
- The Statue of Liberty is 305 feet high.
- In the time it took you to read the text, your vehicle traveled 440 feet.
- Let's say you look up and you see a person standing in the road right in your path 150 feet ahead. *It takes a driver an average of 1 ½ seconds to recognize the hazard, and direct the body to slam on the brakes. That 1 ½ seconds adds another 132 feet to your distance traveled. Total distance traveled is now 572 feet.*
- The average car can stop in 180 feet, under good conditions and dry pavement. *From the time you took your eyes off the road to read the text, to the time you were able to stop your vehicle, your vehicle traveled 752 feet. That is more than the height of the towers that hold up the Golden Gate Bridge.*

Questions:

- 1) *Were you able to stop in time to prevent hitting the person in your path?*
- 2) *Were you able to avoid being hit by the vehicle behind you (that was not expecting you to stop suddenly)?*

Anything that can prevent your ability to focus on the business of safe driving must be avoided when possible.

Safety Technology Developments

Today's vehicles have more safety features. Some of these features can impact how you drive. Drivers need to know what features their vehicles have and how the features work. The best source for this information is the vehicle owners' manual or the manufacturer's website. Here is a list of some of the more common features and how they can impact your driving:

- **Airbags.** Airbags work with seat belts to protect the driver/passengers in the event of a collision. The airbag inflates automatically on impact to create a cushion that absorbs the impact energy between the driver/passengers and the interior of the vehicle. The airbag then starts to deflate immediately. *It is important that the driver and passengers wear their seat belts at all times.*
- **Antilock Braking Systems (ABS).** ABS prevents the wheels from locking under hard braking and slippery conditions and help the driver maintain steering and directional control.
- **Traction Control.** Like ABS, this electronically-controlled system limits wheel-spin while under acceleration and helps the driver to maintain control and minimize skids.

Appendix A

Recent Laws and Highway Safety Concerns

- **Electronic Stability Control (ESC).** This system helps the vehicle avoid sliding or skidding by applying the brakes on one or more wheels and/or reducing engine power.
- **Tire Pressure Monitor.** Monitors the air pressure in the tires, and displays an alert when one or more tires are not properly inflated.
- **Lane Departure Warnings.** Alerts the driver when it detects the vehicle has moved out of the lane without the driver using a directional signal.
- **Lane Keeping Assist.** This is a system that detects when the vehicle has strayed from its lane. The system will then apply some input on the steering wheel to move the vehicle back into the lane it was in.
- **Blind Spot Warning.** This system alerts the driver when there is another vehicle alongside of the driver's vehicle. The alerts can include a warning light, sound, or a combination of the two.
- **Forward Collision Warning.** This system alerts the driver, through a visual and/or audio alert, that a collision with an object in front of the vehicle is imminent.
- **Automatic Emergency Braking.** Automatically applies the brakes when it detects an impending collision with an object directly in the vehicle's path to prevent or minimize a collision.
- **Pedestrian Detection.** Alerts the driver when pedestrians are considered to be a hazard. Can work with the brakes of the vehicle to avoid collisions with pedestrians.
- **Daytime Running Lights.** A passive system that illuminates the headlights on the vehicle at all times, even in daylight. This makes the vehicle more visible from a distance.
- **Rearview Cameras (a.k.a. backup cameras).** When the transmission is in reverse, a rear-facing camera transmits live images of what is behind the vehicle. Most display images on a monitor in the dash or rear-view mirror.
- **Rear Cross-Traffic alert.** A system that, when the vehicle is backing up, alerts the driver when hazards approach the vehicle from the sides.
- **Adaptive Cruise Control.** Adjusts the set speed of the cruise control to avoid collisions when it detects other vehicles ahead that are moving more slowly.
- **LATCH (Lower Anchors and Tethers for Children).** Allows for secure installation of child seats in vehicles.

What you, as a driver, must be aware of:

1. Not all vehicles are equipped with these features. You need to be familiar with your vehicle and its features.
2. These features do not always work. Depending on conditions, the system will not function well. The lens on a rearview camera, for example, can become obstructed by dirt or water, making it difficult to see clearly.

These systems can help you be a safer driver, but they cannot replace you. It is up to you to be alert and drive defensively.

Appendix A Recent Laws and Highway Safety Concerns

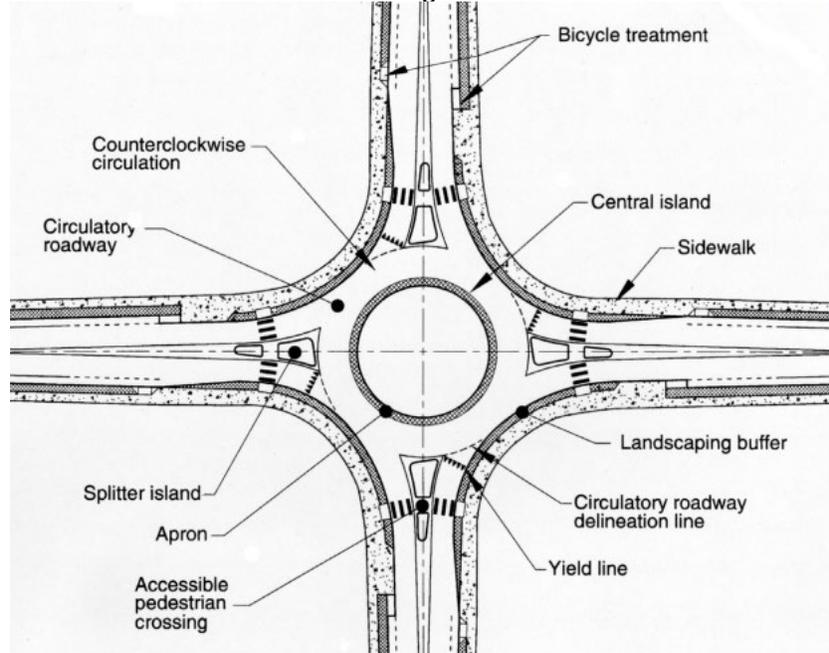
The Modern Evolution of Traffic Circles and Rotaries of the Past

Roundabouts

What is a Roundabout?

The modern roundabout is a type of circular intersection that has been successfully implemented in Europe and Australia over the past few decades. Despite the tens of thousands of roundabouts in operation around the world, they are far less common in the United States. Until recently, roundabouts have been slow to gain support in this country. The lack of acceptance can generally be attributed to the negative experience with traffic circles or rotaries built in the earlier half of the twentieth century. Severe safety and operational problems caused these traffic circles to fall out of favor by the 1950's. However, substantial progress has been achieved in the subsequent design of circular intersections, and a modern roundabout should not be confused with the traffic circles of the past.

This image represents a common roundabout design:



Roundabouts vs. Traffic Circle:

Three basic principles distinguish the modern roundabout from a traffic circle:

1. Modern roundabouts follow the "yield-at-entry" rule in which approaching vehicles must wait for a gap in the circulating flow before entering the circle. However, many traffic circles in the United States require circulating vehicles to grant the right of way to entering vehicles though few, if any, of these type circles exist in New York State. Some traffic circles also use stop signs or signals to control vehicle entry.
2. Modern roundabouts involve low speeds for entering and circulating traffic, as governed by small diameters and deflected (curved) entrances. In contrast, traffic circles emphasize higher-speed merging and weaving, made possible by larger diameters and tangential (straight) entrances.
3. Adequate deflection of the vehicle entering a roundabout is the most important factor influencing

safe operation. Roundabouts should be designed so that the speed of all vehicles is restricted to 30 mph (50 km/h) or less within the roundabout. This is done by adjusting the geometry of the entrance alignment, splitter island, center island, and exit alignment to ensure that "through" vehicle paths are significantly deflected.

In giving priority to entering vehicles, a traffic circle tends to lock up at higher volumes. The operation of a traffic circle is further compromised by the higher-speed environment in which large gaps are required for proper merging. These deficiencies have been essentially eliminated with the modern roundabout designs.

Summary:

The number of roundabouts constructed in the U.S. is relatively small, though they are being implemented more regularly in New York State. Those that are currently in operation have been reported to be performing favorably, when compared with conventional controlled intersections (i.e., stop signs or signals), in terms of improved safety, shorter delays, increased capacity, and improved aesthetics. Early results generally indicate that roundabouts have resulted in an overall reduction in the number and severity of accidents, despite the initial concern that lack of familiarity with this type of intersection would lead to driver confusion.

How to Navigate a Roundabout

- **Motor Vehicles**
 - When approaching the roundabout, follow the lane designation signs and choose the proper lane for multi-lane approach roadways, slow down and yield to pedestrians in the crosswalk.
 - Look to the left. Traffic in the roundabout has the right-of-way.
 - Approach the yield line and enter the roundabout when there is an adequate gap in the circulating traffic flow.
 - If another car is waiting at the yield line ahead of you, do not stop in the crosswalk. Keep the crosswalk clear for pedestrians.
 - Bicyclists are permitted to ride within the roundabout and will be riding in the lane just as other vehicles do. Please do not pass a bicycle in the roundabout.
- **Exiting the Roundabout**
 - Once you have entered the roundabout, proceed counterclockwise to your exit. You now have the right-of-way.
 - As you approach your exit, turn on your right turn signal.
 - Exit the roundabout, yielding to pedestrians in the crosswalk.
- **Pedestrians**
 - Stay on the designated walkways at all times.
 - Cross only at the designated crosswalks.
 - Never cross to the central island.
 - Watch for cars; you have the right-of-way, but your best protection is your own attention.
 - Cross the crosswalk one lane at a time, using the splitter island as a refuge area before crossing the next lane
- **Bicyclists**
 - If you are comfortable riding in traffic, take the lane and circulate like you are a vehicle, making sure you yield to traffic in the circle when entering.
 - Ride at the speed of the circular roadway to discourage cars from passing you.
 - When you exit the roundabout, use your right-hand signal.
 - If you are unsure about using the roundabout, dismount and walk your bike as a pedestrian at the designated crosswalks.

For more information about roundabouts, please visit the New York State Department of Transportation website at <https://www.dot.ny.gov> and search for roundabouts.

Appendix B

Common Drugs and Their Effects

Substances: Category and Name	Examples of <i>Commercial</i> and Street Names	How Administered	<i>Intoxication Effects /</i> Potential Health Consequences
<p>Cannabinoids <i>euphoria, slowed thinking and reaction time, confusion, impaired balance and coordination, cough, frequent respiratory infections, impaired memory and learning, increased heart rate, anxiety, panic attacks, tolerance, addiction</i></p>			
hashish	boom, chronic, gangster, hash, hash oil, hemp	swallowed, smoked	
marijuana	blunt, dope, ganja, grass, herb, joints, Mary Jane, pot, reefer, sinsemilla, skunk, weed	swallowed, smoked	
<p>Depressants <i>reduced anxiety, feeling of well-being, lowered inhibitions, slowed pulse and breathing, lowered blood pressure, poor concentration, fatigue, confusion, impaired coordination, impaired memory, impaired judgment, addiction, respiratory depression and arrest, death</i></p>			
alcohol	<i>Beer, Wine, Liquor, Booze, Hooch, Juice, Brewskis</i>	oral consumption	<i>also for alcohol -- impaired psychomotor coordination, impaired judgment, heart and liver damage, death from overdose possible, high accident risk when driving a car, addiction for those at risk</i>
barbiturates	<i>Amytal, Nembutal, Seconal, Phenobarbital: barbs, reds, red birds, phennies, tooies, yellows, yellow jackets</i>	injected, swallowed	<i>also, for barbiturates—sedation, drowsiness, depression, unusual excitement, fever, irritability, poor judgment, slurred speech, dizziness, life-threatening withdrawal</i>
benzodiazepines (other than flunitrazepam)	<i>Ativan, Halcion, Librium, Valium, Xanax: candy, downers, sleeping pills, tranqs</i>	swallowed, injected	<i>for benzodiazepines—sedation, drowsiness/dizziness</i>
flunitrazepam	<i>Rohypnol: forget-me pill, Mexican Valium, R2, Roche, roofies, roofinol, rope, rophies</i>	swallowed, snorted	<i>for flunitrazepam—visual and gastrointestinal disturbances, urinary retention, memory loss for the time under the drug's effects</i>
GHB	<i>Gamma-hydroxybutrate: G, Georgia home boy, grievous bodily harm, liquid ecstasy</i>	swallowed	<i>for GHB—drowsiness, nausea, vomiting, headache, loss of consciousness, loss of reflexes, seizures, coma, death</i>
methaqualone	<i>Quaalude, Lemons, Sopor, Parest: ludes, mandrex, quad, quay</i>	injected, swallowed	<i>for methaqualone—euphoria, depression, poor reflexes, slurred speech, coma</i>
<p>Dissociative Anesthetics <i>increased heart rate and blood pressure, impaired motor function, memory loss, numbness, nausea/vomiting</i></p>			
ketamine	<i>Ketalar SV: cat Valiums, K, Special K, vitamin K</i>	injected, snorted, smoked	<i>Also, for ketamine—at high doses, delirium, depression, respiratory depression and arrest</i>
PCP and analogs	<i>phencyclidine; angel dust, boat, hog, love boat, peace pill</i>	injected, swallowed, smoked	<i>for PCP and analogs—possible decrease in blood pressure and heart rate, panic, aggression, violence, loss of appetite, depression</i>

Appendix B
Common Drugs and Their Effects

Substances: Category and Name	Examples of Commercial and Street Names	How Administered	Intoxication Effects / Potential Health Consequences
Hallucinogens <i>altered states of perception and feeling, nausea, persisting perception disorder (flashbacks)</i>			
LSD	lysergic acid diethylamide: acid, blotter, boomers, cubes, microdot, yellow sunshines	swallowed, absorbed through mouth tissues	<i>for LSD—persistent mental disorders also for LSD and mescaline—increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness, numbness, weakness, tremors</i>
mescaline	buttons, cactus, mesc, peyote	swallowed, smoked	
psilocybin	magic mushroom, purple passion, shrooms	swallowed	<i>for psilocybin—nervousness, paranoia</i>
Opioids and Morphine Derivatives <i>pain relief, euphoria, drowsiness, nausea, constipation, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death</i>			
codeine	Empirin with Codeine, Fiorinal with Codeine, Robitussin A-C, Tylenol with Codeine: Captain Cody, schoolboy; (with glutethimide) doors & fours, loads, pancakes and syrup	injected, swallowed	<i>for codeine—less analgesia, sedation, and respiratory depression than morphine</i>
fentanyl and fentanyl analogs	Actiq, Duragesic, Sublimaze: Apache, China girl, China white, dance fever, friend, goodfella, jackpot, murder 8, TNT, Tango and Cash	injected, smoked, snorted	
heroin	diacetyl-morphine: brown sugar, dope, H, horse, junk, skag, skunk, smack, white horse	injected, smoked, snorted	<i>for heroin—staggering gait</i>
morphine	Roxanol, Duramorph: M, Miss Emma, monkey, white stuff	injected, swallowed, smoked	
opium	laudanum, paregoric: big O, black stuff, block, gum, hop	swallowed, smoked	
oxycodone HCL	Oxycontin: Oxy, O.C., killer	swallowed, snorted, injected	
Hydrocodone bitartrate, acetaminophen	Vicodin: vike, Watson-387	swallowed	

Appendix B
Common Drugs and Their Effects

Substances: Category and Name	Examples of Commercial and Street Names	How Administered	Intoxication Effects / Potential Health Consequences
<p>Stimulants <i>increased heart rate, blood pressure, metabolism, feelings of exhilaration, energy, increased mental alertness, rapid or irregular heart beat, reduced appetite, weight loss, heart failure, nervousness, insomnia</i></p>			
amphetamine	Biphetamine, Dexedrine: bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers	injected, swallowed, smoked, snorted	<i>for amphetamine—rapid breathing/ tremor, loss of coordination, irritability, anxiousness, restlessness, delirium, panic, paranoia, impulsive behavior, aggressiveness, tolerance, addiction, psychosis</i>
cocaine	Cocaine hydrochloride: blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, tooth	injected, smoked, snorted	<i>for cocaine—increased temperature, chest pain, respiratory failure, nausea, abdominal pain, strokes, seizures, headaches, malnutrition, panic attacks</i>
MDMA (methylenedioxy- methamphetamine)	Adam, clarity, ecstasy, Eve, lover's speed, peace, STP, X, XTC	swallowed	<i>for MDMA—mild hallucinogenic effects, increased tactile sensitivity, empathic feelings, impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, liver toxicity</i>
methamphetamine	Desoxyn: chalk, crank, crystal, fire, glass, go fast, ice, meth, speed	injected, swallowed, smoked, snorted	<i>for methamphetamine—aggression, violence, psychotic behavior, memory loss, cardiac and neurological damage, impaired memory and learning, tolerance, addiction</i>
methylphenidate (safe and effective for treatment of ADHD)	Ritalin: JIF, MPH, R-ball, Skippy, the smart drug, vitamin R	injected, swallowed, snorted	
nicotine	cigarettes, cigars, smokeless tobacco, snuff, spit tobacco, bidis, chew	smoked, snorted, taken in snuff and spit tobacco	<i>for nicotine—additional effects attributable to tobacco exposure, adverse pregnancy outcomes, chronic lung disease, cardiovascular disease, stroke, cancer, tolerance, addiction</i>

Appendix B
Common Drugs and Their Effects

<i>Other Compounds</i>			
anabolic steroids	Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise: roids, juice	injected, swallowed, applied to skin	<i>no intoxication effects/hypertension, blood clotting and cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females, menstrual irregularities, development of beard and other masculine characteristics</i>
Dextromethorphan (DXM)	Found in some cough and cold medications; Robotripping, Robo, Triple C	swallowed	<i>Dissociative effects, distorted visual perceptions to complete dissociative effects/ for effects at higher doses see 'dissociative anesthetics'</i>
inhalants	Solvents (paint thinners, gasoline, glues), gases (butane, propane, aerosol propellants, nitrous oxide), nitrites (isoamyl, isobutyl, cyclohexyl): laughing gas, poppers, snappers, whippets	inhaled through nose or mouth	<i>stimulation, loss of inhibition, headache, nausea or vomiting, slurred speech, loss of motor coordination, wheezing, unconsciousness, cramps, weight loss, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, sudden death</i>