

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER

2007  
*Annual Report*

COMMITTEE ON  
TRANSPORTATION  
DAVID F. GANTT, CHAIRMAN

December 15, 2007

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 2007 Annual Report of the Assembly Standing Committee on Transportation.

During the 2007 Legislative Session, the Committee considered many important bills affecting public health and safety, to deter intoxicated and impaired driving, and to improve transportation access by persons having disabilities.

Advances in vehicle safety equipment coupled with stronger laws directed at addressing dangerous driving behaviors have contributed to reducing the number of fatalities and the fatality rate attributed to motor vehicle crashes in New York State. However, motor vehicle crashes still take a large personal and economic toll on individuals, families and communities, affecting the quality of life of the injured and their families and imposing close to \$20 billion in economic costs on all New Yorkers.

To address these issues, the Committee advanced a number of bills in 2007 addressing public safety. The bills ranged from seat belt requirements and passenger seating to the training of school bus drivers and the education of motorists about the dangers of passing stopped school buses.

Driving while under the influence is another public health and safety concern, as alcohol and drugs are factors contributing to a number of motor vehicle fatalities and injuries. New York's progress in deterring drunk and drugged driving is on-going; in 2006 (the most recent year for which Department of Motor Vehicle statistics are available) alcohol-related crashes accounted for four percent of all police-reported motor vehicle crashes. However, alcohol was involved in 27% of all motor vehicle fatalities in New York that year.

Following up on the enactment last year of landmark anti-driving while intoxicated (DWI) legislation, Committee work this year led to the enactment of legislation designed to increase the utilization of ignition interlock devices throughout the State. This technology can help to stop persons convicted of drunk driving from placing others at risk again by preventing the starting or operation of vehicles by individuals who have ingested alcohol. The

Committee also reported legislation that was ultimately enacted into law to strengthen the snowmobiling while intoxicated statute, and advanced legislation to deter boaters from operating while under the influence.

The sheer amount and variety of scenic waterways in New York State provide excellent opportunities for recreation and commercial activities. There are more than 500,000 registered vessels in the State of which almost 300 are commercially operated, and many more non-mechanical vessels which are exempt from registration. Given this volume of vessels operating on New York's waterways, the need for oversight to ensure the safety of all users of these waterways is clear. This need was underscored by the capsizing and sinking of the Ethan Allan tour boat on Lake George in the fall of 2005, which resulted in numerous tragic deaths and injuries. The Committee was successful this Legislative Session in guiding through to enactment legislation to enhance public vessel safety through significant changes to statutory standards applicable to the operation, maintenance and equipping of public vessels.

It is well-accepted that the transportation system is an essential component in New Yorkers' mobility, providing the necessary connections to work, recreation, medical care, education, and more. Improving the accessibility of the transportation system for all individuals regardless of ability is an important goal, providing a means to full participation and independence. To that end, legislation was enacted to deter the illegal use of parking permits for spaces reserved for persons with disabilities, and to provide for the waiver of parking meter charges for drivers with certain limitations.

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 2007 Session. With your continued leadership, we look forward to developing new programs and initiatives for the 2008 Legislative Session.

Sincerely,

David F. Gantt, Chairman  
Assembly Standing Committee  
on Transportation

DFG:jb  
Enclosure

**2007 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON TRANSPORTATION**

**David F. Gantt, Chairman**

**Committee Members**

**Majority**

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Harvey Weisenberg  
Sam Hoyt  
N. Nick Perry  
Darrel J. Aubertine  
Michael J. Cusick  
Joan L. Millman  
Francine DelMonte  
George S. Latimer  
Donna A. Lupardo  
Ruben Diaz, Jr.  
Marc S. Alessi  
Alan Maisel  
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Janele Hyer-Spencer  
Matthew Titone  
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Mike Spano

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Joseph A. Errigo  
Bill Reilich  
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Julie A. Barney, Principal Analyst  
Robert Cook, Counsel to the Chairman  
William Thornton, Counsel  
Simonia Brown, Committee Assistant  
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. Five hundred thirteen 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 4,700 miles of operated railroads in the State, moving 35.8 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 serve in excess of 7.1 million passengers daily.

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 2007 Legislative Session, 783 bills were referred to the Assembly Standing Committee on Transportation. A number were ultimately signed into law, such as legislation amending State law to reflect changes in federal requirements relating to the registration of motor carriers, as well as conforming provisions of State law to federal requirements relating to commercial motor vehicle safety and commercial drivers' licenses. Legislation also was enacted which established the New York City Traffic Congestion Mitigation Commission for the review and study of the reduction of traffic congestion and other related health and safety issues within New York City. Other enacted bills included legislation establishing new equipment and inspection requirements for public vessels; requiring training and instruction for school bus drivers and attendants serving students with disabilities; requiring all occupants of smaller-sized school buses to wear seat belts; requiring disabled parking permits to include the last three digits of the holder's driver's license identification number; and establishing metered parking waiver permits for

individuals with certain severe disabilities. The Committee also continued its commitment to reducing alcohol-related incidents, guiding through to enactment legislation instituting statewide application of the ignition interlock device program and expanding the application of provisions relating to snowmobiling while intoxicated.

The Assembly also acted upon a number of bills enhancing traffic and occupant safety, including bills that would have: prohibited the unauthorized use of devices capable of changing the color of traffic lights from red to green; imposed seat belt requirements on rear seat passengers aged 16 years or older; limited the age of front seat occupants; and prohibited the operation of a truck with a minor occupying the cargo area.

The Committee conducted a number of public hearings during the 2007 Legislative Session. First, the Committee co-sponsored a hearing in New York City with the Assembly Standing Committees on Ways and Means, Corporations, Authorities and Commissions, Energy, Environmental Conservation, and Cities, on aspects of New York City's Sustainability Proposal. Second, the Committee conducted a series of public hearings (in Buffalo, Syracuse, Rochester and Albany) to review the toll proposal that was under consideration by the New York State Thruway Authority and to solicit information regarding its impact.

## II. 2007 LEGISLATIVE ACTION

### A. Department of Transportation / Department of Motor Vehicles

#### **Unified Carrier Registration System (UCRS)**

(A.8315, Gantt; Chapter 257, Laws of 2007)

Each year, New York State collects over \$4 million from motor vehicle registration fees assessed on the motor carrier industry under the Single State Registration System (SSRS) Program. The SSRS Program was a state-administered registration program covering for-hire interstate motor carriers, which ensured that these carriers maintained public liability insurance and had proper federal authorization to operate vehicles in interstate commerce. SSRS revenue was used to support DOT's Motor Carrier Regulation Program, which includes oversight of motor carrier safety.

Beginning January 1, 2007, the federal government replaced the SSRS Program with the Unified Carrier Registration Plan (UCRP), established under the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). With the replacement of SSRS with UCRP, it became necessary to update State law to ensure that New York could continue to participate in the registration program and collect the associated federally-imposed fees.

Chapter 257 of the Laws of 2007 prohibits the use of New York State roads by motor carriers and persons subject to the registration requirements of the federal Unified Carrier Registration System (UCRS), unless such carriers and persons have registered with the UCRS. It deletes obsolete references in the Transportation Law and authorizes the use of motor carrier fees to defray DOT expenses for administering and enforcing motor carrier safety regulations.

#### **Motor Vehicle Franchise Disputes**

(A.434-D, Gantt; Chapter 517, Laws of 2007)

New York State's Franchised Motor Vehicle Dealer Act (Vehicle and Traffic Law Article 17-A) provides significant protections to franchised motor vehicle dealers against unfair business practices by franchisors, such as disparate treatment among franchisees, coerced and/or unreasonable demands and restrictions, and unwarranted and/or uninformed termination of or refusal to renew a contract. Under the Act, franchised motor vehicle dealers aggrieved by a franchisor's violation of the statute can pursue enforcement through a private action for injunctive relief and damages in any court having jurisdiction. Such actions can be a time-consuming and expensive process for parties. Chapter 517 of the Laws of 2007 (A.434-D, Gantt) provides an administrative mechanism to serve as an alternative to the courts for the resolution of disputes involving alleged violations of the Act.

The new law authorizes franchised motor vehicle dealers who are or may be aggrieved by a violation of the Act to request mediation with the franchisor or, in

lieu thereof, to file a request with DMV for an adjudicatory proceeding. The law sets forth provisions that would govern the submission of hearing requests, and the conduct of hearings and appeals. Under the law, a hearing officer can render a final decision without a hearing if there is no dispute of material facts. A final decision by the presiding officer is required within 90 days of the hearing's conclusion or the granting of a request for a decision without a hearing. The decision of the hearing officer, which must be based on a preponderance of the evidence, is deemed the determination of the Commissioner. The Commissioner is authorized to impose a civil penalty of up to \$1,000 a day on a party if the Commissioner finds, after notice and an opportunity to be heard, that such party has not complied with the Commissioner's final decision.

**Commercial Driver's License (CDL) Conformity**  
(A.7877-A, Gantt; Chapter 251, Laws of 2007)

With the passage of Chapter 60 of the Laws of 2005 and Chapter 59 of the Laws of 2006, New York came largely into compliance with two federal laws relating to commercial drivers' licenses (CDLs) and the operation of commercial motor vehicles. An audit was conducted in April 2006 by the Federal Motor Carrier Safety Administration (FMCSA) to assess DMV's compliance with these federal laws. In order to address deficiencies noted in this audit, the Legislature enacted Chapter 251 of the Laws of 2007, which amends various provisions of law related to commercial motor vehicle safety as well as requirements for CDLs. Specifically, Chapter 251 changes the law in the following manner:

1. CDL Requirements

The new law increases, from 10 years to 15 years, the period for which DMV is required to retain any conviction certificates and closed suspension and revocation orders for out of service violations. It also clarifies that the operation of motor vehicles by members of the armed forces for military purposes are exempt from commercial driver's license requirements.

Presently, an individual possessing a CDL who is convicted of three or more serious traffic violations within three years is subject to a 120-day suspension. The new law clarifies that such a suspension would take effect after the termination of any other suspension imposed upon a CDL for violations related to the operation of a commercial motor vehicle.

Chapter 251 also requires DMV to conduct a federally-mandated state record review of the driving records of CDL applicants, and to suspend an applicant's CDL or privilege of obtaining a CDL after finding that an applicant was convicted of certain offenses in a state other than New York and that such other state failed to impose the applicable CDL disqualification, suspension or revocation. Any such suspension or revocation of a CDL pursuant to the record check is applicable only to the CDL portion of an applicant's driver's license or privilege, and the law requires DMV to issue a license to such person for the operation of non-

commercial vehicles if he or she is otherwise eligible and the issuance of a license would not create a substantial traffic safety hazard.

The new law requires DMV to submit notification of a non-resident CDL holder's conviction for any moving violation while operating a motor vehicle in this State, to the State which issued the holder's CDL or driver's license, within 10 days of his or her conviction. Additionally, the new law renders invalid, for the operation of a commercial motor vehicle, any conditional license or a hardship privilege issued pending prosecution for a DWI violation.

## 2. Commercial Motor Vehicle Safety

The new law requires commercial motor vehicles, which are currently required to slow down when approaching railroad grade crossings, to now stop if the course is not clear. It also prohibits the driving of a motor vehicle onto railroad tracks at a highway-railroad grade crossing unless the vehicle has sufficient undercarriage clearance to traverse the crossing.

### **Congestion Mitigation**

(A.9362, Silver; Chapter 384, Laws of 2007)

Chapter 384 of the Laws of 2007 establishes a 17-member New York City Traffic Congestion Mitigation Commission ("Commission") and directs the Commission to undertake a review and study of plans to reduce traffic congestion and other related health and safety issues within the City of New York, including but not limited to issues relating to the implementation of a traffic congestion mitigation plan to be developed and submitted by the Mayor of the City of New York.

The law charges the Commission to conduct hearings, take testimony and review information and proposals regarding traffic congestion and other related health and safety issues within New York City. The law also directs the Commission to issue recommendations regarding the details of implementing traffic congestion mitigation proposals to the Governor, the Legislature, the Mayor of New York City and the New York City Council by January 31, 2008. The law requires that the implementation plan provide for at least the same level of traffic mitigation, based on traffic volume as measured by the 6.3 percent reduction in vehicle miles traveled as proposed in the traffic mitigation plan submitted to the U.S. Department of Transportation (USDOT) for an Urban Partnership Agreement.

Chapter 384 also authorizes the Mayor to present a "traffic congestion mitigation plan" to address traffic congestion within Manhattan, including but not limited to congestion pricing components, on or before August 1, 2007 to the Commission, Governor, Legislature, New York City Council and the Metropolitan Transportation Authority ("MTA"). It directs the State Legislature to consider the Commission's implementation plan on or before March 31, 2008, while prohibiting the imposition or collection of fees unless the State Legislature acts on a plan by March 31, 2008, which action is not required unless the Legislature has first received a request from the Mayor which has been approved by resolution of the New York City Council.

The new law allows for a review of the tangible impact of a congestion mitigation plan by requiring the MTA and DOT to each concurrently submit five year capital plans, with the MTA's plan covering the period July 1, 2008 through December 31, 2013 (including the incorporation of the components of congestion mitigation provisions acted on by the Legislature) and DOT's plan covering the period through March 31, 2014 (including system-wide goals and objectives for capital spending and project selection criteria).

The effective date of the law is immediate, to expire and be deemed repealed on June 30, 2012. However, the law would also be repealed in the absence of a commitment of at least two hundred fifty million dollars in federal funds prior to October 1, 2007 or, in the absence of a commitment of at least two hundred million dollars in federal funds prior to October 1, 2007, a commitment by the City of New York prior to December 31, 2007 of funds in an amount equal to the difference between two hundred fifty million dollars and the amount of federal funds committed.

## **B. Traffic Safety**

### **Notations on Summonses**

(A.8051, Bradley; Chapter 408, Laws of 2007)

Section 603-b of the Vehicle and Traffic Law (Chapter 553 of the Laws of 2006) requires that law enforcement officers make a notation in the "Description of Violation" section of a simplified traffic information when an accident results in the serious physical injury or death of someone other than the person charged. This information provides courts and district attorneys the opportunity to review whether further action is warranted given the circumstances of an accident.

Traffic tickets issued in the five boroughs of New York City, Buffalo, Rochester, and the towns of Babylon, Brookhaven, Huntington, Islip, Riverhead and Smithtown in Suffolk County are handled by the DMV Traffic Violations Bureau (TVB) and are noted using a summons and complaint rather than the simplified traffic information used elsewhere.

In order to ensure that TVB hearing officers have the same opportunity as courts and district attorneys to consider the need for further action, the Legislature enacted A.8051 (Bradley; Chapter 408 of the Laws of 2007.) This new law requires law enforcement officials to provide notification of whether an accident resulted in the death or serious physical injury of another on a TVB summons and complaint.

### **Seatbelt Use in Back Seats**

(A.104, Lafayette; Passed Assembly)

Statistics indicate that seat belt use has risen in New York State from sixteen percent in 1984 (the year the seat belt law was enacted) to eighty-five percent each

year from 2003 to 2005, declining slightly to eighty-three percent in 2006 (the most recent year for which statistics are available.) However, at least forty-seven percent of individuals actually killed in traffic crashes in New York State were not wearing their seat belts.<sup>1</sup> The majority of unrestrained fatalities nationwide tend to occur among persons aged 16 to 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 seat belt.<sup>2</sup>

There is a high personal and societal cost incurred from the failure of vehicle occupants to wear seat belts. The economic cost to New Yorkers of motor vehicle traffic crashes is \$19.49 billion.<sup>3</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>4</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 16 are required to wear seat belts (or be restrained in appropriate child restraints, as appropriate). Assembly bill 104 (Lafayette) would close the final gap in the law by removing the age limitation on the statutory requirement to wear seat belts, thus requiring all passengers who are seated in the middle or rear seating positions to buckle up regardless of age.

### **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, children 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.

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<sup>1</sup> National Highway Traffic Safety Administration, "New York Toll of Motor Vehicle Crashes, 2006," *State Traffic Safety Information for Year 2006* (Washington, D.C., 2006), Table entitled "Passenger Vehicle Occupant Fatalities by Restraint Use 2002-2006."

<sup>2</sup> National Highway Traffic Safety Administration, National Center for Statistics and Analysis, *Traffic Safety Facts 2005: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System*, DOT HS 810 631, Table 84, p. 119.

<sup>3</sup> National Highway Traffic Safety Administration, "New York Toll of Motor Vehicle Crashes, 2006," *State Traffic Safety Information for Year 2006* (Washington, D.C., 2006), Table entitled "Economic Impact of Motor Vehicle Traffic Crashes, 2000."

<sup>4</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.

Riding in the body of a truck, whether it is enclosed or not, is very dangerous. Passengers riding there 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 12 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 18 also rides in the body of such truck.

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

(A.7470, Galef; Passed Assembly)

In the United States, an average of five children were killed and almost 570 were injured every day in motor vehicle-related crashes in 2006 (the most recent statistics available from NHTSA). Experts ranging from NHTSA to the American Academy of Pediatrics agree that children are safest when buckled up 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 rear seat. Placing children in the back seat 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 standards, the Assembly passed A.7470 (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 seat positions contain other occupants; or the passenger has a medical exemption.

### **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 includes but is not limited to changing or attempting to change the signal indications of a traffic-control signal by the use of a traffic-control 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, which presumption could be rebutted by any credible and reliable evidence which tends to show that such device was not in use.

### **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 preventive safety program is ensuring that crash data is provided 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 timelier manner. It requires 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 will facilitate more prompt responses in making any necessary changes at crash locations to prevent or reduce the severity of potential future crashes.

## **C. School Transportation Safety**

### **Transporting Special Needs Students (“P. J.’s Law”)**

(A.1817-B, P. Rivera; Chapter 181, Laws of 2007)

Over two million school-aged children, some of whom have been diagnosed with disabilities, ride on over 50,000 school buses to and from school every day. Current law and/or regulations impose training requirements on school bus drivers, including recurring instruction on school bus safety practices and on the special needs of students with disabilities. Training requirements for attendants include instruction on school bus safety practices, child management techniques and proper techniques for safely entering and exiting buses. Additionally, attendants serving students with disabling conditions are required to obtain instruction and certification in cardiopulmonary resuscitation (where such skills are required as part of a child’s individualized education plan), and instruction relating to special needs transportation including the proper techniques for assisting disabled students in entering and exiting a school bus. All attendants also must take biannual refresher courses.

Recent incidents raised concerns regarding the capacity of school bus drivers and attendants to effectively serve children with special needs. Thorough training of school bus staff is important for the safety and protection of disabled children in the State. As a result, the Legislature enacted Chapter 181 of the Laws of 2007 (A.1817-B, P. Rivera). The new law directs the State Education Department (SED), in consultation with the State Commission on Quality of Care and Advocacy for Persons with Disabilities, to promulgate rules and regulations requiring every school bus attendant serving students with disabilities and every school bus driver operating a school bus with one or more students with disabilities to receive, at least once a year or as frequently as determined by the Commissioner, training and instruction relating to the understanding of and attention to the special needs of such students.

### **Small-Sized School Bus Seat Belts**

(A.3978, Perry; Chapter 241, Laws of 2007)

School buses with a seating capacity of more than 10 occupants which are used to transport students in New York State are subject to federal safety standards which include high backed, padded seats, compartmentalized passenger areas and strict structural standards for crash worthiness. Because these school bus safety features exceed those of a passenger vehicle, the State law mandating the use of seatbelts does not apply to school buses (Vehicle and Traffic Law §1229-c). However, the definition of “school bus” in the Vehicle and Traffic Law (§142) generally includes any vehicle (regardless of seating capacity) owned by or operated for a public or governmental agency or private school for the transportation of pupils to or from school or school related activities. Thus, there is a gap in safety measures for smaller-sized vehicles: school buses having a seating capacity of 10 passengers or less are exempt from the federal standards, and, because they are “school buses” under §142 of the Vehicle and Traffic Law, they are also exempt from New York’s seat belt law.

Children riding in these smaller-sized school vans and vehicles are in no less danger of injury than occupants of other similarly-sized vans or cars used for non-school purposes. In many cases, children are given a mixed message: that they must wear a seat belt in a van or car when it is used as a private passenger vehicle, but they are not required to wear a seat belt when such vehicles are used as small “school buses.” Chapter 241 of the Laws of 2007 (A.3978, Perry) eliminates this inconsistency by prohibiting the operation of any school bus for which no applicable federal school bus safety standards exist unless all occupants are restrained by a safety belt approved by the Department of Motor Vehicles. Violations would be subject to a minimum \$25, maximum \$100 fine.

### **School Bus Motorist Education – Passing a Stopped School Bus** (A.200, Gantt; Passed Assembly)

Currently, 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 stopped school buses 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 (Gantt) would direct DMV to design and implement a “school bus motorist education program” in conjunction with the GTSC, SED, DOT, Division of State Police (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 also would 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 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 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.

#### **D. Intoxication and Impairment**

##### **Snowmobiling While Intoxicated**

(A.8052, Gantt; Chapter 311, Laws of 2007)

Snowmobiling while intoxicated or under the influence of drugs is a danger to public safety whether it occurs on public highways, streets, trails, or on private property. According to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), most snowmobile trails in New York State are located on private lands and are developed, maintained and used by the public or private parties with the permission of private property owners. OPRHP maintains that the safe use of snowmobile trails on private property is vital to snowmobiling enthusiasts, property owners and the State's tourism industry.

However, there was a discrepancy in penalties provided in the Parks, Recreation, and Historic Preservation Law (PRHPL) for snowmobiling while intoxicated or impaired. Individuals convicted of snowmobiling while intoxicated or while ability impaired by drugs were subject to criminal sanctions if the violation occurred on streets, highways, or public trails or lands, while individuals convicted of such violations elsewhere in the State (e.g. on private lands or bodies of water) were subject relatively low fines and/or jail time.

Thus, the Legislature enacted Chapter 311 of the Laws of 2007 (A.8052, Gantt) to ensure that current law serves as an effective deterrent to snowmobiling while intoxicated or impaired. The new law clarifies that snowmobiling while intoxicated or impaired on bodies of water or on the private property of others is subject to the same prohibitions, chemical test requirements, and criminal sanctions as violations occurring on streets, highways, or public trails or lands.

### **Ignition Interlock Device**

(A.8054-A, Gantt; Chapter 669, Laws of 2007)

The Ignition Interlock Device Pilot Program was initially established by Chapter 713 of the Laws of 1988 as a pilot program in specified counties. The Program authorized courts to require persons convicted of certain DWI violations in those counties to install, as a condition of a sentence of probation, a functioning ignition interlock device. Certain aspects of the Program were applicable in all parts of the State for vehicles equipped with ignition interlock devices as a condition of probation (specifically, provisions relating to cost, installation and maintenance, the use of other vehicles, and circumvention of interlock devices).

In response to calls for expansion statewide of other key provisions of the Program in order to increase utilization of the devices as a sentencing tool and to promote offender accountability, the Legislature enacted Chapter 669 of the Laws of 2007 (A.8054-A, Gantt). Chapter 669 deletes references to the “Program” and provides that provisions governing ignition interlock devices apply throughout the State to any person required or otherwise ordered by a court to install and operate an ignition interlock device as a condition of probation. Additionally, the law previously had required that a vehicle had to be operated on a regular basis in order for a court to order installation of an ignition interlock device. Chapter 669 removes this “on a regular basis” requirement.

Other key provisions of Chapter 669 include:

- shifting the responsibility for the installation, maintenance and calibration of ignition interlock devices from manufacturers to device installation and service providers; and
- amending a provision of a law which established alcohol and substance abuse screening, assessment and treatment requirements for certain DWI/DWAI offenders. Specifically, Chapter 669 expands the definition of the term “alcohol and substance abuse professional” to include, among those authorized to conduct alcohol and substance abuse screenings, assessments and treatment of DWI and DWAI offenders, persons licensed by SED in an appropriate health field including licensed clinical social workers, licensed master social workers, licensed mental health counselors, nurse practitioners, physicians, physicians’ assistants, psychiatrists, psychologists, and registered nurses.

### **Boating While Intoxicated**

(A.2254, Schimminger; Passed Assembly)

The most recent statistics from 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).

## **E. Boating**

### **Public Vessel Safety**

(A.7875, Gantt; Chapter 320, Laws of 2007)

Each year thousands of people take to New York's vast waterways for recreation and to enjoy the State's beauty and natural resources. Many do so as passengers on public vessels. OPRHP inspects about 270 vessels every year in New York State, and licenses nearly 800 operators. The existence of effective laws to regulate public vessels that operate on New York's waterways is essential to the safety of the boating public and vessel crews. This need was underscored by the capsizing of the Ethan Allen in 2005 which resulted in the loss of many lives.

Chapter 320 of the Laws of 2007 (A.7875, Gantt) was enacted to improve the safety of public vessels for both the general public and vessel crew members, through the establishment and clarification of vessel equipment, operation, and inspection requirements, along with increased penalties for violations.

Specifically, the new law requires public vessel owners to report planned modifications to the structure or engineering plant of vessels to an OPRHP inspector prior to making the modifications. An owner's failure to provide this notification is deemed a violation subject to fines and imprisonment. Chapter 320 requires the provision of at least two means of egress on each deck of any public vessel certified to carry more than 20 passengers, and subjects any person operating a public vessel in violation of this requirement to a misdemeanor charge. Additionally, it calls for the suspension or revocation of the license of any master, pilot, engineer, or joint pilot/engineer operating a public vessel in violation of this requirement or requirements for stairways and passageways.

The new law also requires every public vessel certified to carry more than 10 passengers to be equipped with a very high frequency (VHF) marine radio or an operational cellular phone, and every public vessel certified to carry more than 65 passengers to be equipped with functional radar. Additionally, Chapter 320 prohibits the operation of public vessels without a license or with fewer crew members than the number specified in the vessels' inspection certificates.

Persons operating without a license are subject to a misdemeanor. Persons operating with fewer than the required crew members, and owners who permit the operation of a vessel with fewer than the required crew members, are subject to a misdemeanor, and the license of the public vessel operator may be suspended or revoked.

The penalty imposed upon any master or other person employed on a public vessel whose fraud, misconduct, negligence, violation of the law, or inattention to his or her duties on such vessel results in the death of any person is increased to a class E felony. Additionally, penalties applicable for all Navigation Law violations deemed to be misdemeanors are increased to \$250 to \$500 and/or up to 30 days' imprisonment for a first conviction; for a second conviction within 24 months, \$500 to \$1,500 and/or up to 60 days' imprisonment; and for a third or subsequent violation within 24 months, \$1,500 to \$2,500 and/or up to 120 days' imprisonment. Fines applicable for all Navigation Law violations deemed to be violations are increased to \$100 to \$250; for a second conviction within 24 months, \$250 to \$500; and for a third or subsequent conviction within 24 months, \$500 to \$1,000.

## **F. Disabled Access**

### **Parking Permits for the Disabled**

(A.1559-A, Cusick; Chapter 298, Laws of 2007)

Parking permits for the disabled are issued to facilitate the access of individuals with disabilities to facilities and places to which they travel in the conduct of daily life. However, there have been instances where the illegal use of these parking permits has prevented disabled individuals with valid parking permits from utilizing parking spaces reserved for their use, thereby restricting their access to goods and services.

As a result, the Legislature enacted Chapter 298 of the Laws of 2007 (A.1559-A, Cusick), which requires issuers of disabled parking permits to indelibly inscribe thereon the last three digits of the applicant's driver's license or non-driver identification card number. Chapter 298 requires any person issued a permit who holds a driver's license or non-driver ID card to carry and make it available to a law enforcement officer upon demand, or as soon thereafter as practicable. Such license or ID card is deemed to be presumptive evidence of the permit's validity. However, the new law provides that failure to produce such documentation is not a violation.

Individuals who knowingly and willfully make a false statement or give information which such individual knows to be false to prevent the marking of the last three digits of their driver's license or non-driver identification card on a disabled parking permit are subject to a minimum \$250, maximum \$1,000 civil penalty.

### **Metered Parking Waivers**

(A.4691-A, Paulin; Chapter 243, Laws of 2007)

Parking for people with certain physical disabilities is a challenge, especially in areas where parking is largely monitored by parking meters. For drivers with certain fine motor control or dexterity limitations, or for those who cannot reach a parking meter because of their wheelchairs or other ambulatory devices, metered parking spots are inaccessible.

Thus, the Legislature enacted Chapter 243 of the Laws of 2007 (A.4691-A, Paulin), which requires DMV to distribute metered parking waiver permits to localities entitling eligible permit holders to park at any metered parking space at no cost. These permits can be issued only to persons with a severe disability that, as certified by a licensed physician, limits fine motor control in both hands, the ability to reach or access a parking meter due to the use of a wheelchair or other ambulatory device, and/or the ability to reach a height of forty-two inches from the ground due to lack of finger, hand or upper extremity strength or mobility. The law also requires that the permit be used exclusively in a vehicle when the person to whom it is issued is driving and unaccompanied by a person able to put payment into a parking meter.

### **Parking Space Access Aisle Signs**

(A.7110, Titus; Passed Assembly)

Access aisles adjacent to disabled parking spaces 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 be 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 within an off-street lot or garage.

### **Parking Space Access Aisle Width**

(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 out 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 disabled parking spaces 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 within an off-street lot or garage.

### III. PUBLIC HEARINGS

#### **New York City's Sustainability Proposal**

New York City, June 8, 2007

On June 8, 2007, the Assembly Standing Committees on Ways and Means, Transportation, Corporations, Authorities, and Commissions, Energy, Environmental Conservation, and Cities conducted the first in a series of public hearings to obtain information on New York City's Sustainability Proposal ("PlaNYC 2030"). Specifically, this hearing focused on congestion pricing and related provisions contained within the proposal, and provided an opportunity to discuss and review its various components as well as to obtain testimony from interested parties.

Witnesses providing oral testimony included: New York City Mayor Michael R. Bloomberg; Dr. John Falocchio, Polytechnic University; Marta Genovese, American Automobile Association (AAA) of New York; Donna Lieberman, New York Civil Liberties Union (NYCLU); Christopher Jones, Regional Plan Association (RPA); Kathlyn Moran, Queens Chamber of Commerce; Hugh O'Neill, Appleseed, Inc.; Gene Russianoff, The Straphangers Campaign; and Kathryn Wylde, Partnership for New York City.

Testimony from Mayor Bloomberg provided an overview of the proposed congestion pricing component of PlaNYC 2030, and stated that its purposes included traffic reduction, enhancement of mass transit, improvement of public health, reduction of the economic cost of congestion, and combating climate change. The Mayor's testimony also described additional components sought under the proposal, including authorization to establish residential parking districts within New York City, deeming offenses for blocking intersections ("block the box") to be parking violations, and authorization for the use of cameras in the implementation of a bus rapid transit (BRT) program throughout the City.

Some testimony stated that there are costs of congestion, that widening existing streets is not an option and, therefore, people must be encouraged to shift travel modes. Testimony was presented that congestion pricing is a flexible tool to address congestion and that a pilot program should be instituted, and that mass transit is experiencing a financial crisis and the City has too much traffic thus congestion pricing would be a means to move forward to address these issues.

Other testimony that was presented raised a host of concerns about congestion pricing, including its efficacy, misgivings about whether the benefits justify the costs, who would bear the costs, the current lack of alternative transportation options for many individuals and increased commute times for others, the transfer of traffic to other areas, and the impact on small and independent businesses. There was testimony that the "pilot" program would instead be self-perpetuating as it would call for the creation of a public authority and the collection of monies. Testimony also raised concerns about privacy and the use of cameras, the need for a thorough review prior to any implementation, the lack of an environmental impact statement and its accompanying opportunity for

public input, and that alternative measures to reduce traffic volume as well as make all transportation systems work together more efficiently are available.

### **Thruway Toll Proposal**

Buffalo, December 12, 2007

Syracuse, December 17, 2007

Rochester, December 19, 2007

Albany, December 20, 2007

In November 2007 the New York State Thruway's Audit and Finance Committee made recommendations, to the Thruway Authority Board of Directors, for increases in Thruway tolls. The recommendations included proposals to increase general toll rates by five percent each year in 2009 and 2010, to increase the cost of annual commuter permits to \$84 in 2009 and \$88 in 2010, and to reduce E-ZPass discounts.

Questions and concerns arose about the need for, and the impact of, an increase in the cost of travel on the Thruway. Higher tolls and lower E-ZPass discounts affect New York State commerce, industry and consumers by increasing the cost of goods and services, and burden the household budgets of New Yorkers who use the Thruway to go to work, medical appointments, school, recreational destinations or for other travel needs. Additionally, there were concerns about the Authority moving forward on toll action pending the completion of a New York State Comptroller audit on the toll proposal, particularly in light of the Comptroller's request for the Authority to delay toll action prior to the audit's completion.

In order to provide an opportunity to examine this proposal and its impact, and for the public to offer testimony and comment, the Assembly Transportation Committee conducted a series of four public hearings across New York State. These hearings solicited information from the Thruway Authority on the proposed toll increase, and sought comments from the business community, advocacy groups and the general public regarding the effect of a toll increase.

Witnesses who testified included the Executive Director of the Thruway Authority, the Erie County Clerk, the New York State Chapter of the Associated General Contractors, the New York State Motor Truck Association, the Metropolitan Development Association of Syracuse and Central New York, C & S Companies, Slate Hill Constructors, Inc., Terpening Trucking Company, Inc., Gypsum Express, Ltd., Ramsey Construction, Inc., Main Tire Exchange, Leonard's Express, Hawke Frame and Axle, Inc., AAA New York, the American Council of Engineering Companies, New York, the State Council on Waterways, and various concerned individuals. A large number of witnesses expressed concerns about increasing tolls and the ramifications of toll increases on businesses, individuals, and communities. Some commented on the Thruway Authority's various responsibilities with fiscal implications. Other witnesses testified about the Thruway system's infrastructure needs.

#### **IV. OUTLOOK FOR 2008**

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 2008 Legislative Session. The issues to be considered include, but are not limited to, dangerous drivers, the safety of motor vehicle occupants, motorcyclists, bicyclists and pedestrians, improved access for the disabled, and school bus issues.

**APPENDIX A: 2007 SUMMARY SHEET**

<u>FINAL ACTION</u>	<u>ASSEMBLY</u> <u>BILLS</u>	<u>SENATE</u> <u>BILLS</u>	<u>TOTAL</u> <u>BILLS</u>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; not returning to Committee	10	0	10
To Floor; recommitted and died	0	0	0
To Ways and Means	40	0	40
To Codes	73	0	73
To Rules	10	0	10
To Judiciary	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total</b>	<b>133</b>	<b>0</b>	<b>133</b>
<b><u>Bills having Committee Reference Changed</u></b>			
To Insurance Committee	1	0	1
To Education Committee	1	0	1
To Corporations Committee	<u>1</u>	<u>0</u>	<u>1</u>
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		15	15
Recalled		<u>4</u>	<u>4</u>
<b>Total</b>		<b>19</b>	<b>19</b>
<b><u>Bills Defeated in Committee</u></b>	0	0	0
<b><u>Bills Never Reported, Held in Committee</u></b>	526	78	604
<b><u>Bills Never Reported, Died in Committee</u></b>	0	0	0
<b><u>Bills Having Enacting Clauses Stricken</u></b>	24	0	24
<b><u>Motions to Discharge Lost</u></b>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>685</b>	<b>97</b>	<b>783</b>
<b>Total Number of Committee Meetings Held</b>	<b>14</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.201 Gantt S.3853 Fuschillo	Would have exempted motor vehicle dealers from vehicle certificate of transfer fees upon certification that such transfers did or would have qualified prior vehicle owners to income tax deductions for charitable contributions or gifts.	Vetoed, Memo 60
A.202-A Gantt S.1353-A O. Johnson	Would have authorized the use of electric personal assistive mobility devices outside New York City, within statutory parameters.	Vetoed, Memo 105
A.206 Fields S.53 DeFrancisco	Increases penalties for littering on roadways.	Chapter 418
A.434-D Gantt S.1589-D Libous	Establishes an administrative adjudication procedure for disputes arising from Franchised Motor Vehicle Dealer Act violations.	Chapter 517
A.691 Gantt S.4856 Nozzolio	Authorizes a transfer of land between the NYS Department of Transportation and Monroe County.	Chapter 658
A.692 DelMonte S.52 Maziarz	Would have established statutory criteria for the use of tourism information signs.	Vetoed, Memo 102
A.1559-A Cusick S.3247-A Maziarz	Requires the inclusion of an identification number on disabled parking permits issued to individuals holding drivers' licenses or non-driver identification cards.	Chapter 298
A.1769 Crouch S.4258 Bonacic	Renames a portion of State Route 268 in Delaware County as the "John J. Okulsky Memorial Highway."	Chapter 206
A.1817-B P. Rivera S.3294-B Morahan	Requires school bus drivers and attendants transporting children with disabilities to complete training on such children's special needs.	Chapter 181
A.1823 Destito S.880 Griffio	Renames a portion of State Route 825 in Oneida County as the "Griffiss Veterans' Memorial Parkway."	Chapter 164
A.2367 Canestrari S.1241 Farley	Modifies the course of a portion of the Mohawk Towpath Byway.	Chapter 166

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.2496 Sweeney S.3554 Flanagan	Requires that 100% of the annual service charges collected for certain distinctive license plates be deposited into their respective special revenue funds.	Chapter 577
A.3454 Kolb S.2079 Nozzolio	Renames a portion of State Route 96 in Seneca County as the "Waterloo: Birthplace of Memorial Day Highway."	Chapter 175
A.3978 Perry S.6194 Libous	Prohibits the operation of school buses with a capacity of ten or fewer passengers, unless all passengers are restrained.	Chapter 241
A.4277-A Alessi S.2129-A LaValle	Modifies the course of the North Fork Wine Trail.	Chapter 432
A.4691-A Paulin S.3583-A Fuschillo	Provides for the issuance of metered parking waiver permits to individuals with certain severe disabilities, to entitle such persons to park at metered parking spaces at no cost.	Chapter 243
A.6604-A Morelle S.3120-A Nozzolio	Clarifies a tandem tractor trailer route at Thruway Interchange 44.	Chapter 117
A.7184 Eddington S.4299 LaValle	Renames the bridge on North Titmus Road crossing over State Route 26 as the "Leslie 'Paul' Bernstein Memorial Bridge."	Chapter 649
A.7536 Townsend S.4424 Griffo	Renames a portion of State Route 840 in Oneida County as the "Officer Joseph D. Corr Memorial Highway."	Chapter 324
A.7563 Gantt S.4292-A Robach	Renames a bridge on I-490 in the City of Rochester crossing the Genesee River as the "Frederick Douglass-Susan B. Anthony Memorial Bridge."	Chapter 207
A.7789 Townsend S.4432 Griffo	Renames the bridge on Stokes-Westernville Road crossing the Mohawk River in Oneida County as the "General Henry Halleck Memorial Bridge."	Chapter 653
A.7855-A Cahill S.4293-A Larkin	Creates the "Shawangunk East Wine Trail."	Chapter 459
A.7875 Gantt S.4242 Little	Provides additional regulation of public vessels.	Chapter 320

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.7877-A Gantt S.4888-A Libous	Amends various provisions of law relating to commercial drivers' licenses.	Chapter 251
A.8041-A Sweeney S.5305-A Marcellino	Increases pilotage fee rates for pilotage on the Long Island Sound and Block Island Sound.	Chapter 339
A.8051 Bradley S.3495 Libous	Requires police officers to note, on summonses issued for violations arising out of a reportable motor vehicle accident, whether a death or serious physical injury occurred.	Chapter 408
A.8052 Gantt S.3950 Rath	Expands provisions relating to operating a snowmobile while intoxicated to include bodies of water and the private property of another person.	Chapter 311
A.8054-A Gantt S.5780-A Fuschillo	Modifies various provisions of law relating to ignition interlock devices, and assessing and treating alcohol and substance abuse.	Chapter 669
A.8315 Gantt S.5737 Libous	Prohibits the use of New York's roads by motor carriers and persons subject to the registration requirements of the federal Unified Carrier Registration System (UCRS), unless such carriers and persons have registered with the UCRS, and authorizes the use of motor carrier fees to defray NYSDOT expenses for administering and enforcing motor carrier safety regulations.	Chapter 257
A.8803 Molinaro S.5958 Saland	Renames a portion of State Route 9-H in Columbia County as the "Columbia County Veterans' Memorial Highway."	Chapter 486
A.8917 John S.6039 Alesi	Renames the bridge on Scottsville-Chili Road (State Route 386) crossing Black Creek as the "James E. Widener Memorial Bridge."	Chapter 224
A.9362 Silver S.6432 Rules	Establishes the New York City Traffic Congestion Mitigation Commission.	Chapter 384

**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 remove the exemption for backseat passengers age sixteen and over from wearing a seatbelt.
A.189 Gantt	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 reexamination of drivers by DMV.
A.200 Gantt	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	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.695 Wright	Would require DMV to promulgate regulations providing for the postponement of hearings involving traffic infractions.
A.858 Englebright	Would require the removal or covering of inapplicable highway work zone traffic control signals.
A.1220 Latimer S.3456 Oppenheimer	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.1738 Tonko S.855 Farley	Would direct the Thruway Authority to establish a tourism information demonstration program.
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 for any motor vehicle, motorcycle or trailer already owned by the registrant.
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 LaValle	Would expand the prohibition on 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.3587-A Bradley S.4563-A Leibell	Would require a trial court, clerk, or administrative tribunal to provide proof to DMV that a registrant has answered, appeared, or complied with the rules and regulations of an administrative tribunal in response to outstanding parking summonses.
A.5509-A Latimer	Would classify sani-vans and waste collection vehicles as hazard vehicles and require vehicle operators to exercise due care to avoid colliding with such vehicles when they are parked, stopped, or standing on the shoulder or any portion of a highway while displaying one or more amber lights.
A.6040 Tonko	Would direct the Thruway Authority to issue short-distance commuter passes in the Albany area (west).
A.6479-A Magnarelli S.3683-A DeFrancisco	Would eliminate the one-time \$10 service charge for the issuance of distinctive license plates for members of reserved units of any branch of the armed forces.
A.7053-A T. Gordon	Would direct the Thruway Authority to issue short distance commuter passes in the Albany area (south).

**BILL/SPONSOR****DESCRIPTION**

A.7094 Koon

Would direct the Thruway Authority to issue short-distance commuter passes in the Rochester area.

A.7110 Titus  
S.3955 Morahan

Would require that access aisles of parking spaces reserved for the disabled to be marked with "NO PARKING ANYTIME" signs and diagonal stripes.

A.7111 Titus  
S.3954 Morahan

Would require that access aisles of parking spaces reserved for the disabled be a minimum of eight feet in width.

A.7470 Galef  
S.281 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 death or serious physical injury.