

**DAVID J. RAIMONDO & ASSOCIATES**  
**ATTORNEYS AND COUNSELORS AT LAW**  
**2780 Middle Country Road • Suite 312 • Lake Grove, New York 11755**  
**Tel: (631) 471-1222 • Fax (631) 471-1980**

**SENT VIA FEDERAL EXPRESS**

April 5, 2017

New York State Board for Engineering, Land Surveying & Geology  
New York State Education Dept., Office of Professions  
89 Washington Avenue  
Albany, New York 12234  
Attn: Jane W. Blair, P.E., Executive Secretary

Dear Ms. Blair,

In March of 2016, I contacted you for an opinion regarding red light camera engineering plans in New York. I received a prompt reply, attached hereto. In addition, I e-mailed your offices, regarding a seal requirement for a professional engineer, and also received a prompt reply, attached hereto.

The purpose of the above is that I was retained on a 16 year old pedestrian auto fatality which occurred on May 5, 2015, on Miller Place Road and Route 25A, Miller Place, NY. Sadly, there was another 14 year old pedestrian auto fatality on February 24, 2017 at the same intersection. See attached Newsday articles. My expert P.E. requested that I obtain the certified engineering plans for this fatal intersection, including traffic signal and red light camera engineering plans, in order to form an opinion with a reasonable degree of engineering certainty on the cause of death.

Through FOIL and court order of non-parties to the fatal litigation, I obtained uncertified red light camera engineering plans, and uncertified traffic signal plans for the fatal collision intersection. I sought to ascertain why the plans for red light camera systems were unsigned and uncertified, and was advised by Nelson & Pope, P.E, that they were not retained to do certified red light camera engineering plans. Nelson & Pope's response to my subpoena is attached hereto. Also attached hereto, are Xerox State & Local Solutions, Inc., and Nelson & Pope red light camera engineering plans, and traffic signal plans.

Therefore, based upon the above, no certified engineering plans were requested from Nelson & Pope P.E., by Xerox State & Local Solutions, Inc., or Gilbert Anderson, P.E., Commissioner of the Suffolk County Dept. of Public Works, for the entire Suffolk County Red Light Camera Program. Attached hereto is project manual face sheet. There are no signed and sealed plans for either the traffic signal or red light camera engineering plans at the fatal intersection of Miller Place Road and Route 25A, Miller Place, N.Y. NYS DOT has confirmed there are no signed and sealed traffic system or red light camera engineering plans at the fatal location, in response to a FOIL request, attached hereto.

Under the Suffolk County red light camera program, Xerox State & Local Solutions, Inc., pays the following entities to fulfill the contract with Suffolk County for the Suffolk County Red Light Camera Program:

- a. The Engineers – Nelson & Pope P.E.'s for traffic signal and red light camera engineering plans, for all red light cameras in Suffolk County.
- b. Hinck Electric – For installation of the red light cameras at all locations in Suffolk County.
- c. NYS DOT – Permit fees and maintenance fees, for each and every red light camera intersection in Suffolk County
- d. Suffolk County – Share of the revenue from the red light camera engineering plans.

In consultation with my expert P.E., the following determination has been made of importance:

1. Gilbert Anderson, P.E., Suffolk County Commissioner of Dept. of Public Works, accepted on behalf of Suffolk County Red Light Camera Program, with Xerox State & Local Solutions, Inc., unsigned/unsealed and uncertified for-profit traffic control devices, (red light cameras), in the presence of uncertified traffic signals at the collision intersection. Upon information and belief, this has been done at every Suffolk County red light camera intersection from 2010 to present.
2. Nelson & Pope Professional Engineers produced unsigned/unsealed red light camera system plans for the fatal intersection with knowledge that they will be constructed on the public right-of-way for Xerox State & Local Solutions, Inc. Upon information and belief, this has been done at every red light camera intersection since 2010.

The above conclusions directly impact my expert P.E.'s opinion, with a reasonable degree of engineering certainty, on the cause of the aforementioned fatality on May 5, 2015.

Please advise whether or not Gilbert Anderson, P.E., and Nelson & Pope, P.E's, under the Suffolk County Red Light Camera Program, are operating in violation of New York State law, Article 145 Section 7201 and 7209, and whether or not any findings, actions or referrals will take place to protect the life, safety and welfare of the residents of Suffolk County.

Thank you.

Very Truly Yours,



---

DAVID J. RAIMONDO, ESQ.



Dave Raimondo &lt;dave@longislandaccident.com&gt;

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## Fed Ex Package

---

ENGINBD &lt;ENGINBD@nysed.gov&gt;

Wed, Apr 12, 2017 at 12:13 PM

To: Dave Raimondo &lt;dave@longislandaccident.com&gt;

Dear Mr. Raimondo:

Thank you for contacting the New York State Board for Engineering, Land Surveying & Geology.

We have forwarded your Fed Ex package submitted to the Department to Mr. Donald Dawson, Director of Investigations, Office of Professions for their investigation. An investigator from that office should be contacting you in the near future.

If you have any questions, please do not hesitate to contact our office. Further inquiry regarding your request, however, should be directed to Mr. Dawson's Office at 1-800-442-8106, 212-951-6400 or [conduct@mail.nysed.gov](mailto:conduct@mail.nysed.gov).

We hope this information is helpful.

Sincerely,

New York State Board for Engineering, Land Surveying and Geology

New York State Education Department, Office of Professions

89 Washington Avenue

Albany, NY 12234

518-474-3817 ext 140

<http://www.op.nysed.gov/prof/pels/>

<http://www.op.nysed.gov/prof/geo/>

[www.op.nysed.gov](http://www.op.nysed.gov)

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### Confidentiality Notice

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On Wed, Mar 16, 2016 at 3:23 PM, ENGINBD <[ENGINBD@nysed.gov](mailto:ENGINBD@nysed.gov)> wrote:

Thank you for contacting the New York State Board for Engineering and Land Surveying.

The definition of practice of engineering is defined in Education Law, Article 145, section 7201. To assist licensees and the public in understanding the practice of engineering the Board has developed practice guidelines. Please find below an excerpt from practice guidelines No. 1 (available on our website at <http://www.op.nysed.gov/prof/pels/peguide.htm>) that you may find helpful.

*"The practice of engineering means any service or work, the performance of which requires engineering education, training, and experience in the application of engineering knowledge and data, and the application of special knowledge of the mathematical, physical, and engineering sciences to services such as:*

*Consultation*

- *Investigation*
- *Evaluation*
- *Planning*
- *Design of engineering works and systems*
- *Engineering surveys*
- *Oversight for the purposes of determining if work is proceeding in compliance with drawings and specifications*

*The above listed items may embrace such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, chemical, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services."*

As traffic signal and red light camera installations involve traffic, structural, electrical and other types of engineering, this work would fall under Education Law, Article 145, section 7201 – Definition of practice of engineering.

We hope this information is helpful.

Sincerely,

Jane W. Blair, PE

Executive Secretary

Thank you for contacting the New York State Board for Engineering and Land Surveying.

The seal and signature of a professional engineer on a document has been interpreted as an attestation that, to the best of the licensee's belief and information, the work represented in the document:

- is accurate,
- conforms with governing codes applicable at the time of submission,
- conforms with reasonable standards of practice and with a view to the safeguarding of life, health, property and public welfare,
- is the responsibility of the licensee.

Section 7209 of the State Education Law requires every professional engineer have a seal and identifies when it must be applied. It does not specify whether it is to be an embossing seal, rubber stamp or electronic seal.

In all cases the licensee should ensure that the seal is legible, does not obscure the information contained in the seal and in accordance with Section 7209. Where a pressure sensitive or adhesive label is used, it is recommended that the signature should not be applied to the actual label, but rather to the document itself. In addition, you may want to contact the municipality responsible for approving the work to see if they have any specific requirements or restrictions.

If a corporate seal is placed on a document, it must be accompanied by the seal and signature of the professional engineer who is responsible for the work.

We hope this information is helpful.

Sincerely,

New York State Board for Engineering, Land Surveying and Geology

New York State Education Department, Office of Professions

89 Washington Avenue

Albany, NY 12234

518-474-3817 ext 140

<http://www.op.nysed.gov/prof/pels/>

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## John Luke, 16, dies after being struck by vehicle in Miller Place

May 6, 2015 By DARRAN SIMON [darran.simon@newsday.com](mailto:darran.simon@newsday.com)



Suffolk County police investigate a motor-vehicle crash that killed John Luke, 16, of Miller Place, on Route 25A in Miller Place at 11:30 p.m. on Tuesday, May 5, 2015. (Credit: Stringer News / AJ Ryan)

John Luke spent Tuesday evening with his high school history tutor at his Miller Place home, then told his family he was going for a stroll. He was walking home after hanging out with friends when he was fatally struck crossing the street, his family and police said.

"Everyone's distraught. They're besides themselves, they don't know whether they're coming or going," said Luke's aunt Mary Luke, who lived with the teen in Miller Place.

Suffolk police said Wednesday that Luke, 16, was probably crossing from the north side of Route 25A to the south side at Miller Place Road at 11:30 p.m., when Francesco Giulietti, traveling west, hit him with his 2015 Chevrolet sport utility vehicle.

Luke was taken to John T. Mather Memorial Hospital in Port Jefferson where he was pronounced dead. He was a junior at Miller Place High School, the district said.

Suffolk Det. Sgt. Michael Fitzharris said "it seems probable" Luke was crossing against traffic.

The driver, Giulietti, 35, of Farmingville was taken to St. Charles Hospital in Port Jefferson where he was treated for trauma and released. A police spokeswoman said Wednesday no charges are pending.

Miller Place Schools Superintendent Marianne Higuera said in a statement that district officials "extend our deepest condolences to the student's family and friends during this heartbreaking time."

School officials made mental health teams, including grief counselors, available Wednesday at the school, she said.



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Luke's family and friends remembered him as a quiet child coping with teenage growing pains -- finding love and growing facial hair.

At his home, not far from the high school, his friend Rachel Ruquet, 19, left a half-dozen roses near a side door.

"I just want his family to know that there are people thinking about the situation; he's not going to be forgotten or neglected at all," said Ruquet, a 2014 Miller Place High graduate.

Ruquet said she befriended Luke in her senior year when she saw him sitting alone in the lunchroom. Luke was quiet, "but when he smiles, that's when it all comes out," Ruquet said.

Although the district said he was a junior at the high school, his aunt said he was being tutored at home this year because he had been suspended. He had defended himself and a female friend against someone trying to bully them last year, said Mary Luke, 37.

"He was just a good kid that would do anything for anybody," his aunt said. "He would go the extra mile to defend them."

With Gary Dymski

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## Teen pedestrian's death on Route 25A in Miller Place renews concern about safety of 5-lane highway

May 20, 2015 By CARL MACGOWAN [carl.macgowan@newsday.com](mailto:carl.macgowan@newsday.com)



Suffolk County police investigate a motor-vehicle crash that killed John Luke, 16, of Miller Place, on Route 25A in Miller Place at 11:30 p.m. on Tuesday, May 5, 2015. (Credit: Stringer News / AJ Ryan)

The death this month of a teenager who was struck and killed while crossing state Route 25A in Miller Place has renewed worries that the road remains dangerous, despite efforts to make it safer.

Residents and merchants said the five-lane highway in a busy commercial corridor has

seen a rash of crashes in recent years, even after New York State Department of Transportation officials added safety features such as manually operated pedestrian crossing signals.

Some residents said their worst fears were confirmed on May 5, when John Luke, 16, of Miller Place, was struck and killed while walking across Route 25A at Miller Place Road. The driver of the car that struck Luke was not charged. Police said Luke may have been crossing against traffic.

DOT spokeswoman Eileen Peters said additional improvements may be considered when Suffolk County police complete their investigation into Luke's death. A police spokesman said the investigation was ongoing.

Many residents blame traffic congestion and speeding drivers for accidents. The posted speed limit is 45 mph.

"Especially the summertime here -- bad intersection," said Arshad Ali, the manager of a BP gas station near where Luke was killed. Ali said he has seen many dangerous encounters between drivers and pedestrians.

A driver "pays attention on the road, not to the pedestrians," he said.

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Suffolk police said in the first four months of this year there were 49 motor vehicle accidents -- an average of nearly three per week -- on Route 25A between Rocky Point-Yaphank Road in Rocky Point and Miller Place Road.

Formerly a two-lane road, Route 25A was expanded to five lanes about 25 years ago as the area's population grew. Some say increased traffic has led to more accidents.

"We don't want to urbanize the area, but we have to find things that work for both pedestrian and vehicular traffic," Miller Place resident Drew Martin said. "We're pretending to be in the country, but we're really not."

State DOT officials added new lane and center median markings after a 2013 study of the highway, which is used by 48,000 vehicles a day. State and community officials have discussed adding "traffic calming" measures such as raised center medians or pedestrian bridges to improve safety.

Brookhaven Town Councilwoman Jane Bonner said some residents expressed reservations about those plans.

"Nobody's driving the speed limit. If you're driving the speed limit, they're tailgating you," Bonner said. "The big question is, how do you correct bad driver behavior?"

Rob Fitton of Miller Place said more traffic lights might slow drivers.

"When you get on those long roads and there's no lights, people have a tendency to drive too fast," he said. "It's a very dangerous area."

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# Family mourns Miller Place teen Nicolo Signore who was struck, killed while riding bike

February 25, 2017 By Laura Blasey [laura.blasey@newsday.com](mailto:laura.blasey@newsday.com)



Flowers can be seen on a utility pole at the intersection of Miller Place Road and Route 25A on Saturday, Feb. 25, 2017, a day after Nicolo Signore, 14, was struck and killed there while riding his bicycle. (Credit: Daniel Goodrich)

Friends and family gathered Saturday to mourn at the home of a Miller Place teen who died after he was struck by a sport utility vehicle while riding his bicycle.

The street outside 14-year-old Nicolo Signore's home was filled with cars as family members

gathered on the front porch. The family declined to speak with a reporter.

Signore was hit by an SUV just after 5 p.m. Friday as he attempted to ride across Miller Place Road at Route 25A, Suffolk police said.

The teen had been following his friends, who also were on bicycles, and was the last of the group to cross the street, witnesses told investigators.

But the traffic light turned green for northbound traffic to turn left onto Route 25A before Signore finished crossing the road, police said. As the driver of a 2015 Honda Pilot, Jessica Doyen, 52, also of Miller Place, attempted to turn left onto Route 25A, her SUV struck the teenager, according to police.

Doyen was not hurt and stayed at the scene, police said.

Miller Place Rescue took Signore to Stony Brook University Hospital, where he was pronounced dead, police said.

The vehicle was impounded for a safety check and the investigation is continuing, police said.

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As of Saturday, criminal charges against Doyen were not expected.

At the scene of the crash, about a mile away from Signore's home, a colorful bouquet of daisies tied to a utility pole marked the spot where the teen was struck.

A spokesperson for the Miller Place school district said grief counselors would be sent to the high school on Monday. The teen, who played lacrosse, was in ninth grade, she said.

Signore is the second teen hit and killed at the intersection in the last two years. John Luke, 16, of Miller Place, died of his injuries after he was hit while walking across Route 25A in May 2015. That death sparked renewed concerns about the safety of pedestrians on the state road.

*With Mark Morales*

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## Cops: Teen on bike dies after SUV hits him in Miller Place

February 25, 2017 By Ellen Yan [ellen.yan@newsday.com](mailto:ellen.yan@newsday.com)



Suffolk police and Miller Place firefighters at the scene Friday afternoon, Feb. 24, 2017, where a 14-year-old boy was struck by an SUV and later pronounced dead at a hospital, officials said. (Credit: Stringer News)

A teenager trying to cross a Miller Place intersection on his bike Friday afternoon died after he was struck by an SUV, Suffolk police said.

Nicolo Signore, 14, of Miller Place was following his bicycling friends at about 5:05 p.m. as they crossed northbound Miller Place Road at Route 25A, witnesses told investigators. The teenager was the last of the group to cross the street, police said.

A light turned green for northbound traffic to turn left onto Route 25A before the victim finished crossing the road, police said.

As the driver of a 2015 Honda Pilot, Jessica Doyen, 52, also of Miller Place, attempted to turn left onto Route 25A, the SUV struck the teenager, police said. Doyen was not hurt and stayed at the scene, police said.

Miller Place Rescue took Signore to Stony Brook University Hospital where he was pronounced dead, police said.

The vehicle was impounded for a safety check and the investigation is continuing, police said.

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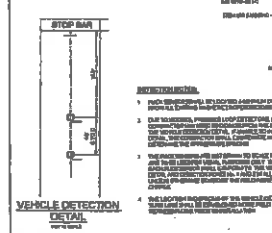
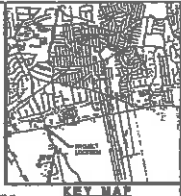
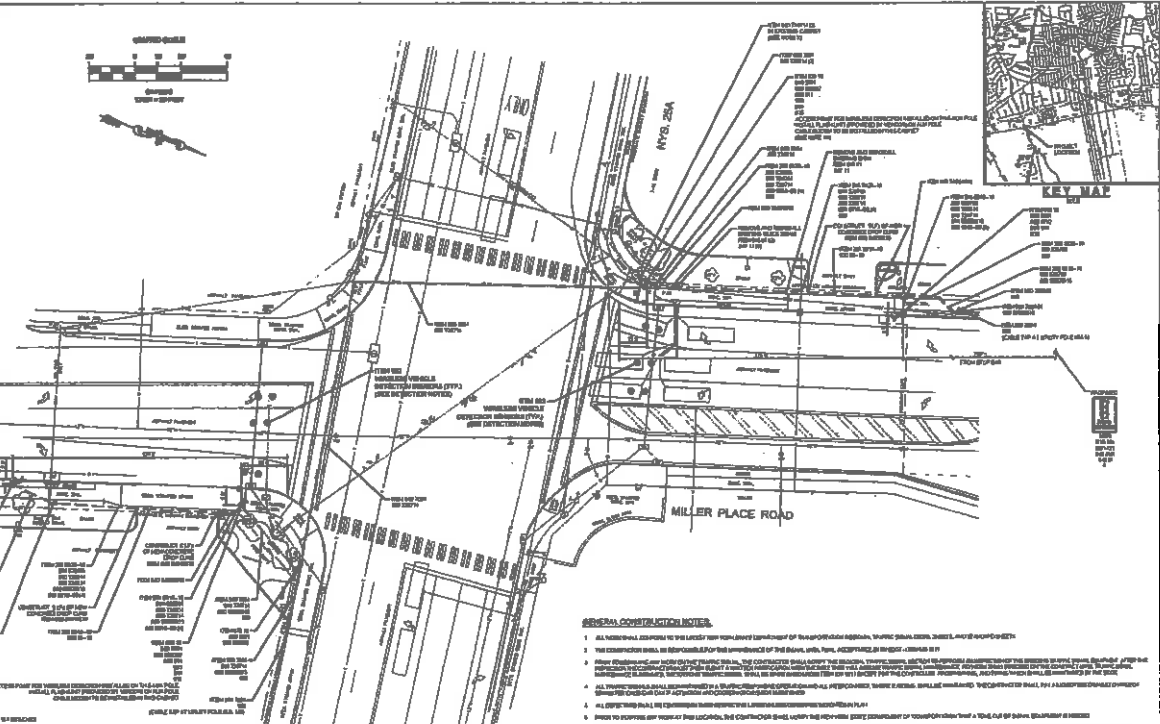
**SEE ENCLOSED  
PROJECT MANUAL**

**EXHIBIT A**

## EXHIBIT B

### TABLE OF ITEMS

ITEM NO.	DESCRIPTION
101-01	TRAFFIC SIGNAL
101-02	TRAFFIC SIGNAL
101-03	TRAFFIC SIGNAL
101-04	TRAFFIC SIGNAL
101-05	TRAFFIC SIGNAL
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101-49	TRAFFIC SIGNAL
101-50	TRAFFIC SIGNAL



### TRAFFIC SIGNAL AMBER TIME COMPARISON (THROUGH MOVEMENTS)

INTERSECTION	APPROACH	APPROACH SPEED (MPH)	APPROACH SPEED (FT/SEC)	APPROACH CLEARANCE (FEET)	APPROACH CLEARANCE (SECONDS)
MILLER PLACE ROAD	NORTHBOUND	35	49	21	18
	SOUTHBOUND	35	49	21	18

- ### GENERAL CONSTRUCTION NOTES
1. ALL CONTRACTOR WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEW YORK STATE ENGINEERING CONSTRUCTION SPECIFICATIONS AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE PROJECT SITE.
  3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S SCHEDULE.
  4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND TRAFFIC AT ALL TIMES.
  5. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE SUPERVISOR PRIOR TO INSTALLATION.
  6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SIGNAGE AND FLAGGING THROUGHOUT THE CONSTRUCTION PERIOD.
  7. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND SHALL BE SUBJECT TO THE SUPERVISOR'S SCHEDULE.
  8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SIGNAGE AND FLAGGING THROUGHOUT THE CONSTRUCTION PERIOD.
  9. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE SUPERVISOR PRIOR TO INSTALLATION.
  10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SIGNAGE AND FLAGGING THROUGHOUT THE CONSTRUCTION PERIOD.
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  18. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SIGNAGE AND FLAGGING THROUGHOUT THE CONSTRUCTION PERIOD.
  19. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S SCHEDULE.
  20. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SIGNAGE AND FLAGGING THROUGHOUT THE CONSTRUCTION PERIOD.

**NELSON & POPE**  
ENGINEERS & SURVEYORS  
200 WEST 10TH STREET, SUITE 100  
NEW YORK, NY 10011  
TEL: (212) 486-1000 FAX: (212) 486-1001  
WWW.NELSON-POPE.COM

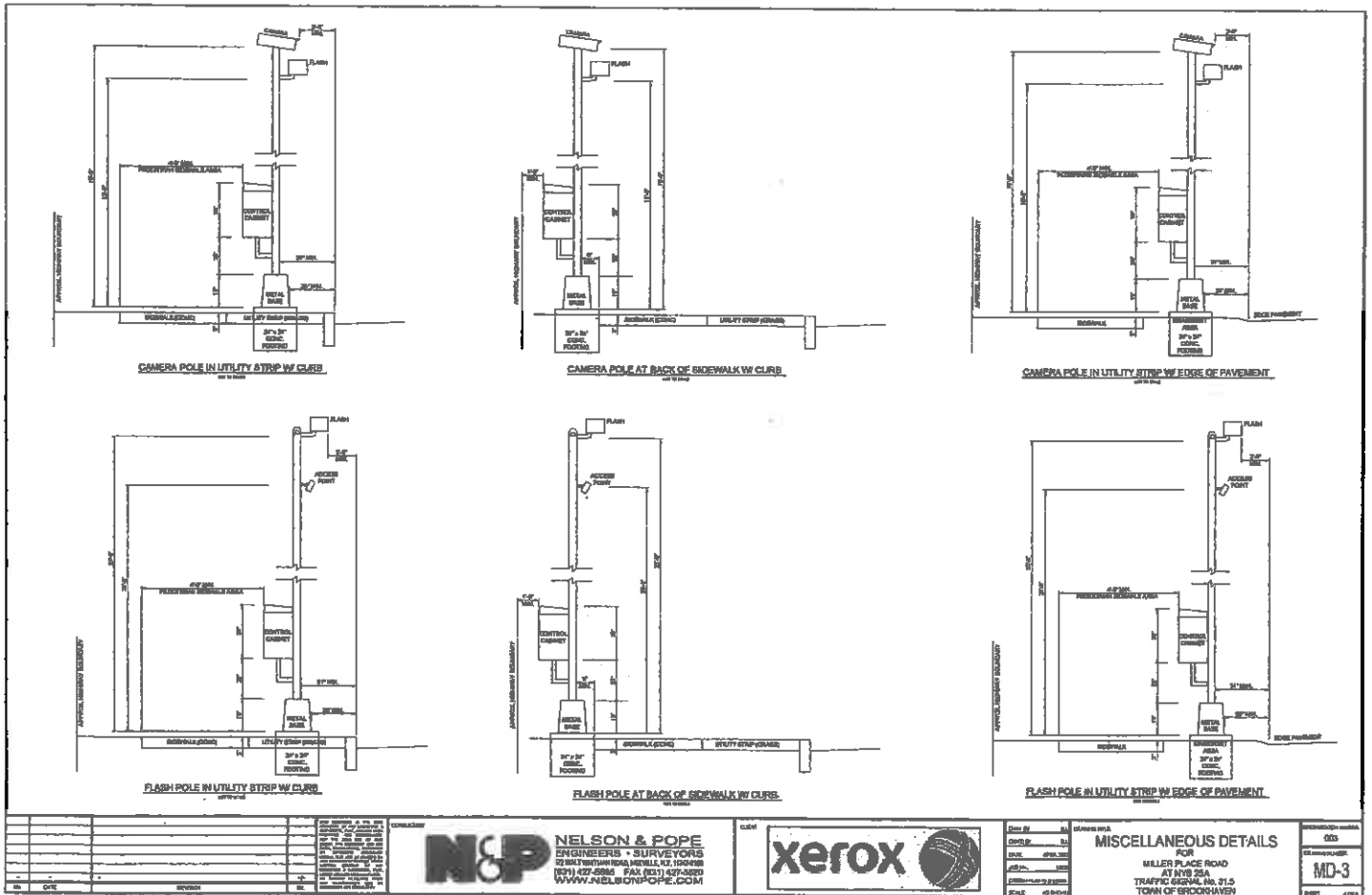
**RED LIGHT CAMERA SYSTEM**  
FOR  
MILLER PLACE ROAD  
AT NY 25A  
TRAFFIC SIGNAL No. 31.5  
TOWN OF BROOKHAVEN

PROJECT NO. 100-100000000  
DRAWING NO. RLC-1  
DATE: 10/1/00









NO.	DATE	BY	REVISION

**N&P** NELSON & POPE  
 ENGINEERS • SURVEYORS  
 22 243 TURTLE CREEK RD. #1111  
 (301) 427-4984 FAX (301) 427-3820  
 WWW.NELSONPOPE.COM

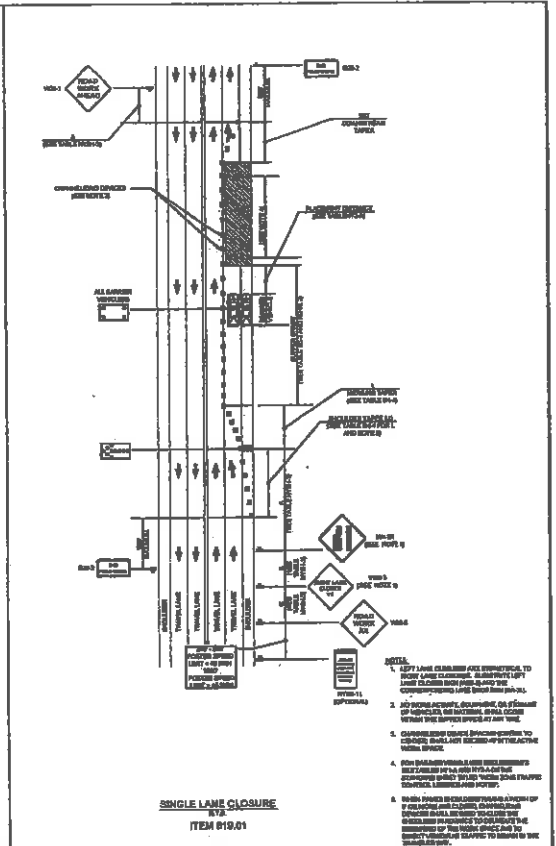
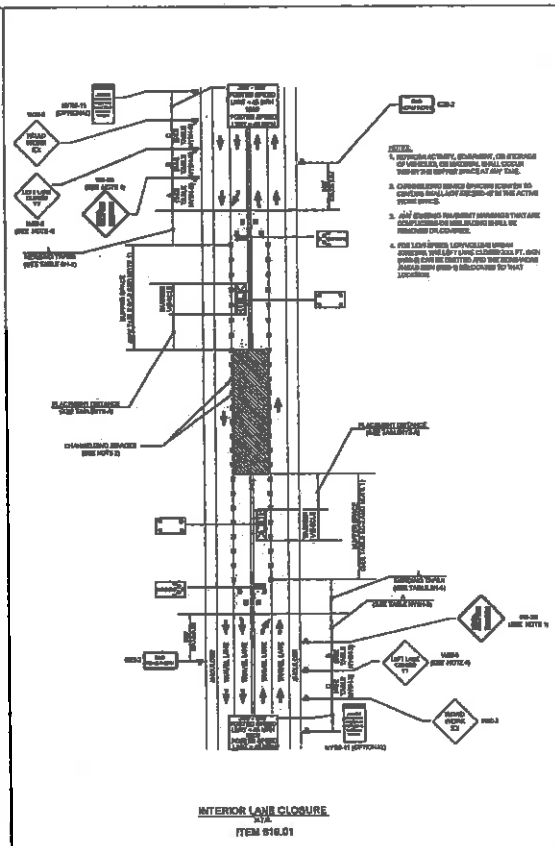
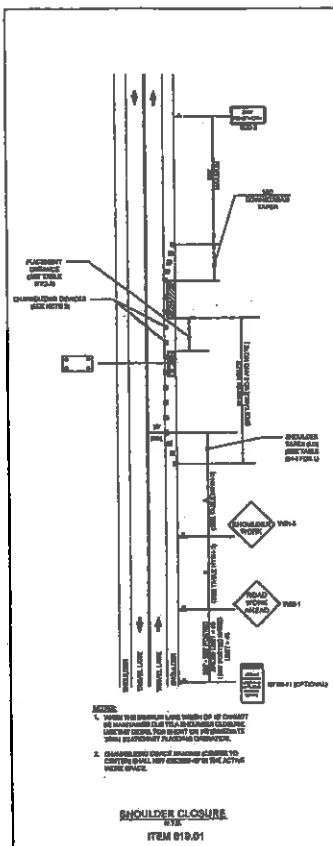


DATE: 11/11/03  
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 CHECKED BY: M  
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 SCALE: AS SHOWN

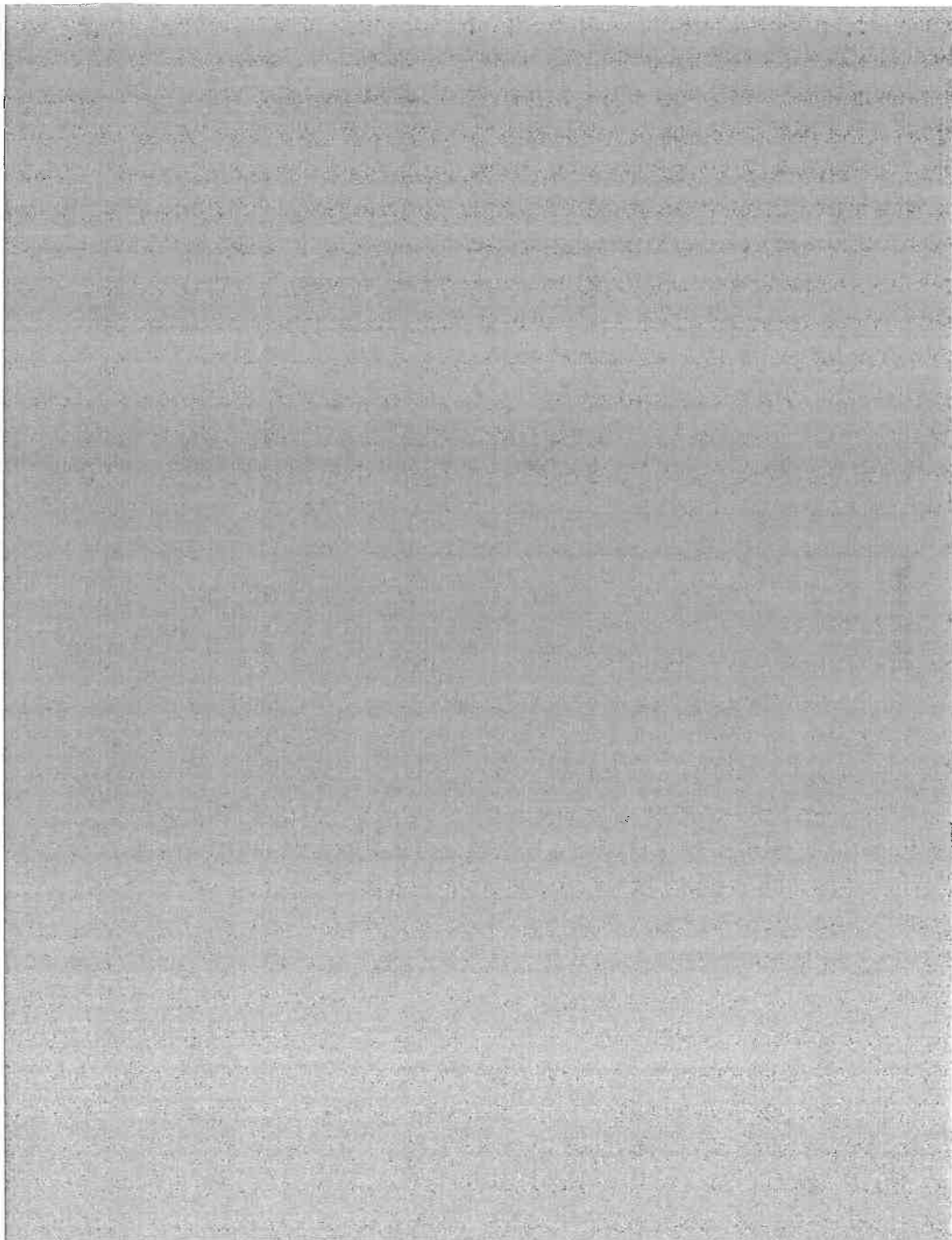
**MISCELLANEOUS DETAILS**  
 FOR  
 MILLER PLACE ROAD  
 AT IYB 25A  
 TRAFFIC SIGNAL, No. 31.5  
 TOWN OF BROOKHAVEN

PROJECT NO: 03-0000000000  
 SHEET NO: MD-3





				DATE: 01/10/01 DRAWN BY: JLM CHECKED BY: JLM SCALE: AS SHOWN	PROJECT TITLE: <b>MAINTENANCE AND PROTECTION OF TRAFFIC</b> FOR MILLER PLACE ROAD AT NYR 25A TRAFFIC SIGNAL NO. 21.8 TOWN OF BROCKHAVEN	SHEET NO.: <b>MPT-2</b> OF: 2
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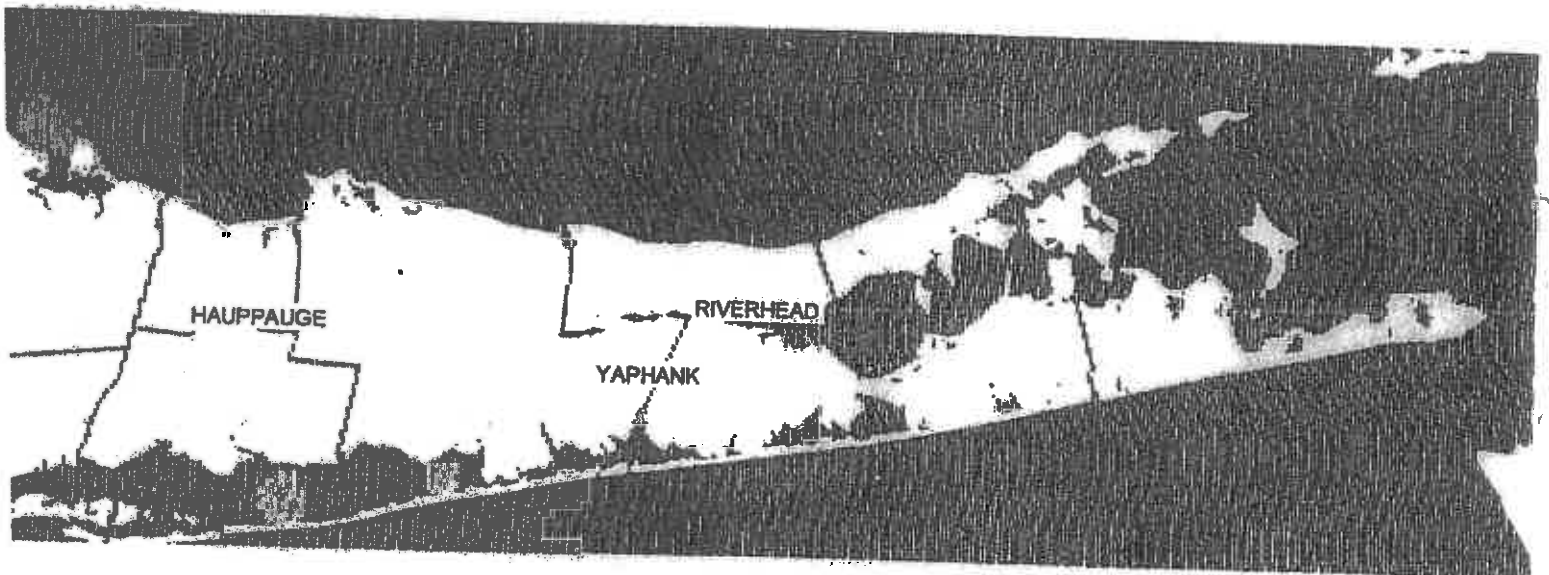




# PROJECT MANUAL

**TITLE: CONSTRUCTION OF A COUNTYWIDE RED LIGHT  
VIOLATION CAMERA SYSTEM  
SUFFOLK COUNTY, NEW YORK**

**PROJECT NO. 10-015**



**COUNTY OF SUFFOLK**  
**STEVE LEVY, COUNTY EXECUTIVE**

**DEPARTMENT OF PUBLIC WORKS**  
**GILBERT ANDERSON, P.E., COMMISSIONER**

**DIVISION OF HIGHWAYS**  
**WILLIAM HILLMAN, P.E., CHIEF ENGINEER**

**LETTING DATE: APRIL 1, 2010**





**Department of  
Transportation**

**ANDREW M. CUOMO**  
Governor

**MATTHEW J. DRISCOLL**  
Commissioner

**JOSEPH T. BROWN, P.E.**  
Regional Director

February 12, 2016

David J. Raimondo  
David J. Raimondo, ESQ  
2780 Middle Country Road, Suite 312  
Lake Grove, NY 11755

RE: Freedom of Information Law Request FR10-16-005434  
Judicial Subpoena, Index No. 610732/15  
Ducos Tecum

Dear Mr. Raimondo:

This correspondence is in reference to the Judicial Subpoena, Index No. 610732/15 served on January 25, 2016 under Freedom of Information Law (FOIL) FR10-16-005434 and acknowledges receipt of your check of the Subpoena Fee in the amount of \$15.00.

Below are the responses to various items in your request:

1: A diligent search of the files failed to reveal the subject recording.

2: Red Light Camera Installation drawings are attached. A diligent search of the files failed to reveal any engineer signed / sealed drawings.

3 - 5: Signal Plans and timing records are attached. A diligent search of the files failed to reveal any engineer signed / sealed drawings.

6: Signal maintenance Log is attached.

7: See response to items 3 through 5.

8 - 16: After a diligent search of our records, there does not appear to be any documents pertaining to your request regarding items 8 - 16. Please note that the county of Suffolk is responsible for the red light camera system at the intersection of NY 25A & Miller Place Rd. Miller Place.

Enclosed is a Certified Copy of Records that are responsive to your request.

Please indicate the FOIL request number when corresponding on this subject.

Sincerely,

*Erin Hung*

for

Elizabeth Chamakkala, P.E.  
Records Access Officer  
631-952-6139



Department of  
Transportation

ANDREW M. CUOMO  
Governor

MATTHEW J. DRISCOLL  
Commissioner

JOSEPH T. BROWN, P.E.  
Regional Director

### DOCUMENT CERTIFICATION

The attached is a true and complete copy of records responsive to Subpoena Index No. 610732/15, the originals of which are maintained in the normal course of business by the Department of Transportation of the State of New York.

A handwritten signature in cursive script, appearing to read "Elizabeth Chamakkala".

---

Elizabeth Chamakkala  
Records Access Officer

Done February 12, 2016



**Department of  
Transportation**

**ANDREW M. CUOMO**  
Governor

**MATTHEW J. DRISCOLL**  
Commissioner

**JOSEPH T. BROWN, P.E.**  
Regional Director

February 16, 2016

David J. Raimondo  
David J. Raimondo, ESQ  
2780 Middle Country Road, Suite 312  
Lake Grove, NY 11755

RE: Freedom of Information Law Request **FR10-16-005427**  
Various Traffic Signal records at Route 25A and Miller Place Rd, Miller Place, NY

Dear Mr. Raimondo:

This correspondence is in reference to your January 19, 2016 Freedom of Information Law (FOIL) FR10-16-005427. We also received your email dated January 27, 2016 clarifying various items of your request.

Below are the responses to various items in your request:

- 1: A diligent search of the files failed to reveal the subject recording.
- 2, 3, 5 & 6: The plans related to the signal dated April 2013 and October 2001 are attached. A diligent search of the files failed to reveal any engineer signed / sealed drawings of those. The Plans from DOT Contract D256619 (Completed March 31, 1997) is also attached.
- 4: Signal maintenance Log is attached.
- 7: Please note that the County of Suffolk is responsible for the red light camera system at the Intersection of NY 25A & Miller Place Rd, Miller Place. You may contact them for Information.

Please indicate the FOIL request number when corresponding on this subject.

Sincerely,

*Leon Hung*

for  
Elizabeth Chamakkala, P.E.  
Records Access Officer  
631-952-6139

**DAVID J. RAIMONDO & ASSOCIATES**

**ATTORNEYS AND COUNSELORS AT LAW**

**2780 Middle Country Road • Suite 312 • Lake Grove, New York 11755**

**Tel: (631) 471-1222 • Fax (631) 471-1980**

**[www.LongIslandAccident.com](http://www.LongIslandAccident.com)**

**Via facsimile 518-457-9729**

February 18, 2016

New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
ATT: Leon Hung

RE: FOIL No.: FR10-16-005427

Various traffic signal records at Route 25A and Miller Place Road., Miller Place, NY

Dear Mr. Hung:

Please be advised that I have not received a response to my Foil requested dated January 26, 2016, copy of which is annexed herewith.

It is important that you provide with your responses the engineer signed and sealed plan pursuant to Education Law Article 145, Section 7209.

Thank you for your attention to this request.

Very truly yours,

DAVID J. RAIMONDO, ESQ.

DJR/ea

enc.



## Office of the Professions

### Important Information Concerning Seals for New Licenses

New York State Education Law<sup>1</sup> and the Regulations of the Commissioner of Education require that **architects, landscape architects, land surveyors and professional engineers** have a seal, approved by the board for each profession, for affixing to all drawings and specifications submitted to public officials. Below are the statute and regulations that establish the requirements for the manufacture of these seals. If you have questions, please contact the Office of the Professions at [op4info@nysed.gov](mailto:op4info@nysed.gov) or 518-474-3817.

#### Architecture - Part 69.5 Seals

- For those applicants initially applying for licensure on or after the effective date of this part [January 1, 1987] seals used by licensed architects shall be circular in shape, 1¾ inches in diameter, bearing the legend at the top of the outer band "Registered Architect" and at the bottom "State of New York". In the inner circle above the Great Seal of New York shall be shown the name of the licensee, and below the Great Seal the license number with no other letters or numbers.
- To all plans, specifications and reports to which seal of an architect has been applied, there shall also be applied a stamp with appropriate wording warning that it is a violation of the law for any person, unless acting under the direction of a licensed architect, to alter an item in any way. If an item bearing the seal of an architect is altered, the altering architect shall affix to his item the seal and the notation "altered by" followed by his signature and the date of such alteration, and a specific description of the alteration.

#### Landscape Architecture - Part 79-1.4 Seals

- For those applicants initially applying for licensure on or after the effective date of this part [January 1, 1987], seals used by licensed landscape architects shall be circular in shape, approximately 1¾ inches in diameter, bearing the legend at the top of the outer band, "Registered Landscape Architect" and at the bottom "State of New York." In the inner circle above the Great Seal of New York shall be shown the name of the licensee, and below the Great Seal the license number with no other letters or numbers.
- To all plans, specifications and reports to which the seal of a landscape architect has been applied, there shall also be applied a stamp with the appropriate wording warning that it is a violation of the law for any person, unless acting under the direction of a licensed landscape architect, to alter an item in any way. If an item bearing the seal of a landscape architect is altered, the altering landscape architect shall affix to his item the seal and the notation "altered by" followed by his signature and the date of such alteration, and a specific description of the alteration.

#### Professional Engineering and Land Surveying - Part 68.10 Seals

For those applicants initially applying for licensure on or after July 1, 1984, seals used by licensed professional engineers and land surveyors shall be circular in shape, approximately 1¾ inches in diameter, bearing the legend at the top of the outer band, "STATE OF NEW YORK" and at the bottom "LICENSED PROFESSIONAL ENGINEER" or "LICENSED LAND SURVEYOR" or "LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR" as the case may be. In the inner circle above the Great Seal of New York shall be shown the name of the licensee, and below the Great Seal the license number with no other letters or numbers.

#### Education Law Article 145, Professional Engineering and Land Surveying, section 7209:

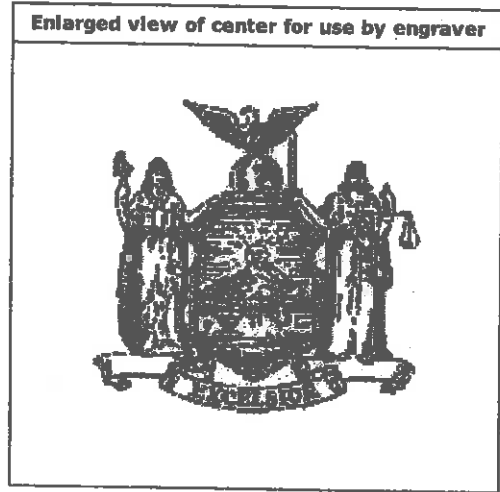
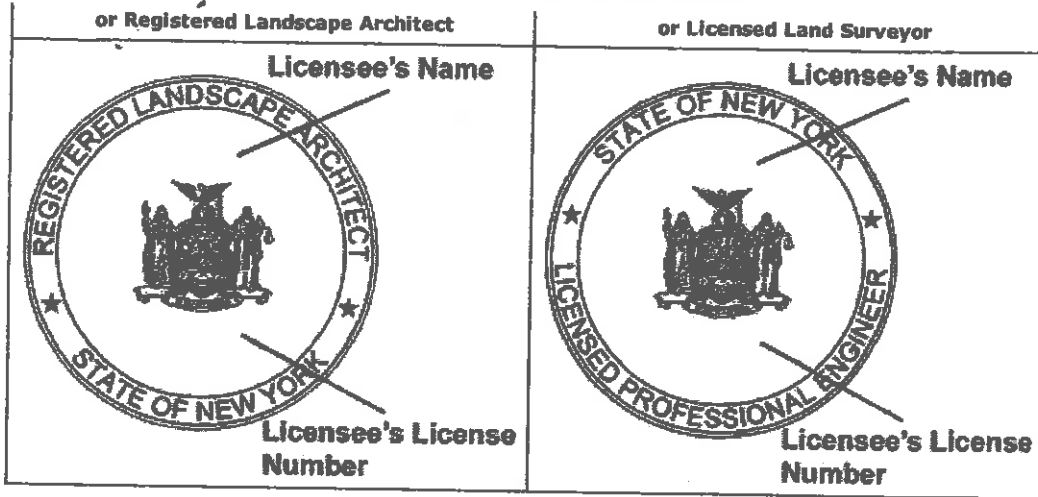
2. To all plans, specifications, plats and reports to which the seal of a professional engineer or land surveyor has been applied, there shall also be applied a stamp with appropriate wording warning that it is a violation of this law for any person, unless he is acting under the direction of a licensed professional engineer or land surveyor, to alter an item in any way. If an item bearing the seal of an engineer or land surveyor is altered, the altering engineer or land surveyor shall affix to the item his seal and the notation "altered by" followed by his signature and the date of such alteration, and a specific description of the alteration.

<sup>1</sup> Architecture- Art. 147, Sec. 7307, Landscape Architecture- Art. 148, Sec. 73277, Professional Engineering and Land Surveying- Art. 145, Section. 7209

#### Sample Seals

Registered Architect	Licensed Professional Engineer
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Seals for New Licenses



# **DAVID J. RAIMONDO & ASSOCIATES**

**ATTORNEYS AND COUNSELORS AT LAW**

**2780 Middle Country Road • Suite 312 • Lake Grove, New York 11755**

**Tel: (631) 471-1222 • Fax (631) 471-1980**

**[www.LongIslandAccident.com](http://www.LongIslandAccident.com)**

**Via facsimile 518-457-9729**

January 26, 2016

New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
ATT: Leon Hung

RE: FOIL No.: FR10-16-005427

Various traffic signal records at Route 25A and Miller Place Road., Miller Place, NY

Dear Mr. Hung:

I am in receipt of your response to my Foil request under your file No.: FR10-16-005427 with respect to items #2,3,5 and 6, I referred to.

## **PURSUANT TO FOIL, PLEASE PROVIDE:**

Items 2,3 and 5. The professional engineer certified signed traffic signal plans of record with the engineer's certification and seal at Route 25 A and Miller Place Road, Miller Place, NY prior to 2004 and to present.

Item 6. The certified traffic signal plan of record with the professional engineer's certification and seal as well as the electrician's records of installation on the ground for the traffic signal and pedestrian crosswalk at Route 25 A and Miller Place Road, Miller Place, NY prior to 2004 and to present.

The DOT 2 PDF referred to the Nelson and Pope traffic signal plan diagram # TSP-1. It does not have a professional engineer signed or certified seal or date. Please provide the final signed, certified traffic signal plan of record before 2004 and to present.

I have attached herewith a copy of TSP-1.

Very truly yours,

DAVID J. RAIMONDO, ESQ.

DJR/ea

enc.





Department of  
Transportation

ANDREW M. CUOMO  
Governor

MATTHEW J. DRISCOLL  
Commissioner

JOSEPH T. BROWN, P.E.  
Regional Director

January 22, 2016

David J. Raimondo  
David J. Raimondo & Assoc.  
2780 Middle Country Rd, Suite 312  
Lake Grove, NY 11755

Re: Freedom of Information Law Request **FR10-16-005427**  
Various Traffic Signal records at Route 25A and Miller Place Rd, Miller  
Place, NY

VIA: E-Mail (No Hard Copy to Follow)

Dear Mr. Raimondo:

This correspondence will acknowledge receipt of your January 19, 2016 Freedom of Information Law (FOIL) request at the New York State Department of Transportation (NYSDOT) Records Access Office on this date.

By way of background, the request seeks for signal records for the intersection of NY25A and Miller Place Road.

I have researched your request and offer the following information.

- Items 1 and 7 (Red Light Camera): Please note that the Red Light Camera Program is not under the jurisdiction of New York State Department of Transportation. We suggest you contact Suffolk County Traffic and Parking Violation Agency for information.
- Item 2, 3 and 5 - We do not know what you have referred as DOT 2 pdf file in your request. Please clarify or send us a copy of this file.
- Item 4 (Logbook data from traffic controller box): We will search our records for this information.
- Item 6 (Traffic Signal Plans Box): We do not know what you have referred as 'Traffic Signal Plans Box'. Please clarify.

Pursuant to § 89(3) of the Public Officers Law, a requestor is required to reasonably describe the records being sought to allow an agency to locate and identify the records based on the terms of the request. I am unable to locate and identify the records you are seeking on items 2, 3, 5 and 6 based on the information supplied. Please be more specific by including additional information as indicated above for these items. If we do not receive a response to this letter by April 1, 2016 your request will be closed.

Please indicate the FOIL request number when corresponding with NYSDOT on this subject.

Sincerely,

*Leon Hung*

for  
Elizabeth Chamakkala, P.E.  
Records Access Officer  
631-952-6139

### **ORIGINAL DOT FOIL REQUEST**

1.) All "traffic safety studies" conducted at: Route 25 A and Miller Place Road, Miller Place, NY prior to and subsequent to the installation of a red light cameras at this location.

2.) All "data" generated from the red light cameras installed at: Route 25 A and Miller Place Road, Miller Place, NY including number of tickets issued and what roadway the tickets were issued on from the date of installation to the present.

3.) Name of the vendor/installer/service provider of the red light cameras at Route 25 A and Miller Place Road, Miller Place, NY, from the date of installation to present.

4.) Name of vendors who monitor the red light cameras at: Route 25 A and Miller Place Road, Miller Place, NY, from the date of installation to present.

5.) Any 24 hour video surveillance generated at Route 25 A and Miller Place Road, Miller Place, NY, from the date of the installation to the present.

6.) All signal times (example 3 seconds/ 5 seconds) for yellow phase traffic light, located at Route 25 A and Miller Place Road, Miller Place, NY, from installation to present.

7.) All complaints, written, e-mail, phone calls, about the intersection Route 25 and Miller Place Road, Miller Place, NY, from 2005 to the present.