

# 2008 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

COMMITTEE ON  
TRANSPORTATION



Sheldon Silver, Speaker

David F. Gantt, Chairman

December 15, 2008

Honorable Sheldon Silver  
Speaker of the New York State Assembly  
Room 932, Legislative Office Building  
Albany, NY 12248

Dear Mr. Speaker:

I am pleased to submit to you the 2008 Annual Report of the Assembly Standing Committee on Transportation.

The work accomplished during the 2008 Legislative Session reflects the Committee's ongoing dedication to saving lives and reducing the severity of injuries through the prevention of motor vehicle crashes, and its concern for the health and welfare of the State's residents be they vehicle occupants, pedestrians, bicyclists, motorcyclists, or boaters. The Committee's work resulted in the enactment or advancement of numerous traffic safety measures, as well as the progression of many other pieces of legislation relating to a number of issues including school bus safety, disabled access, young drivers, child occupants, and boating safety.

Basic rules of the road are general practices and procedures to govern interactions between motorized and non-motorized vehicles and pedestrians, intended to be followed by users of the roadways. Codified in the Vehicle and Traffic Law, compliance with various rules of the road and traffic laws often are dependent upon enforcement and the deterrent value of penalties applicable to violations. Compliance also is facilitated by traffic signs, markings, and other indicators that assist highway users as they interact.

The Committee was successful in obtaining the enactment of several initiatives to encourage compliance with certain traffic laws, including a measure to increase fines imposed upon commercial motor vehicles when operated illegally upon parkways within the State. Many parkways, built decades ago, were neither designed nor built for use by commercial vehicles. They often have low bridge clearances and other roadway "geometrics" (such as lack of shoulders, limited sight distances, narrow lanes, etc.) which are inadequate to handle commercial traffic. Thus, use of parkways by commercial vehicles can create dangerous circumstances for other parkway users as well as those living or working adjacent to the parkways.

Other initiatives signed into law include a measure to expand the enforcement in New York City of a law prohibiting vehicles from entering intersections on a green light if they cannot clear the intersection. Known as "blocking the box," vehicles which violate this law create gridlock, traffic delays, and can place pedestrians attempting to cross intersections at risk. By re-classifying this offense as a parking violation in the City of New York, the new law vastly expands enforcement opportunities by authorizing New York City traffic enforcement agents to issue tickets for violations.

Safety issues exist on rural roads across the State as well. Rural areas are sparsely populated and cover large geographical expanses where residents depend upon personal vehicles due to limited public transportation. Motorists often share roads with a wide variety of vehicles, including agricultural vehicles towing large farm equipment. Usually designed to travel at no more than 25 miles per hour (mph), the use of such equipment on roads often posted at 55 mph can create situations where motorists have little reaction time to avoid collisions. To assist motorists in more quickly identifying and reacting to the presence of slow-moving agricultural equipment, thereby avoiding collisions and improving the safety of the occupants of both vehicles, the Committee obtained the enactment of legislation to require the placement of slow-moving vehicle emblems on both self-propelled and towed agricultural vehicles and equipment, and to require the use of lights under certain conditions.

Building on its previous success in obtaining the enactment of the current young driver graduated licensing and child passenger booster seat laws after years of efforts, the Committee this year advanced legislation to further strengthen both laws. With respect to graduated licensing, the bill moved by the Committee would further restrict the number of unrelated occupants in vehicles driven by teen drivers, as well as increase the number of hours of behind-the-wheel practice required of them prior to the issuance of a license. With respect to booster seats, the bill would expand current law which requires four-, five- and six-year-olds to ride in booster seats by requiring seven-year-olds to also be so restrained. This requirement would more closely align the law with recommendations of traffic safety and child experts.

The Committee conducted a public hearing this Legislative Session to further examine Thruway Authority actions to increase tolls on its customers. Higher tolls detrimentally affect working families, small businesses, industry, and the State and local economies. The Committee also conducted a public hearing on the impact of the 2008-09 State Budget on transportation infrastructure, and co-sponsored a public hearing to examine a report issued by the New York State Commission on Local Government Efficiency and Competitiveness.

I would like to take this opportunity to express my gratitude to the members of the Committee for their support of, and contributions to, this year's legislative efforts. I also wish to thank the staff for their dedication and hard work.

Mr. Speaker, on behalf of the members of the Committee, I want to thank you for your encouragement and support of our efforts throughout the 2008 Session. With your continued leadership, we look forward to developing new programs and initiatives for the 2009 Legislative Session.

Sincerely,

David F. Gantt, Chairman  
Assembly Standing Committee  
on Transportation

DFG:jb  
Enclosure

**2008 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON TRANSPORTATION**

**David F. Gantt, Chairman**

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Julie A. Barney, Principal Analyst  
JaMone Turner, Counsel to the Chairman  
William Thornton, Counsel  
Lynelle Bosworth, Counsel  
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Kathryn F. Curren, Committee Clerk  
Laura Inglis, Program & Counsel Executive Secretary

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## **I. INTRODUCTION AND SUMMARY**

### **A. Committee Jurisdiction**

New York State's transportation network moves millions of people and tons of freight annually. This network includes a State and local highway and bridge system of more than 17,000 bridges and over 113,000 miles of highways, upon which more than 141 billion vehicle miles are driven annually. Over five hundred public and private aviation facilities provide service to at least 84 million passengers annually. Four port authorities (NY/NJ, Albany, Oswego, and Ogdensburg), the Port of Buffalo and numerous private ports handle more than 150 million tons of freight each year. There also are 3,500 miles of rail in the State, moving over 73 million tons of freight annually. About 1.5 million riders use Amtrak's Empire and Adirondack services, and over 7.5 million rail passengers pass through Penn Station using Amtrak service with an origin or destination within New York State. Over 130 public transit operators provide approximately 2.6 billion passenger trips.

The Assembly Transportation Committee is charged with the responsibility of advancing policies for coordinating the management of these systems and ensuring the employment of measures designed to provide and encourage safe travel. The Committee also is responsible for developing and reviewing legislation covering a wide range of topics affecting the movement of people and goods throughout the State.

The Committee's jurisdiction includes oversight and analysis of the activities, including the implementation and administration of programs, of the Departments of Transportation (DOT) and Motor Vehicles (DMV), the New York State Thruway Authority, and various regional transportation authorities and commissions. Committee action primarily affects the following consolidated laws: Vehicle and Traffic, Highway, Transportation, Navigation, Canal, and Railroad.

### **B. Summary of Committee Action**

During the 2008 Legislative Session 834 bills were referred to the Assembly Standing Committee on Transportation. A number were ultimately signed into law, such as legislation which amends the Vehicle and Traffic Law to deter traffic obstruction in the City of New York, a significant contributor to traffic delays. Legislation was also enacted to create a competitive environment for the selection of a motorcycle rider safety training provider, which should help to reduce safety education costs for New York's motorcyclists. Other enacted bills included legislation to enhance traffic safety by requiring "slow-moving vehicle" emblems to be placed on certain vehicles and machinery being operated on the State's highways; increasing penalties for motorists who operate commercial vehicles on the various State parkways where such operation is prohibited; and strengthening consumer protections relating to the towing of motor vehicles from private parking facilities. The Committee also continued its commitment to

curbing alcohol-related incidents by advancing legislation to strengthen penalties imposed on persons convicted of reckless operation of a vessel, or of boating while intoxicated (BWI) or while ability impaired (BWAII).

The Assembly also acted upon a number of bills enhancing traffic and occupant safety, including bills that would have: required all passengers aged 16 and older seated in the rear of a motor vehicle to wear a safety belt; prohibited the operation of a pick-up truck or commercial vehicle with children seated in the cargo area; prohibited the unauthorized use of devices capable of changing the color of traffic lights from red to green; and limited the age of passengers that may ride in the front seat of a motor vehicle. Additionally, the Committee was successful in passing legislation addressing young driver safety, which included provisions to further restrict the number of passengers and to increase the number of practice driving hours to be required of junior drivers.

The Committee conducted three public hearings during the 2008 Legislative Session. First, the Committee sponsored a public hearing in January to follow up on New York State Thruway Authority toll increases. Second, the Committee co-sponsored a public hearing in May with the Assembly Standing Committees on Local Governments, Agriculture, Health, and Insurance to examine the New York State Commission on Local Government Efficiency and Competitiveness Report. Third, the Committee sponsored a public hearing in December on the impact of the 2008-09 State Budget on transportation infrastructure.

## II. 2008 LEGISLATIVE ACTION

### A. Traffic Safety

#### **Penalties for Commercial Vehicles Operating on Parkways**

(A.409, Dinowitz; Chapter 221, Laws of 2008)

When commercial vehicles travel on parkways, highways, and over bridges that were not constructed to accommodate them, it creates a potentially dangerous situation for other motorists and the people living in the surrounding areas. Across New York State, there are portions of the parkway system that prohibit the operation of commercial motor vehicles. These routes include, for example, the Belt Parkway in Queens and Brooklyn; the Korean War Veterans Parkway in Staten Island; the Henry Hudson Parkway in Manhattan and the Bronx; the Northern State Parkway in Nassau and Suffolk Counties; and the Taconic State Parkway in Columbia, Dutchess, Putnam and Westchester Counties. Many parkways were constructed circa the 1930s and were not designed to handle the extra weight, height and stress that accompany newer, heavier commercial vehicles. In addition, several of these roadways lack shoulders, thereby making it increasingly difficult for drivers of private passenger vehicles to see road conditions in front of and around them. In the event of an emergency, this could create problems because obstructed views render drivers unable to react in a timely manner to dangerous situations or sudden changes in traffic conditions.

While State law already prohibits the operation of commercial vehicles on these bridges, parkways, and roadways, concerns were raised that the existing fines were not effective in curbing their operation thereon. Prior applicable penalties for a violation included a maximum fine of \$150 for a first violation, a maximum \$300 fine for a second violation within 18 months, and a maximum \$450 fine for subsequent violations within 18 months. Chapter 221 of the Laws of 2008 (A.409, Dinowitz) increases fines as follows: for vehicles registered as commercial and having a gross vehicle weight rating of less than 26,000 pounds, a maximum \$250 fine for a first violation, a maximum \$500 fine for a second violation within 18 months, and a maximum \$750 fine for a third or subsequent violation within 18 months. For commercial motor vehicles that require commercial drivers' licenses for their operation, Chapter 221 increases the fines for violations to a maximum \$350 fine for a first violation, a maximum \$700 fine for a second violation within 18 months, and a maximum \$1,000 fine for subsequent violations within 18 months.

#### **Obstruction of Traffic at Intersections: "Blocking the Box"**

(A.10071, Kavanagh; Chapter 241, Laws of 2008)

Section 1175 of the Vehicle and Traffic Law prohibits any person from driving a vehicle into an intersection when traffic is stopped on the opposite side unless making a turn or unless there is adequate space on the opposite side of the intersection. Violations of this statute at intersections in the City of New York have contributed to gridlock and traffic delay. This practice, called "blocking the



box,” results in vehicles backed up on all sides of an intersection with traffic impeded on either side of the traffic signal. Another effect of blocking the box is compromised pedestrian safety. When vehicles are bumper to bumper across an intersection, pedestrians are forced to navigate between vehicles even when the crosswalk signal indicates that it is safe for them to proceed.

Because blocking the box was classified as a moving violation, only police officers and a small number of traffic enforcement agents were authorized to issue a ticket. Given the prevalence of blocking the box incidents in New York City, enforcement was difficult. To address this problem, the Legislature enacted Chapter 241 of the Laws of 2008 (A.10071, Kavanagh), which deems a violation of obstructing intersections in New York City a parking violation. By classifying the obstruction as a parking violation, the new law will allow any of the City’s traffic enforcement agents to issue the violation notice in a more expeditious manner, and eliminates the need to hold vehicles at intersections or instruct drivers to pull over, thereby easing gridlock and facilitating motorist and pedestrian safety.

### **Motorcycle Rider Training Coordinating Organization**

(A.11185 Gantt; Chapter 253, Laws of 2008)

Motorcycles are a popular means of transportation for many New Yorkers. Statewide there were more than 300,000 motorcycle registrations in force in 2007. Along with the benefits of using a motorcycle come considerable risks. The National Highway Traffic Safety Administration (NHTSA) reports that motorcycle rider fatalities now account for 11 percent of total accident fatalities. In an attempt to reduce the prevalence of fatalities and serious injuries, State law requires every person in New York State who applies for a motorcycle operator’s license to complete a motorcycle safety course. This course is offered by a third party organization selected by DMV pursuant to a request for proposals, subject to statutory criteria, under a five-year contract.

In order to maximize competition for selection as the entity providing the coordination of the State’s motorcycle safety program, the Legislature enacted Chapter 253 of the Laws of 2008 (A.11185, Gantt). Chapter 253 removes certain statutory criteria applicable to the coordinating organization, while continuing to require that an organization have three or more years experience in administering a statewide motorcycle rider education program and have as its administrator an individual with no financial or proprietary interest in a motorcycle training school or facility. The goal of this law is to promote competition among organizations seeking to be selected as the motorcycle rider training coordination organization, thereby providing better quality education and a rate that is more affordable to New Yorkers.

### **Slow-Moving Vehicle Emblems**

(A.5023-C, Magee; Chapter 350, Laws of 2008)

Agriculture is a significant industry in New York State. About 25 percent of the State's land area, or 7.5 million acres, is used by more than 34,000 farms producing a wide variety of food products, according to the U.S. Department of Agriculture (USDA). Furthermore, the USDA ranks New York in the top ten states for a number of categories in agricultural production including milk, fruits, vegetables, and select field crops. The average farm size is also growing. With farm size growing and agricultural equipment becoming bigger in size, farmers often need to transport their farm equipment from one location to another, a task that takes them onto public roads for various distances. These slow-moving vehicles are seldom capable of exceeding 25 miles per hour (mph), and therefore pose a significant threat to motorists sharing the highways who may or may not be aware of their speed limitations. As noted by NYCAMH/NEC<sup>1</sup>, a motorist traveling 55 mph following farm equipment traveling 15 mph travels about 400 feet and has less than seven seconds of closure time to reach the farm equipment. In addition, it is nearly impossible to know the actual size of a slow-moving vehicle as a rear view is limited to such vehicle's width and not its length.

Highway accidents involving these vehicles are not uncommon; there are approximately 15,000 farm vehicles involved in collisions on roadways nationwide every year, according to the National Safety Council. Two-thirds are due to a rear-end collision. Collisions also can occur by sideswipes as the driver of a passenger vehicle attempts to overtake a slow-moving vehicle, or when farm vehicles and equipment attempt a left turn.

To address this danger, the Legislature enacted Chapter 350 of the Laws of 2008 (A.5023-C, Magee) which requires the placement of a slow-moving vehicle emblem on all farm machinery and other such equipment designed to operate at 25 mph or less on a public highway, whether self-propelled or used in combination. The law also prohibits the operation of agricultural equipment, as defined, from one-half hour after sunset to one-half hour before sunrise or such other time as visibility is not clear for a distance of 1,000 feet to the front or rear of such equipment unless the equipment is affixed with lights of a type approved by DMV that are lighted and in good working condition. In addition, the law directs the Governor's Traffic Safety Committee (GTSC), with the cooperation of DMV, DOT, the Department of Agriculture and Markets, and the Division of State Police (DSP), to develop and implement a public outreach campaign to inform the public of the proper use of the slow-moving vehicle emblem and roadway safety pertaining to agricultural equipment.

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<sup>1</sup> New York Center for Agricultural Medicine and Health/Northeast Center for Agricultural and Occupational Health.

### **Seatbelt Use in Rear Seats**

(A.104, Lafayette; Passed Assembly)

Statistics indicate that seat belt use has risen in New York State from 16% in 1984 (the year the seat belt law was enacted) to 85% each year from 2003 to 2005, declining slightly to 83% in 2006. Thus far New York's seatbelt compliance rate has reached 89% in 2008 according to a survey conducted by the University at Albany's Institute for Traffic Safety Management and Research (ITSMR). The National Highway Traffic Safety Administration estimates that for every one percent increase in seatbelt use, 270 fatalities are averted. Despite this, at least 40% of individuals aged five and older actually killed in traffic crashes in 2007 in New York State were not wearing their seat belts.<sup>2</sup> The majority of unrestrained fatalities nationwide tend to occur among persons aged 16-54 years, followed by persons aged 55 and older, while occupants under the age of 16 suffer the fewest numbers of deaths due to failure to wear a seatbelt.<sup>3</sup>

There is a high personal and societal cost incurred from the failure of vehicle occupants to wear seat belts. The economic cost of motor vehicle traffic crashes to New Yorkers is \$19.49 billion.<sup>4</sup> The Federal Bureau of Transportation Statistics estimates that those directly involved in a crash pay approximately one-quarter of the total costs, while society in general pays the remaining three-quarters through higher insurance rates, taxes, and the like.

Research conducted by the Center for Transportation Injury Research, affiliated with the University of Buffalo, has shown that drivers are twice as likely to suffer fatal injuries in a head-on motor vehicle crash if an unbelted passenger was seated behind them, and the risk of death to unbelted passengers is three times higher.<sup>5</sup>

In New York State, all front seat passengers are required to be properly restrained. However, in the middle and rear seats, only persons under the age of sixteen are required to wear seat belts (or be restrained in appropriate child restraints). Assembly bill A.104 (Lafayette) would close the final gap in the law by removing the age limitation on the statutory requirement to wear seatbelts, thus requiring all passengers who are seated in the middle or rear seating positions to buckle up regardless of age.

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<sup>2</sup> National Highway Traffic Safety Administration, "Traffic Safety Facts New York, 2003-2007," *State Traffic Safety Information for Year 2007* (Washington D.C., 2007), Table entitled "Passenger Vehicle Occupant Fatalities Aged Five and Above by Restraint Use and Lives Saved Estimates."

<sup>3</sup> National Highway Traffic Safety Administration, National Center for Statistics and Analysis, *Traffic Safety Facts 2006: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System*, DOT HS 810 818, Table 84, p. 119.

<sup>4</sup> National Highway Traffic Safety Administration, *The Economic Impact of Motor Vehicle Crashes 2000*, DOT HS 809 446, Table 15, p.44.

<sup>5</sup> J. Mayrose, D. Jehle, Hayes, D. Tinnesz, G. Piazza, G. Wilding. "Influence of the unbelted rear-seat passenger on driver mortality: "The Backseat Bullet" Abstract, *Academic Emergency Medicine* 11 (5)(2004):442

### **Pick-Up Truck Cargo Areas**

(A.227, Gantt; Passed Assembly)

Increasingly, people are purchasing pick-up trucks for personal use rather than for business or commercial use. Given the limited seating capacity of these vehicles, passengers sometimes ride in the cargo area of trucks (which do not meet occupant safety standards.) NHTSA has found that more than 200 people die annually as a result of riding in a truck cargo area, and children and teenagers account for approximately half of these fatalities.

Riding in the body of a truck during the course of its operation, whether enclosed or not, is very dangerous. Passengers riding in these areas are exposed not only to the possibility of ejection due to collisions, swerving, braking or rough roads, but also to inhalation of carbon monoxide from exhaust fumes. No child should be exposed to the dangers of riding unrestrained, compounded by the additional dangers unique to riding in the cargo area of a truck.

Assembly bill 227 (Gantt) is intended to prevent deaths and serious physical injuries to children by prohibiting the operation of any truck on a public highway, private road open to public motor vehicle traffic, or parking lot while any person under the age of eighteen is in the cargo area of the truck. The bill would exempt farm-type tractors used exclusively for agricultural purposes, other farm equipment, and trucks while engaged in use for agricultural purposes, provided that no passengers are under the age of twelve and such vehicles are making only incidental use of a highway. The bill also would exempt trucks participating in a parade pursuant to a municipal permit, provided that at least one person over age eighteen also rides in the body of such truck.

### **Crime of Vehicular Homicide**

(A.2115, Lentol; Passed Assembly)

Currently, the criminal law requires that in order for a driver to be convicted of criminally negligent homicide (a class E felony), the driver's conduct must satisfy the standard of criminal negligence. Individuals who have a record of repeated, extremely dangerous driving that renders them hazardous to the public usually cannot be prosecuted when they commit a major traffic violation and cause the death of another person, absent proof of criminal negligence.

To address this issue, the Assembly passed A.2115 (Lentol), which would create the new crime "vehicular homicide," a class E felony. A person would be guilty of "vehicular homicide" by operating a motor vehicle and causing the death of another person by the commission of a major traffic violation and either:

- Such person was previously convicted of two or more major traffic violations on at least two separate occasions within the immediately preceding 18 months, or

- At the time of causing such death, such person was driving with a license revoked for a conviction of homicide or assault arising from the operation of a motor vehicle or criminal negligence resulting in death from such operation, and such person knew or had reason to know of such revocation.

The bill would define “major traffic violation” as any of the following: leaving the scene of a personal injury accident; failing to obey traffic-control signals, railroad crossing signals, or stop signs; overtaking and passing a stopped school bus; speeding more than 20 mph over the established speed limit; engaging in a speed contest or race; reckless driving; driving while intoxicated (DWI) or driving while ability impaired (DWAI) by drugs, and any violation of the Penal Law that includes DWI or DWAI by drugs as a required element.

### **Illegal Altering of Traffic Signals**

(A.2646, Canestrari; Passed Assembly)

A traffic-control signal preemption device allows the normal operation of a traffic light to be overridden, thereby changing a red light to green or extending the duration of a green light. These devices are usually used by emergency vehicles (e.g., ambulances and fire vehicles) and law enforcement officers to reduce emergency response times, as well as to improve traffic safety during emergency responses. The devices also have been used to prevent collisions at highway-railroad grade crossings and to provide priority access through intersections by public transportation systems such as buses.

However, members of the general public have been able to purchase these devices over the Internet. Their use of these devices could be detrimental to traffic safety. Assembly bill 2646 (Canestrari) would amend §1115 of the Vehicle and Traffic Law, which currently prohibits the alteration of a traffic-control signal, to clarify that such alteration would include but not be limited to changing or attempting to change the signal preemption device. The bill would define a traffic control signal device as a device that is designed or used to change or attempt to change the signal indications of a traffic-control signal. The bill also would deem the presence in a vehicle of the device connected to a power source to be presumptive evidence of its use by a vehicle’s operator. That presumption could be rebutted by any credible and reliable evidence that tends to show that such device was not in use.

### **Children Under Seven to Occupy Rear Seats**

(A.7470-A, Galef; Passed Assembly)

NHTSA reports that in 2007, 1,670 child occupants were killed in motor vehicle accidents nationwide. Experts ranging from NHTSA to the American Academy of Pediatrics agree that children are safest when buckled up properly and in the back seat. NHTSA has said that children are much less likely to suffer fatal injuries in a crash if they are riding in the back seat. Placing children in the back seat of a motor vehicle provides greater protection from head-on collisions, the most serious type of crash, by getting children farther away from the point of

impact. Additionally, in vehicles equipped with front airbags, placing children in the rear seats protects them from the risk of serious injury or death from a deploying airbag.

New York's Vehicle and Traffic Law requires all front seat passengers to be restrained, regardless of age, and all rear seat passengers up to and including the age of 15 to be restrained. To build on these safety requirements, the Assembly passed A.7470-A (Galef). The bill would prohibit the operation of a motor vehicle with any passengers under the age of seven seated in the front seat of the vehicle. However, this prohibition would not apply under the following circumstances: the motor vehicle is not equipped with rear seats; the rear seat cannot accommodate the proper installation of the child safety or booster seat in which such passenger is being transported; all other seats are occupied; or the passenger has a medical exemption.

### **Accident Report Processing**

(A.8008, Titus; Passed Assembly)

Factors contributing to motor vehicle related deaths and injuries generally fall into two categories: factors that contribute to the actual cause of the accident and factors that contribute to the severity of the accident. Accidents can be caused by factors ranging from the human (e.g. driver inexperience, inattention, alcohol involvement, etc.) to the non-human (e.g., equipment defects, weather, pavement conditions etc.). The severity of an accident can be attributed to factors such as speed, angle of collision, rigidity of the object impacted, the design of the roadside environment, the vehicle itself, and the location and action of the occupants.

Engineering and the design of the roadside environment can help to reduce both the probability and the severity of vehicle crashes. But one of the most important features of a preventative safety program is ensuring that crash data is reported to the appropriate agency in a timely manner. Such data assists agencies in identifying high risk or problem areas and supports a more rapid response in mitigating crash factors at such locations.

Assembly bill 8008 (Titus) is intended to ensure that the data necessary for roadside accident mitigation efforts is available in a more timely manner than current practice allows. It would require DMV to prioritize the processing of accident reports involving serious physical injury or death. Having this data available more quickly after the occurrence of an accident would facilitate more prompt responses in making any necessary changes at crash locations to prevent or reduce the severity of potential future crashes.

### **Driver and Rear Passenger Safety**

(A.11083-A, Gantt; Passed Assembly)

The State of New York historically has been at the forefront of occupant protection laws, having passed the first seat belt law in the nation, and enacting

child seat legislation. The health and safety of vehicle occupants, particularly children and young drivers, has been one of the Committee's priorities for many years. It was due to the efforts of the Assembly Transportation Committee that New York's laws protecting young drivers through graduated licensing were significantly strengthened. The Committee also was instrumental in ensuring the safety of young children through the enactment of booster seat legislation. With the enactment of laws requiring the use of child safety seats and booster seats, the risk of injury to children involved in motor vehicle accidents has been curbed significantly.

However, there are still risks to children who have not grown enough to safely use lap and shoulder belts, which are not appropriate for their size. Currently the law requires passengers who are under age four to be restrained in a child safety seat, and those who are age four or older but under the age of seven to be restrained in an appropriate child restraint system including booster seats. Child safety experts, including the American Academy of Pediatrics, state that children should remain in a booster seat until adult seat belts fit correctly, usually when a child reaches the height of 4' 9". To enhance the safety of child passengers, the Assembly passed A.11083-A (Gantt), which would expand the law requiring back seat passengers aged four, five, and six years to be restrained in booster seats to include seven year olds.

With respect to the use of seat belts, as has been previously stated, studies show that there is great risk of injury to occupants seated in the front of a vehicle during an auto collision from contact with unrestrained rear-seated passengers who are projected forward by the force of the impact. There is a gap in the current law that does not require the use of seat belts by rear seat passengers age 16 and over, therefore the heightened risk of injury or death in the event of an accident remains. To address this concern, A.11083-A would require such passengers to use seat belts.

Another factor in serious motor vehicle accidents involving injuries and fatalities is the inexperienced driver. NHTSA continues to report that motor vehicle crashes are the leading cause of death for 15 to 20-year-olds. Drivers in this age group were involved in 12.4% of fatal crashes in 2006, but represent only 6.3% of licensed drivers.<sup>6</sup> Studies have shown that new drivers overall have a higher risk of involvement in motor vehicle accidents due to their inexperience with road conditions and their lack of defensive driving knowledge, and teenage drivers driving with teenage passengers are among those at especially high risk. The graduated driver license law enacted in 2002 contains many of the provisions shown by studies to reduce the incidence of fatal crashes in young drivers, such as a minimum waiting period for licensure, supervised driving hours and passenger restrictions.

To further improve the safety of young, inexperienced drivers, A.11083-A would tighten the rules on junior license holders. The bill would reduce, from two to one,

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<sup>6</sup> NHTSA, Teen Driver Crashes, A Report to Congress, DOT HS 811 005, July 2008, p.1

the number on non-family members under age 21 who could ride as a passenger in a motor vehicle operated by a holder of a junior license, unless the driver is accompanied by a parent or guardian. The bill would also increase from 20 to 30 the required number of practice driving hours before a road test could be taken by the holder of a junior learner's permit.

## **B. School Bus Safety**

### **Comprehensive Driver Training**

(A.200-A, Gantt; Passed Assembly)

Under current law, it is illegal to pass a stopped school bus when its stop sign-shaped arms are extended and its red lights are flashing. However, the problem of motorists illegally passing school buses continues to be a recurring one, raising concerns among parents, drivers, and transportation administrators alike. The Governor's Traffic Safety Committee (GTSC) estimates that over 50,000 vehicles illegally pass a stopped school bus each day in New York State, and that between 2002 and 2004, 69 students were injured and one student was killed by motorists in New York State passing stopped school buses. Since the law already imposes significant penalties upon motorists convicted of passing a stopped school bus (\$250 to \$1,000 in fines and/or 30 to 180 days imprisonment), the Assembly passed legislation to address this critical issue through public education and the development of proposals to reduce violations.

Assembly bill 200-A (Gantt) would direct DMV to design and implement a "school bus motorist education program" in conjunction with the GTSC, the State Education Department (SED), DOT, DSP, and the State Comprehensive School Bus Driver Safety Training Council. The purpose of this program would be to educate motorists of the dangers of passing stopped school buses, to reduce the number of such violations, and to promote school bus safety.

The bill would also establish a "school bus motorist education fund" and redirect surcharges collected for illegally passing stopped school buses into such fund. Fifty percent of the monies collected would be directed to the "school bus motorist education program" and the remaining fifty percent of the monies collected would be directed to the State Comprehensive School Bus Driver Safety Training Council, for the study of the illegal passing of stopped school buses and the development of proposals to reduce the number of such violations.

### **Safe Transportation of Pre-School Children**

(A.229, Gantt; Passed Assembly)

The safety of children while being transported to and from school is of critical importance. Article 19-A of the Vehicle and Traffic Law provides protection to school-aged children by requiring drivers of school buses to undergo criminal history background checks, medical examinations, annual driving record reviews,



and biennial testing of their skills behind the wheel and of their knowledge of the rules of the road, defensive driving practices, and the laws regulating driving a bus in New York State. Article 19-A also provides for the disqualification of drivers from operating school buses if they are convicted of any of a number of specified violations. However, persons driving pre-school-aged children to pre-school or nursery school are not subject to these strict standards and requirements. Such young children deserve the same level of protection as that provided to school-aged children.

Assembly bill 229 (Gantt) would subject persons operating vehicles owned by governmental agencies, pre-schools or nursery schools transporting children less than school age, teachers and other persons acting in a supervisory capacity to and from a pre-school or nursery school or school activities, as well as vehicles privately owned and operated for compensation for such transportation pursuant to an agreement with such entities, to the requirements of Article 19-A.

### **C. Boating**

#### **Suspension of Boating Privileges**

(A.3143; Schimminger; Chapter 599, Laws of 2008)

Recreational boating is a popular seasonal activity in New York State. Due to the weather patterns typical of the Northeast, there usually are only eight months of the year, at best, in which persons may participate in this type of sport. Under current law, certain violations of the Navigation Law relative to the operation of a vessel carry the penalty of boating privilege suspension. In this particular context, the timing of the conviction is very relevant to how effective a deterrent the suspension will be. For example, an individual convicted of operating a vessel while his or her ability is impaired by alcohol receives a suspension of boating privileges for six months. Should this suspension occur in April, the purpose would be served since the suspension would take place during the boating season. However, if the suspension commenced toward the end of the season, it is arguably of lesser consequence as there is no boating during the winter months.

Therefore, the Legislature enacted Chapter 599 of the Laws of 2008 (A.3143, Schimminger) which authorizes courts to suspend the boating privileges of any person convicted of reckless operation of a vessel for at least three but less than twelve months. The law also requires courts to suspend the boating privileges of any person convicted of reckless operation of a vessel twice within eighteen months or of any person convicted of three or more speed limit violations or any misdemeanor violation related to operating a vessel for at least six, but less than twelve months. A conviction of boating while ability impaired will result in a mandatory suspension of the person's boating privilege and the discretionary suspension of vessel registration for at least six, but less than twelve months. The new law further authorizes courts to take the seriousness of an offense into consideration in determining suspension periods, and authorizes courts to

impose a period of suspension that would be in effect during a portion of the current or subsequent boating season.

### **Boating While Intoxicated**

(A.2254, Schimminger; Passed Assembly)

The most recent statistics from the State Office of Parks, Recreation and Historic Preservation (OPRHP) show that there were 183 reported boating accidents in New York State in 2006, with 14 fatalities and 101 injuries (down from 15 and 143, respectively, in 2005). OPRHP's statistics indicate that, as a factor in boating accidents in New York State occurring in 2006, alcohol was involved in 27 boating accidents (15%), four fatalities (29%), and twenty-seven injuries (27%). However, OPRHP has stated in the past that alcohol use is present in a higher percentage of fatal accidents than in other accidents, that statistics may be incomplete (for example, there may be under-reporting of accidents), and that there are a number of accidents in which alcohol involvement is unknown.

In an effort to deter boaters from operating while intoxicated or impaired, the Assembly passed A.2254 (Schimminger). This bill would require courts to suspend a person's privilege to operate a vessel following a conviction for DWI or DWAI by alcohol or drugs, and would give courts the option to suspend a person's driver's license following a conviction for BWI or BWAI. This would address a loophole in current law which allows a person to operate one type of vehicle (a boat) when barred from operating another type of vehicle (car, truck, or van).

### **Leaving the Scene of a Boating Accident**

(A.9812-A, Stirpe; Passed Assembly)

Recreational boating in New York State attracts thousands of people to the scenic waterways every season. There are over 529,844 registered vessels in New York State, not including those smaller recreational vessels that are not required to be registered. As with the use of any motorized vehicle, it is not uncommon for accidents to occur. According to OPRHP, in the 2006 boating season (the year for which the most recent data is available) there were 183 accidents involving 101 injuries and 14 fatalities.

Under current law, whenever any vessel, including but not limited to rowboats, kayaks, and canoes, meets with an accident involving damage to any vessel or the real or personal property of another, the operator is required to stop, provide his or her name and address, the name and address of the vessel owner, and the identification number of the vessel, if there is one, before leaving the scene of the accident. If, as a result of the accident, the operator knows or has cause to know that any person is injured or has disappeared under the water, he or she must provide his or her name and address, the name and address of the vessel owner, and the vessel identification number. In addition, he or she must provide a report as soon as possible to the nearest authority. Despite this law, in the summer of 2007 two tragic boating accidents occurred on lakes in Central New

York in which boaters in each accident left the scene without assisting the injured boaters or notifying the appropriate authorities.

In response to this series of tragic events and to deter similar occurrences in the future, the Assembly passed A.9812-A (Stirpe) to increase the penalties for those convicted of leaving the scene of a boating accident. The bill would clarify that a violation resulting solely from a vessel operator's failure to provide the vessel owner's name and address and/or the vessel identification number would be a class B misdemeanor, rising to a class A misdemeanor for any subsequent violation. The bill would increase the penalty for leaving the scene of a personal injury boating accident from a class B misdemeanor to a class A misdemeanor, subject to a fine of \$500 to \$1,000 in addition to any other penalty provided by law. A repeat violation for leaving the scene of a personal injury boating accident would be increased to a class E felony (from a class A misdemeanor), subject to a \$1,000 to \$2,500 fine in addition to any other penalty provided by law. Finally, the bill would increase the penalty for leaving the scene of a personal injury boating accident where the personal injury results in death to a class D felony (from a class E felony).

#### **D. Disabled Access**

##### **Certification of Disabilities for Parking Permits for People with Disabilities** (A.7673, Gunther; Chapter 228, Laws of 2008)

Under current law, there are three types of medical professionals who are authorized to certify that a person has a disability for the purpose of obtaining a parking permit: physicians, nurse practitioners to the extent authorized by law and consistent with applicable written practice agreements, and licensed podiatrists for those conditions treated in the course of the practice of podiatry. Physician assistants, registered by the State Education Department, are authorized by the Education Law to perform medical services under the supervision of a physician within such physician's scope of practice. This may include conducting physical exams, diagnosing and treating illnesses, ordering and interpreting tests, and writing prescriptions. Oftentimes patients may see physician assistants on a more regular basis than physicians. Chapter 228 of the Laws of 2008 (A.7673, Gunther) amends the Vehicle and Traffic Law to authorize physician assistants, to the extent authorized by law and consistent with applicable written practice agreements, to certify a patient's disability for the purposes of obtaining a parking permit for people with disabilities.

##### **Parking Space Access Aisle Signs** (A.7110, Titus; Passed Assembly)

Access aisles adjacent to parking spaces reserved for people with disabilities are sometimes blocked by the vehicles of drivers parking in such access aisles. Thus, disabled drivers and/or occupants often are prevented from entering or exiting their vehicles. Assembly bill 7110 (Titus) would require that each access

aisle be posted with a “NO PARKING ANYTIME” sign, as well as marked with diagonal stripes. This provision would be required only if a person or entity creates a new off-street parking lot or parking garage, or repaves or repaints more than fifty percent of the total number of parking spaces or parking spaces reserved for people with disabilities within an off-street lot or parking garage.

**Access Aisles Minimum Eight Feet Wide**

(A.7111, Titus; Passed Assembly)

Access aisles that are adjacent to parking spaces accessible to the disabled are there for the purpose of enabling disabled persons, many times wheelchair users, to get into and out of their vehicles. Since wheelchair-accessible vehicles generally are equipped with ramps or lifts which extend for a distance from a vehicle’s side door, access aisles must be wide enough to accommodate this equipment. Some access aisles, however, are too narrow to accomplish this purpose.

Assembly bill 7111 (Titus) would require that parking spaces reserved for people with disabilities and access aisles each be a minimum of eight feet in width. This provision would be required only if a person or entity creates a new off-street parking lot or parking garage, or repaves or repaints more than fifty percent of the total number of parking spaces or parking spaces reserved for people with disabilities within an off-street lot or garage.

### III. PUBLIC HEARINGS

#### Thruway Toll Proposal

Albany, January 29, 2008

In November of 2007, the New York State Thruway Authority's Audit and Finance Committee made a recommendation to the Thruway Board of Directors for toll adjustments which included a five percent annual increase for general tolls in 2009 and 2010, an increase in commuter permit fees, and a reduction in E-ZPass discounts. The Assembly Transportation Committee held a series of four public hearings across the State in December of 2007 to examine this proposal and its impact. Additionally, the State Comptroller announced that his office would be conducting an audit examining whether the toll proposal was necessary. Notwithstanding the concerns raised at the Assembly hearings and calls by legislators and the Comptroller for the Thruway Authority to delay action pending the audit's completion, the Board approved a resolution in December authorizing the toll increases.

Given the lack of meaningful justification for the toll increases, the Committee questioned the Board's decision to move forward on toll increases prior to the completion of the Comptroller's audit, and without having exhausted avenues for cost reduction and increased efficiencies. The Committee also was concerned about the significant detrimental impact that increased tolls would have on State and local economies, businesses, and residents. Thus, on January 29, 2008, the Assembly Standing Committee on Transportation held a follow-up public hearing to obtain further information from the New York State Thruway Authority and other affected parties on the necessity of toll increases.

Witnesses providing oral testimony included New York State Comptroller Thomas P. DiNapoli; John Siglow, Dairy Marketing Services; Steven Stallmer, Associated General Contractors, New York Chapter; John Corlett, AAA New York; Jerry DeLuca, New York State Motor Truck Association; Richard W. Powell, Erie-Champlain Canal Boat Company; Thruway Authority Board Members Frederick M. Howard and Kevin J. Plunkett, Esq., and Michael Fleischer, Executive Director of the Thruway Authority.

The Comptroller provided an overview of findings from three audits his office conducted on the Thruway Authority, including an audit on the proposed toll increases for July 2008 through January 2010. The Comptroller stated that the critical findings from all three audits reached the same conclusion, that fundamental financial and operational management issues need to be addressed and that no further toll increases are justified at this time. The Comptroller summarized six key issues that highlighted those conclusions, including a significant amount of outstanding E-ZPass collections, weaknesses in the Authority's existing capital management system, lack of capital project prioritization, lack of information to allow the Thruway Board to compare actual costs with budgeted amounts, overly conservative estimates of federal aid, and

lack of an across-the-board management review to improve efficiency and reduce costs. The Comptroller also provided various recommendations for financial and management improvements at the Thruway, including, for example: implementation of a more efficient system for collecting outstanding unpaid tolls due to the Authority, and development of management reports tracking progress and spending on projects underway. The recommendations also included prioritization of capital projects to facilitate adjustment in times of revenue shortfall, and a comprehensive financial analysis by the Authority to identify areas where costs can be reduced before determining there was a need for more revenue.

The Thruway Authority's testimony referenced material similar to that provided at a prior Committee hearing and to the Board in mid-December 2007. The testimony reviewed the Thruway's process for charging tolls, referenced the facility's safety record, discussed mandated costs and out-year funding gaps, and maintained that toll increases would be necessary even if the Comptroller's recommendations were fully implemented.

Testimony offered by other witnesses attending the hearing ranged from concerns regarding the detrimental impact of tolls and of costs incurred by the Thruway Authority for non-Thruway purposes, to concerns about the potential postponement of various projects, declining conditions and growing repair costs, and the need for infrastructure planning and financing. Testimony also was offered regarding concerns about the ramifications if the Canal were to be closed, such as flooding and decreased revenue to already struggling canal communities.

### **New York State Commission on Local Government Efficiency and Competitiveness Report**

Buffalo, May 16, 2008

On May 16, 2008, the Assembly Standing Committees on Local Governments, Agriculture, Health, Insurance, and Transportation conducted a public hearing to review the Commission on Local Government Efficiency and Competitiveness Commission report on recommendations to maximize the cost effectiveness of local governments. The Commission was established in 2007 by Executive Order to examine and report on ways to streamline government, reduce costs, improve effectiveness, maximize participation in local elections, and facilitate shared services. The released report contained several recommendations, among them encouragement of highway shared service agreements between municipalities and a simplified process to determine municipal consolidation and dissolution.

Witnesses providing testimony included Mary Ellen Heyman, Town of Irondequoit Supervisor; Diana A. Cafferty, Town of Evans Receiver of Taxes and Assessments; Bruce Fisher, former Deputy Erie County Executive and former Deputy Buffalo Comptroller; Courtney Brunelle, Civil Service Employees Association; Kirby Hannon and David Jacobowitz, New York State Firemen's Association; Susan K. Jaros, Town of Amherst Town Clerk; Kathryn A. Foster,

The Regional Institute; Lawrence A. Pierce, Association of Fire Districts of the State of New York; Cathy Rybezynsky, Town Clerks Association; Andrew Graham, SPRAWL Transportation Task Force of VOICE-Buffalo; and Brian Sullivan, Citizen.

The witnesses testified on various aspects of the Commission's recommendations, including those regarding the consolidation of services, unification of assessment functions, public employees, regional delivery of services such as highway maintenance, emergency response, and modernization of municipal structures.

### **Impact of the 2008-09 State Budget on Transportation Infrastructure**

Albany, Wednesday, December 17, 2008

The Assembly Standing Committee on Transportation conducted a public hearing on December 17, 2008, regarding the impact of the State budget on transportation infrastructure. Transportation infrastructure is an important component of the quality of life of the State's residents. A safe and efficient transportation system is necessary to serve the diverse mobility needs of New Yorkers. The quality of the transportation system also is one of many critical factors affecting State and local economic conditions, competitiveness, recovery, and growth.

New York has engaged in multi-year transportation capital planning and has made substantial investments in transportation infrastructure over the years to address these needs and advance toward established goals. These investments include appropriations in the 2008-09 State Budget related to the fourth year of the Department of Transportation Five-Year Capital Program. The hearing provided the Committee with an opportunity to assess the Department of Transportation Five-Year Capital Program, including current and future transportation capital needs, projects, and goals.

Witnesses providing oral testimony included Robert A. Dennison III, P.E., New York State DOT; Jay Simson, American Council of Engineering Companies of New York; Lou Ferrone, the New York State Public Employees Federation; Steve Stallmer, Associated General Contractors of New York State; Richard Walters, New York State Association of Town Superintendents of Highways; James Brady, New York State County Highway Superintendents Association; Raymond Melleady, New York Public Transit Association; Deborah C. Leous, Niagara Frontier Transportation Authority; Bruce B. Becker, Empire State Passengers Association; and Joel Russell on behalf of William McShane, New York Aviation Management Association. The Committee also received written testimony from Carmella Mantello, New York State Canal Corporation; Joseph Boardman, Amtrak; Norman Schneider, Railroads of New York; Marc Herbst, Long Island Contractors' Association; and Steven Detwiler, Buffalo Crushed Stone.

Providing an overview of the transportation system in New York State, DOT testified about the impact of the economic downturn and high inflation on the

construction industry and the effect that declining State revenues have had on the transportation capital program. DOT updated the Committee on the Department's progress in achieving program goals for interstate pavement and State highway bridge conditions, as well as the status of the obligation of monies from the 2005 Rebuild and Renew New York Transportation Bond Act for non-MTA public transit systems, rail, and aviation. DOT also stated that the Department has begun to implement new investment policies based on asset management principles, balancing the need to continue important preventive maintenance activities to obtain the full service life of transportation facilities while also performing major reconstruction and replacement of outdated infrastructure.

Other witnesses spoke of the need for investment in infrastructure to address a variety of issues ranging from safety and productivity to job creation and economic activity. Testimony was offered regarding the use of the private sector and State employees in the delivery of DOT's capital program, the impact of increases in construction costs on the capital program, the condition of roads and bridges, and the need of the Dedicated Highway and Bridge Trust Fund for additional revenue. There also was testimony regarding the importance of CHIPs and Marchiselli funding for local highway and bridge infrastructure.

Additionally, witnesses provided an assessment of the capital needs of public transit systems, a summary of investment in transit capacity, goals for and access to labor markets, the environmental benefits of transit, and the importance of sustained funding for transit systems. Testimony was provided about the importance of State funding for passenger and freight rail in New York, current challenges facing the industry, and the need for multi-year improvements to increase rail efficiency. Testimony also was given about the importance of State funding for airport maintenance and improvement, including an overview of the contributions provided by aviation jobs and the importance of developing airport infrastructure to support aircraft and the facilities necessary to accommodate them.

Among other comments submitted to the Committee were concerns about delays in project scheduling, an update on the status of Bond Act-funded canal projects, and an overview of passenger and freight rail service within the State and funding therefore.



#### **IV. OUTLOOK FOR 2009**

The Committee will continue to oversee legislation affecting the transportation system of the State and the safety of the walking, boating, biking, and motoring public during the 2009 Legislative Session. The issues to be considered include, but are not limited to, the safety of motor vehicle operators and passengers, motorcyclists, pedestrians, and bicyclists, school bus safety, and improved access for the disabled, as well as transportation infrastructure issues.

## APPENDIX A: 2008 SUMMARY SHEET

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; not returning to Committee	1	0	1
To Floor; recommitted and died	0	0	0
To Ways and Means	21	0	21
To Codes	43	0	43
To Rules	8	0	8
To Judiciary	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total</b>	<b>73</b>	<b>0</b>	<b>73</b>
<b><u>Bills Having Committee Reference Changed</u></b>			
To Education Committee	1	0	1
To Corporations Committee	<u>2</u>	<u>0</u>	<u>2</u>
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		17	17
Recalled		<u>4</u>	<u>4</u>
<b>Total</b>		<b>21</b>	<b>21</b>
<b><u>Bills Defeated in Committee</u></b>	0	0	0
<b><u>Bills Never Reported, Held in Committee</u></b>	0	0	0
<b><u>Bills Never Reported, Died in Committee</u></b>	640	89	729
<b><u>Bills Having Enacting Clauses Stricken</u></b>	7	0	7
<b><u>Motions to Discharge Lost</u></b>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>724</b>	<b>110</b>	<b>834</b>
<b>Total Number of Committee Meetings Held</b>	<b>12</b>		

**APPENDIX B: BILLS WHICH PASSED BOTH HOUSES**

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.72-D Weisenberg S.2360-D Fuschillo	Strengthens consumer protections relating to the towing of vehicles from private parking facilities.	Chapter 328
A.409 Dinowitz S.561 Trunzo	Increases the fines for operating a commercial vehicle on a parkway.	Chapter 221
A.695 Wright S.6630 Volker	Would have required DMV to establish rules and regulations for postponement of hearings involving traffic infractions.	Vetoed, Memo 18
A.2343-B Hoyt S.3216-B Libous	Clarifies the eligibility of non-State bicycle and pedestrian paths for Marchiselli aid.	Chapter 161
A.3100-A Bradley S.4714-A Leibell	Authorizes four towns in Westchester County to establish maximum speed limits on local town roads, within statutory parameters.	Chapter 399
A.3143 Schimminger S.1823 DeFrancisco	Authorizes a longer suspension of vessel operating privileges for convictions involving certain vessel violations (reckless operation, speeding, operating under the influence, or any misdemeanor offense).	Chapter 599
A.3587-A Bradley S.4563-A Leibell	Requires courts and administrative tribunals to notify DMV of the appearance or answer of a person to outstanding parking summonses.	Chapter 163
A.5023-C Magee S.2180-D Seward	Relates to the use of "slow moving vehicle" emblems and lights on agricultural equipment operated on public roads.	Chapter 350
A.6479-A Magnarelli S.3683-A DeFrancisco	Would have eliminated the one-time ten dollar service charge for the issuance of distinctive plates to members of the New York State militia.	Vetoed, Memo 21
A.7673 Gunther S.3550 Libous	Permits certification of disability for parking purposes by physicians assistants.	Chapter 228
A.9174 DelMonte S.6184 Rath	Authorizes the operation of tandem trucks on a 0.5 mile portion of State Route 77 off Thruway Interchange 48-A.	Chapter 353

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.9402-A Perry S.6421-A Libous	Clarifies that all four-, five-, and six-year-old occupants of small-sized school buses be restrained in appropriate child restraint systems.	Chapter 20
A.9687-A Lupardo S.6828-A Libous	Authorizes the Commissioner of Transportation to transfer certain lands to the Broome County Industrial Development Agency.	Chapter 445
A.10048 Barclay S.6952 DeFrancisco	Designates a portion of State Route 174 in the Town of Camillus as the "Father Joseph Champlin Memorial Highway."	Chapter 245
A.10071 Kavanagh S.6811 Lanza	Deems the obstruction of traffic at intersections in New York City ("blocking the box") to be a parking violation.	Chapter 241
A.10117 Cahill S.6929 Larkin	Designates a portion of State Route 32 in Ulster and Orange Counties as the "156 <sup>th</sup> Field Artillery Memorial Highway."	Chapter 244
A.10152 Giglio S.6917 Young	Designates the bridge over the Cattaraugus Creek on Main Street in the Village of Gowanda as the "Gowanda Veterans Memorial Bridge."	Chapter 243
A.10236-A Giglio S.6997-A Young	Designates a bridge on an access road to I-86 in Cattaraugus County as the "Governor Frank Wayland Higgins Memorial Bridge."	Chapter 360
A.10304 Schroeder S.7210 Volker	Designates the Western New York Southtowns Scenic Byway.	Chapter 248
A.10387 McDonough S.7261 Fuschillo	Designates the bridge over the Meadowbrook Parkway in the Village of Freeport as the "Detective Kathleen M. Reilly Memorial Bridge."	Chapter 249
A.10468 Townsend S.2594 Griffo	Re-designates a bridge known as the "Private Gregory Huxley Jr. Memorial Bridge" as the "Private First Class Gregory Huxley Jr. Memorial Bridge."	Chapter 227
A.10519 Paulin S.7746 Klein	Extends the effective date of the law authorizing a residential parking system in the Village of Bronxville.	Chapter 414

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.10561 Crouch S.6903-A Bonacic	Designates a portion of the State Highway system as the "Trooper David C. Brinkerhoff Memorial Highway."	Chapter 242
A.10590-B Sweeney S.7653-C O. Johnson	Authorizes the issuance of certain license plates to certain fire and emergency ambulance service vehicles.	Chapter 367
A.10856 Thiele S.8166 LaValle	Designates a bridge on State Route 114 in Suffolk County as the "Lance Cpl. Jordan Haerter Veterans' Memorial Bridge."	Chapter 202
A.11063 Gantt S.7398 Libous	Repeals a statutory provision that had required DOT approval for the lighting of roads and bridges by localities.	Chapter 252
A.11185 Gantt S.7405 Libous	Modifies the criteria for qualification as the coordinating entity of the State's motorcycle safety program.	Chapter 253
A.11429-A Rules/Gantt S.7509-A O. Johnson	Authorizes the use of electric personal assistive mobility devices outside New York City, within statutory parameters.	Chapter 365
A.11629 Rules/McEneny S.8578 Saland	Limits the requirement for truck cab warning lights relating to tilt or lift-beds to those trucks with lift controls located inside the truck cab.	Chapter 386
A.11739 Rules/Gantt S.8678 Libous	Alters provisions of the Franchised Motor Vehicle Dealer Act.	Chapter 490

**APPENDIX C: BILLS WHICH PASSED THE ASSEMBLY**

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>
A.104 Lafayette S.174 Alesi	Would require all persons aged sixteen years and older to wear a seat belt when riding in the rear seat of a motor vehicle.
A.189 Gantt S.6898 Morahan	Would define the term "electric assisted bicycle."
A.190 Gantt	Would limit the authority of DMV to suspend the license or registration of persons whose check to DMV is dishonored.
A.195 Gantt	Would authorize the issuance of combination distinctive disabled license plates.
A.196 Gantt S.2330 Rath	Would authorize courts to require the reexamination of drivers by DMV.
A.200-A Gantt S.8095 Thompson	Would direct DMV to design and implement a "school bus motorist education program" and would redirect surcharges collected for illegally passing stopped school buses into an associated fund.
A.227 Gantt	Would prohibit the operation of a truck with passengers under the age of 18 in the cargo area, with limited exceptions.
A.229 Gantt	Would impose upon drivers of pre-school and nursery school-aged children the same qualifications and requirements as are imposed on school bus drivers.
A.437 Greene	Would prohibit the manufacture, assembling, or sale of roller skates and skate boards unless a warning instruction is included.
A.439 Magnarelli S.2208 Valesky	Would direct the Thruway Authority to issue short-distance commuter passes in the Syracuse area.
A.445 Morelle S.7248 Rath	Would require the Thruway Authority to install local attraction videos at Thruway service areas.
A.518 Cahill S.4577 Bonacic	Would authorize the use of red or amber reflectors on bicycles.
A.858 Englebright	Would require the removal or covering of inapplicable highway work zone traffic control signals.
A.1220 Latimer S.3456 Openheimer	Would direct the Thruway Authority to discontinue the New Rochelle toll plaza.
A.1718 Lentol	Would prohibit the operation without a conductor of a train traveling under any body of water.

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>
A.1919 Seminerio	Would require a numbered license plate to be displayed only on the rear of all motor vehicles registered as historic motor vehicles.
A.1939 Lupardo S.1705 Robach	Would require DMV or a police department to return a confiscated or seized unidentifiable part of an identifiable motorcycle to its owner after an investigation confirms that the owner was not responsible for rendering such part unidentifiable.
A.2102 Brennan	Would permit DMV to credit the unused portion of a stolen vehicle's registration fee to the registration fee of any motor vehicle, motorcycle or trailer already owned by the registrant.
A.2115 Lentol	Would create the new crime of "Vehicular Homicide."
A.2254 Schimminger S.108 Maziarz	Would require suspension of boating privileges upon a DWI/DWAI conviction, and authorize suspension of a driver's license upon a BWI/BWAI conviction.
A.2468-B Morelle S.1552-A Skelos	Would increase the motor vehicle property damage accident reporting threshold from \$1,000 to \$2,000.
A.2646 Canestrari S.4423 Lavallo	Would expand the prohibition of altering a traffic-control signal to include changing the signal indications of a traffic-control signal through the use of a traffic-control signal preemption device.
A.3962-A Perry S.5749 Lanza	Would prohibit the imposition of additional penalties on parking violations after fines are paid in full or in compliance with a schedule of payments, or for failure to pay a previously imposed additional penalty.
A.5509-A Latimer	Would classify sani-vans and waste collection vehicles as hazard vehicles and require motorists to exercise due care to avoid colliding with such vehicles when they are parked, stopped, or standing on a highway while displaying one or more amber lights.
A.7053-A T. Gordon	Would direct the Thruway Authority to issue short-distance commuter passes in the Albany area.
A.7094 Koon	Would direct the Thruway Authority to issue short-distance commuter passes in the Rochester area.
A.7111 Titus S.3954 Morahan	Would require access aisles of parking spaces reserved for the disabled to be a minimum of eight feet in width.

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>
A.7470-A Galef S.281-A Alesi	Would prohibit the operation of a motor vehicle with a passenger under the age of seven seated in the front seat, with limited exceptions.
A.8008 Titus	Would require DMV, when processing accident reports, to give priority to those involving deaths or serious physical injuries.
A.8060-A Latimer S.5103-A Oppenheimer	Would allow the Mamaroneck Town Board to adopt a local law or ordinance providing for a residential parking permit system.
A.8868-B Aubry	Would modify penalties for the unlawful solicitation of ground transportation at an airport.
A.8898-A Schimel S.6330-A Rules	Would authorize municipalities within a certain county to continue to license and regulate the operation of pre-arranged for-hire vehicles.
A.9403 Spano S.7603 Stewart-Cousins	Would modify the boundaries of the residential parking permit system in the Garrett Park area of the City of Yonkers.
A.9812-A Stirpe	Would modify penalties for leaving the scene of a personal injury boating accident.
A.10187-A Alessi	Would require DOT to prepare a report on noise abatement procedures at certain heliports and airports in Suffolk County.
A.11083-A Gantt S.8572-A O. Johnson	Would modify provisions of law relating to graduated drivers' licenses, booster seats, and rear seat belts.