

NEW YORK STATE ASSEMBLY

ANNUAL REPORT

2020



COMMITTEE ON
TRANSPORTATION

CARL E. HEASTIE
SPEAKER

WILLIAM B. MAGNARELLI
CHAIR



WILLIAM B. MAGNARELLI
Assemblyman 129th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Transportation

COMMITTEES
Economic Development
Education
Rules
Oversight, Analysis and Investigation
Steering

December 15, 2020

Honorable Carl Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2020 Annual Report of the Assembly Standing Committee on Transportation.

With the impact that the global pandemic and COVID-19 have had on the State, the 2020 Legislative Session was challenging to say the least. Despite the challenges presented by this on-going public health crisis, the Committee acted upon literally hundreds of pieces of legislation. This included a legislative package expanding upon the safety of stretch limousines, and measures relating to State and local transportation facilities, providing oversight of transportation providers, enhancing public and environmental safety, and expanding transportation mobility options. This report contains descriptions of legislation and important issues considered by the Committee, along with an overview of the public hearing the Committee conducted and the outlook for the coming year.

Facilitating the movement of people and goods all across the State requires a strong, safe, and efficient transportation system. Transportation is a key and necessary component to enabling individuals to conduct their daily lives and to building and maintaining vibrant communities, thereby contributing to the health and welfare of the public. The overall strength of the State and local economies are also dependent upon transportation infrastructure. The work of the Committee reflects these goals, and I would like to express my appreciation to the members of the Committee for their commitment and contributions to the legislative work undertaken this year, as well as to the staff for their hard work and assistance.

I also wish to thank and commend you, Mr. Speaker, for the support and leadership you have provided the Transportation Committee in its pursuit to address transportation issues affecting the people of the State. With your assistance, the Committee looks forward to a productive Legislative Session in 2021.

Sincerely,

A handwritten signature in black ink that reads "William B. Magnarelli".

William B. Magnarelli, Chairman
Assembly Standing Committee
on Transportation



**2020 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON TRANSPORTATION**

William B. Magnarelli, Chairman

Committee Members

Majority

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Marcos A. Crespo
Fred W. Thiele, Jr.
Harry B. Bronson
Phillip Steck
Jo Anne Simon
Pamela J. Hunter
Alicia Hyndman
Jaime R. Williams
Sean M. Ryan
Tremaine Wright
Patricia A. Fahy
Mathylde Frontus
Jonathan G. Jacobson
Karen M. McMahan
Taylor Darling

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Ranking Minority Member
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Kevin M. Byrne
Brian D. Miller
Michael J. Norris
Joseph P. DeStefano
Mark C. Walczyk

Staff

Maria Volpe-McDermott, Assistant Secretary for Program and Policy
Julie A. Barney, Principal Analyst
Benjamin Decker, Associate Counsel
Craig Swiecki, Committee Clerk
Abigail Mellon, Program & Counsel Executive Secretary

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INTRODUCTION AND SUMMARY

Committee Jurisdiction

New York State's transportation network moves millions of people and tons of freight annually. Based on the most recent data available, this network includes a State and local highway and bridge system of approximately 17,450 bridges and over 113,000 miles of public roadways, upon which more than 130 billion vehicle miles are driven annually. More than 450 public and private aviation facilities provide service to passengers, and four port authorities (NY/NJ, Albany, Oswego, and Ogdensburg), the Port of Buffalo and numerous private ports and waterways handle millions of tons of freight each year. Rail freight carloads originating or terminating in the State transport millions of tons of freight annually on approximately 4,500 route miles of rail track (which includes trackage rights.)

Almost 1.8 million riders use Amtrak's Empire and Adirondack services, and millions of rail passengers pass through Penn Station using Amtrak service with an origin or destination within New York State. Over 100 public transit systems provide service for approximately 3.6 billion passenger transit trips annually.

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 is also 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.

Summary of Committee Action

During the 2020 Legislative Session, more than 675 bills were referred to the Assembly Standing Committee on Transportation. A number were ultimately signed into law, including legislation to: enhance the safety of stretch limousines, strengthen the seat belt law by requiring backseat passengers 16 years of age and older to wear seat belts, and ensure the availability of parking spaces at electric vehicle charging stations. Additionally, significant legislation was enacted in the

State Fiscal Year (SFY) 2020-21 budget, including: the authorization of electric bicycles and electric scooters, the authorization of the use of blue lights on tow trucks, and an increase in penalties for the illegal operation of commercial vehicles on parkways, as well as for the operation of over-height vehicles.

The Committee conducted one virtual public hearing in 2020, on the impact of the 2020-21 State budget and COVID-19 on the NYSDOT capital program.

2020 Legislative Action

A. Limousine Safety

Last year, significant legislation affecting stretch limousine safety was enacted into law, including: penalties for safety violations, authorization for the seizure of license plates of stretch limousines failing DOT inspections, prohibiting the removal of federal motor vehicle safety certification labels, prohibiting vehicle inspections by non-DOT facilities, increasing insurance limits, prohibiting U-turns by stretch limousines, and the public sharing of information on stretch limousines. Building upon these new laws, the Legislature in 2020 enacted additional bills to improve the safety of stretch limousines and the traveling public.

Drug and Alcohol Testing

(A.712-A, Paulin; Chapter 2, Laws of 2020)

Drivers of buses and for-hire vehicles designed to carry 15 or more passengers are subject to mandatory drug and alcohol testing under federal commercial driver regulations. Federal drug and alcohol testing requirements do not apply to drivers of smaller for-hire vehicles. To address this gap in the federal regulations, the Legislature passed A.712-A (Chapter 2 of the Laws of 2020). Chapter 2 requires motor carriers to conduct pre-employment and random drug and alcohol testing on all drivers of for-hire vehicles with a capacity of transporting nine or more occupants, including the driver. The drug testing must conform with federal commercial driver drug testing procedures.

Chapter 2 also prohibits any person from consuming drugs, a controlled substance or alcohol within eight hours before going on duty, operating, or being in physical control of a for-hire vehicle with a seating capacity of nine or more passengers including the driver, and from consuming or possessing such substances while on duty, operating, or in physical control of such vehicle. Motor carriers are prohibited from requiring or permitting these drivers from being on duty or operating their vehicles if the driver appears to have consumed drugs, a controlled substance or alcohol within the preceding eight hours before the vehicle's operation. Motor carriers also must submit annual affidavits of compliance to DMV, and failure to do so could result in the suspension of the registrations of the for-hire vehicles they operate. Chapter 2 imposes civil penalties of \$500-\$2,500 for a first violation and \$500-\$5,000 for a second violation within eighteen months. Finally, Chapter 2 requires the Commissioner of Motor Vehicles to

undertake a public education campaign to alert motor carriers and for-hire vehicle drivers of the new drug and alcohol testing requirements.

Stretch Limousine Passenger Safety Task Force

(A.1316-C, Paulin; Chapter 3, Laws of 2020)

Stretch limousines are the vehicle of choice for many happy occasions such as family events, birthdays, weddings, and prom. But these vehicles, and their operation, also present unique challenges to the safety of drivers and passengers alike. The need for further review and examination of stretch limousine safety has been underscored by recent fatal crashes.

Chapter 3 of the Laws of 2020 (A.1316-C, Paulin) creates the Stretch Limousine Passenger Safety Task Force, to conduct a comprehensive review of matters influencing the safety, adequacy, efficiency, and reliability of stretch limousine transportation of passengers for compensation. The Task Force is comprised of 11 members, consisting of the Commissioner of Motor Vehicles, the Commissioner of Transportation, the Superintendent of the New York State Police, and 8 other members appointed by the Governor as follows: two upon the recommendation of the Temporary President of the Senate, two upon the recommendation of the Speaker of the Assembly, one each upon the recommendation of the minority leaders of the Senate and Assembly, and two without recommendation by any other person.

Chapter 3 requires the Task Force to issue a final report and recommendations by November 1, 2021 to the Governor and Legislature on a number of stretch limousine-related matters. One area that will be reviewed involves enhancing the coordination between DMV and DOT regarding the regulation of stretch limousines, including how DOT and DMV can share necessary information related to stretch limousines and their operators. The report also must include recommendations regarding the establishment and adoption of a uniform safety training program for stretch limousine drivers, the appropriateness of extending Vehicle and Traffic Law requirements and regulations that currently apply to bus drivers under Article 19-A of such law to drivers of stretch limousines, and the appropriateness of establishing a limit on the maximum allowable time frame for stretch limousines to be permitted to operate on roadways within the State. The Task Force will also review federal laws and rules as they relate to the regulation of stretch limousines, and the need for additional safety measures for stretch limousines.

U-Turn Penalty Increase

(A.8172-B, Santabarbara; Chapter 4, Laws of 2020)

Part III of Chapter 59 of the Laws of 2019 prohibited stretch limousines from making U-turns on any public highway or private road open to public motor vehicle traffic. To further deter violations of this law, the Legislature passed A.8172-B (Santabarbara, Chapter 4 of the Laws of 2020). Chapter 4 increases penalties for violations of this law, as follows: a first violation is punishable by a minimum \$250, maximum \$400 fine and/or up to 15 days imprisonment, and second or subsequent violations within 18 months are subject to a minimum \$600, maximum \$750 fine and/or up to 45 days imprisonment. A violation where the violator is operating a stretch limousine while carrying at least one passenger other than the driver are subject to a minimum \$750, maximum \$1,000 fine and/or up to 180 days imprisonment.

Safety Issue Reporting Hotline and Website

(A.8214-B, Santabarbara; Chapter 5, Laws of 2020)

Stretch limousine passengers and drivers may become aware of potential safety issues with these vehicles, but until recently there was no effective means to communicate these concerns to State agencies that provide oversight. Chapter 5 of the Laws of 2020 (A.8214-B, Santabarbara) requires DOT, in consultation and cooperation with DMV, to establish, maintain, monitor and publicize a toll-free hotline operated and maintained by DMV for purposes of reporting safety issues with stretch limousines. When the hotline is established, DOT and DMV are required to direct stretch limousine operators to post a notice within stretch limousines alerting the public of the hotline number and of DOT's "Safe Limo New York" website address. Chapter 5 also authorizes DOT and DMV to investigate reports that they receive and, where verified, to consider the information in enforcement actions and in setting priorities for enforcement activities. The new law also requires DOT and DMV to submit annual reports on safety issues received.

Commercial Driver's License and Inspections

(A.8474-A, Santabarbara; Chapter 6, Laws of 2020)

Under federal and State law, operators of commercial motor vehicles must hold commercial driver's licenses (CDLs). Obtaining a CDL requires persons to pass commercial vehicle written and road tests and, depending upon the type of driving, to obtain medical certification. Drivers of certain commercial vehicles also must obtain a CDL endorsement corresponding

to the vehicle's weight, construction or use. Obtaining an endorsement requires passage of an additional knowledge test relating to that particular endorsement, and passage of the skills test required for the class of vehicle being driven. The additional knowledge test includes knowing how to: look the vehicle over for any defects both before and after a trip, assess the working order of vehicle components such as brakes, steering and tires, and safely load and supervise passengers.

Chapter 6 of the Laws of 2020 (A.8474-A, Santabarbara) requires stretch limousine operators to hold CDLs with a P (passenger) endorsement, if the stretch limousine has a seating capacity of nine or more passengers including the driver. The new law also subjects such stretch limousines to DOT safety requirements.

Wearing of Seat Belts

(A.8990, Magnarelli; Chapter 8, Laws of 2020)

(A.9646, Magnarelli; Chapter 38, Laws of 2020)

New York State law recently was amended to require operators of taxis and liveries, along with front seat passengers in such vehicles aged 16 years and older, to be restrained by approved seat belts (Chapter 340 of the Laws of 2017). Recent crashes involving stretch limousines resulted in serious injuries and the tragic loss of many lives. Passengers of taxis and livery vehicles, including stretch limousines, who are not restrained by seat belts are exposed to severe injury in the event of a crash. It has been reported that while injury rates are lower for taxi passengers than for occupants of other vehicles, the severity of injury is often greater for passengers who are injured in a taxicab, due to low rates of seat belt use and the presence of safety partitions.

In the fall of 2019, the National Transportation Safety Board (NTSB) released a preliminary safety recommendation report from its investigation of the October 6, 2018 stretch limousine crash in Schoharie, New York. Over the course of its investigation, the NTSB identified safety issues related to occupant protection, including the integrity of limousine seat and seat belt systems and the accessibility and use of seat belts by passengers. While there are many factors that contribute to the safety of passengers in for-hire vehicles, it is clear that functioning, approved seat belts should be available, and requiring their use would extend the benefits of this proven safety feature to for-hire vehicle passengers.

Chapters 8 and 38 of the Laws of 2020 (A.8990 and A.9646, Magnarelli) require taxi and livery passengers aged 16 years and older to use seat

belts regardless of seating position, and prohibit persons aged 8 to 15 years from being passengers in a taxi or livery unless they are restrained by seat belts. The new laws require compliance in taxis and liveries with a provision of law requiring that, where a seating position is equipped with a lap and shoulder belt, both must be used.

Police officers could issue tickets to parents or guardians for violations of passengers between the ages of 8 and 15, if the parent or guardian is present at the time the violation occurred. An affirmative defense to a ticket is provided, if seat belts in the taxi or livery were not clearly visible, not in good working order, not accessible, or if they had been removed.

Additionally, Chapter 38 updates the mandatory seat belt sign posted in taxis and liveries notifying passengers that they must buckle up, it's the law. Notices in taxis and liveries subject to registration and licensing by New York City also have to be provided in the top two designated citywide languages in addition to English. Finally, DMV is required to undertake a public education campaign to alert for-hire vehicle drivers and cities, towns and villages regulating for-hire vehicles of the provisions of the new laws.

Impoundment and Immobilization of Stretch Limousines

(A.9056, Magnarelli; Chapter 9, Laws of 2020)

While the 2019-20 enacted State budget contained provisions clarifying the authority of DOT to seize the license plates and direct the suspension of the registration of stretch limousines that fail DOT inspections and are placed out-of-service (OOS), additional steps should be taken to ensure that vehicles having more serious OOS defects are pulled off the road.

To that end, the Legislature passed A.9056 (Magnarelli, Chapter 9 of the Laws of 2020). Chapter 9 authorizes DOT to impound or immobilize a stretch limousine upon seizing its license plates if the OOS defect is of a type where a re-inspection is required before an inspection certificate is issued, and DOT determines that allowing the stretch limousine to leave the inspection area would be contrary to public safety. An impounded or immobilized stretch limousine could not be released unless DOT is satisfied that repairs were scheduled or had been made to satisfactorily adjust the OOS defect and such vehicle had been re-inspected.

The new law also requires the Commissioner of Transportation to provide written notice to the owner or operator of the service repair shop or impoundment lot informing them that such impounded vehicle cannot be

released without the Commissioner's written approval. Release of such impounded vehicle without the Commissioner's approval is punishable by a fine of up to \$10,000.

Seat Belt Equipment

(A.9057, Paulin; Chapter 10, Laws of 2020)

The provision of the Vehicle and Traffic Law that prohibits vehicles from being sold or registered in New York, or operated in New York if registered in the State, without being equipped with seat belts applies to vehicles manufactured or assembled (or that are sold or leased if the vehicle is used) after specified dates. Since stretch limousines are altered post-manufacture, the seat belt equipment requirements do not apply to the portion of the vehicle that was altered. To address this gap and enhance public safety, the Legislature enacted Chapter 10 of the Laws of 2020 (A.9057, Paulin). Chapter 10 requires altered motor vehicles commonly referred to as "stretch limousines" that are altered on or after January 1, 2021 to be equipped with approved seat belts for every seating position. Stretch limousines that were altered prior to that date are required to be retrofitted with approved seat belts for all passenger positions by January 1, 2023. Seat belts must be clearly visible, accessible and maintained in good working order, and removing them is prohibited. Finally, the new law requires the posting of a notice in stretch limousines of the availability of seat belts and asking passengers to buckle up, in a manner that is legible and conspicuous to passengers in all seating positions.

Commercial Global Positioning System (GPS) Technology

(A.9058, Santabarbara; Chapter 11, Laws of 2020)

The operation of vehicles that are registered as commercial is prohibited on a number of roadways, such as parkways, within the State. This is due to the fact that parkways were designed and engineered for smaller passenger automobiles, and have narrow lanes, no or minimal shoulders, low clearances, and other design features that would make commercial operation inappropriate and dangerous. To ensure that stretch limousines are using routes designed for commercial vehicles, thereby protecting the health and safety of the public, the Legislature passed A.9058 (Santabarbara, Chapter 11 of the Laws of 2020).

Chapter 11 requires that every stretch limousine having a seating capacity of nine or more passengers including the driver that is registered in the State and used in the business of transporting passengers for

compensation to be equipped with commercial global positioning system (GPS) technology within one year of the date that the National Highway Traffic Safety Administration (NHTSA) promulgates regulations establishing standards for commercial GPS. The new law also prohibits any person from operating, or causing the operation, of a stretch limousine registered in the State unless it is equipped with the required commercial GPS technology. The act is deemed repealed if any federal agency determines in writing that the act would render the State ineligible for the receipt of federal funds, or any court of competent jurisdiction makes a final determination that the act would render the State out of compliance with federal law or regulation.

DMV Online Posting of Driver Information

(A.9059, Santabarbara; Chapter 12, Laws of 2020)

Hiring a stretch limousine company can be a difficult task if a consumer lacks basic information regarding the company and its drivers. Providing consumers with an easily available way to check information on stretch limousine drivers prior to their final decision to hire a particular company could assist them in comparing the various options and help them with their final choice.

Assembly bill 9059 (Santabarbara, Chapter 12 of the Laws of 2020) requires DMV to maintain and annually update its website to provide information regarding each motor carrier operating stretch limousines including: the carrier's name, location, address and region of operation; whether the motor carrier is in compliance with Article 19-A of the Vehicle and Traffic Law (which establishes special requirements for bus drivers); the number and nature of violations of the motor carrier resulting in convictions relating to stretch limousines; the number of miles traveled by stretch limousines operated by the motor carrier within the preceding 12 months; the total number of stretch limousine drivers: employed by the motor carrier, holding valid licenses that are valid for the operation of stretch limousines, and lacking such license; the number of disqualified stretch limousine drivers; the number of convictions and accidents involving any such driver employed by the motor carrier during the preceding 12 months; and the number of convictions and accidents per 10,000 miles traveled.

Chapter 12 also requires DMV to review the bus driver files of each driver of a motor carrier operating stretch limousines, and annually verify whether each such driver holds a valid driver's license that is valid for the operation of a stretch limousine. Finally, the new law requires motor

carriers to furnish DMV with a list of each stretch limousine designed to carry nine or more passengers in addition to the driver that such carrier operates, if any, and a list of all drivers the motor carrier employs who drive stretch limousines and whether such drivers are qualified or disqualified.

B. Traffic Safety

Rear Seat Occupant Protection

(A.6163, Mosley; Chapter 136, Laws of 2020)

NHTSA estimates that in 2017, seat belt use in passenger vehicles saved nearly 15,000 lives, of which 396 were in New York.¹ Statistics indicate that front seat occupant seat belt use in New York State rose from 16% in 1984 (the year the seat belt law was enacted) to over 94% in 2019. Despite this compliance rate, at least 33% of individuals aged five and older actually killed in traffic crashes in 2018 in New York State were not wearing their seat belts.² The majority of unrestrained fatalities nationwide tend to occur among persons aged 16 to 64 years, followed by persons aged 65 and older, while occupants under the age of 16 suffer the fewest number of deaths due to failure to use restraints.³

There are high personal and societal costs incurred from the failure of vehicle occupants to wear seat belts. The economic cost of motor vehicle traffic crashes to New Yorkers, adjusted to today's dollars, is more than \$29 billion.⁴ The National Highway Traffic Safety Administration estimates that those directly involved in a crash pay approximately one-quarter of the total costs, while "those not directly involved in crashes pay for nearly three quarters of all crash costs, primarily through insurance premiums, taxes and travel delay."⁵

Research conducted by the Center for Transportation Injury Research, affiliated with the University at Buffalo, has shown that drivers are twice as likely to suffer fatal injuries in a head-on motor vehicle crash if an

¹ Traffic Safety Facts, Lives Saved in 2017 by Restraint Use and Minimum Drinking Age Laws, NHTSA's National Center for Statistics and Analysis, DOT HS 812 683, March 2019.

² National Highway Traffic Safety Administration. "Traffic Safety Facts New York, 2014-2018." Table entitled "Passenger Vehicle Occupant Fatalities Age 5 and Above by Restraint Use and Lives Saved Estimates."

³ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. Traffic Safety Facts 2017: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System. DOT HS 812 806, Table 85, p. 121.

⁴ National Highway Traffic Safety Administration. The Economic Impact of Motor Vehicle Crashes 2000. DOT HS 809 446, Table 15, p. 44 which notes that, in year 2000 dollars the economic cost to New Yorkers of motor vehicle crashes is \$19.49 billion.

⁵ Ibid, p. 2.

unbelted passenger was seated behind them, and the risk of death to unbelted passengers is three times higher.⁶

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). Chapter 136 of the Laws of 2020 (A.6163, Mosley) removes 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.

Driver Unconsciousness

(A.8983, Carroll; Chapter 31, Laws of 2020)

During the 2019 Legislative Session, the Legislature enacted a law (Chapter 740 of the Laws of 2019) codifying regulations concerning DMV determinations on the fitness of a driver's license applicant, or current licensee, to hold a driver's license. These regulations establish a process for driver's license qualifications following a loss of consciousness, including the suspension or denial of a license by DMV immediately or following a Department hearing, depending upon the circumstances.

Chapter 31 of the Laws of 2020 (A.8983, Carroll) was enacted to provide further clarification of the process for determinations of fitness. Chapter 740's requirement that a driver's license be denied or suspended at the time DMV receives evidence of loss of consciousness is clarified by Chapter 31 to require that the evidence must have come from the police, a police accident report, or a medical statement. Additionally, no hearing to review a suspension or denial could be held until a motorist submits a medical statement to DMV and the Commissioner has reviewed it.

If evidence is received from another source, including from a driver's license original or renewal application, Chapter 31 requires DMV to send the person notice and offer to withhold the suspension or denial until after a hearing unless DMV determines that the person's operation of a motor vehicle would constitute an immediate hazard.

⁶ 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.

Illegal Operation of Commercial Vehicles on Certain Highways

(A.9508-B, Part B, Budget; Chapter 58, Laws of 2020)

Under the Vehicle and Traffic Law, DOT as well as enumerated other State agencies and public authorities are authorized to exclude trucks, commercial vehicles, tractors, tractor-trailers and semitrailers from highways and parkways under their jurisdiction. This typically is due to physical features of the roads which could not withstand commercial vehicle traffic. For example, many parkways lack shoulders, have limited sight distances, and bridge clearances that are lower than the height of certain trucks.

Chapter 221 of the Laws of 2008 raised penalties for the illegal operation of large commercial vehicles (those over 26,000 pounds which require commercial driver's licenses to operate) on highways and parkways where commercial vehicles are prohibited. However, violations by commercial vehicles of all sizes continued to occur. Additionally, there have been a number of bridge strikes by vehicles which either exceeded the State's limit on vehicle height, or illegally were operated on roads that are closed to commercial traffic due to lower bridge clearances.

To deter these types of violations, prevent damage to road and bridge infrastructure, and increase public safety, Part B of Chapter 58 of the Laws of 2020 increases penalties for violations of laws or regulations prohibiting the operation of commercial vehicles on highways or parkways. The higher penalties would apply to commercial vehicles weighing 10,000 pounds or more. Part B of Chapter 58 also increases penalties on vehicles that exceed the State limits on vehicle height.

Rear-Facing Blue Lights on Tow Trucks

(A.9508-B, Part C, Budget; Chapter 58, Laws of 2020)

Because it has been shown that blue lights increase the visibility and, hence, the safety of vehicles, the Legislature has enacted legislation over the years authorizing the use of rear-facing blue lights on police, fire, and ambulance emergency vehicles. Additionally, the "Ambrose-Searles Move Over Act" was enacted in 2010 to require motor vehicle drivers to slow down and exercise due care to avoid colliding with authorized emergency vehicles (including police vehicles, fire vehicles and ambulances) which are parked, stopped or standing on the shoulder or any portion of a highway while engaged in an emergency operation. This law was enacted out of concern over data showing that transportation incidents and workers struck by vehicles or mobile equipment accounted for the highest

number of fatal work injuries. Motorists on parkways and controlled access highways are also required to move from a lane which contains, or is immediately adjacent to a shoulder which contains, a parked, stopped or standing emergency vehicle, unless this movement is not legal or cannot be done safely.

In 2011, the “Move Over” law was expanded by Chapter 458 to include hazard vehicles such as utility vehicles, tow trucks and snow plows displaying amber lights while engaged in hazardous operations on the sides or any portion of the road. Despite the inclusion of tow trucks in the “Move Over” law, data from the National Institute for Occupational Safety and Health and the Bureau of Labor Statistics indicates that the motor vehicle towing industry has a higher rate of work-related injury and death compared to other industries. The leading causes of these deaths were motor vehicle incidents. Therefore, to address this issue and to increase the safety of tow truck workers, legislation was enacted in this State Fiscal Year’s budget (A.9058-B, Part C, Chapter 58 of the Laws of 2020) to expand the law authorizing the use of rear-facing blue lights on police, fire and ambulance emergency vehicles to include tow trucks when they are engaged in hazardous operations on the road.

Rideshare Vehicle Identification

(A.7219-C, Fahy; Passed Assembly)

Transportation network company (TNC) vehicles provide for-hire vehicle service on an app-based, pre-arranged basis. Although the law currently requires DMV to promulgate regulations to ensure that each TNC vehicle is distinguishable, there have been instances where individuals have mistakenly entered non-TNC vehicles and been subjected to criminal acts. Recently, a University of South Carolina student was a victim of kidnapping and murder after entering a vehicle she believed was a TNC vehicle she had ordered. The vehicle in question was driven by the individual who has been charged with her murder.

To prevent such tragedies and to protect the riding public, the Assembly passed A.7219-C (Fahy). This bill would require DMV to require TNCs to provide each TNC driver with a machine-readable code or image to be displayed on the outside of each TNC vehicle. The bill would require TNC digital networks to enable passengers to scan, with their mobile devices, the TNC vehicle machine-readable codes prior to entering a TNC vehicle and prior to the release of payment in order to confirm that the TNC vehicle is the one authorized for the passenger’s pre-arranged trip.

The bill also would require TNCs to issue a TNC driver identification card to each of their drivers containing, at a minimum, the name and photograph of the TNC driver and the license plate number of the TNC vehicle utilized for providing the TNC prearranged trip, to be posted within the TNC vehicle in a manner that is legible, clear and conspicuous to passengers in all seating positions. Finally, A.7219-C would require that TNC vehicle markings include an illuminated sign indicating the name of the TNC for which the vehicle is providing service.

C. Electric Vehicles and Devices

Electric Vehicle Parking

(A.8608, Paulin; Chapter 206, Laws of 2020)

While vehicles powered by gasoline can be refueled at local filling stations, options to charge electric vehicles may be few and far between. Parking spaces sometimes are equipped with electric charging stations which could be difficult to access should a non-electric vehicle be parked in that spot. Easing the burden of re-charging electric vehicles could help to encourage the purchase and use of electric vehicles, which in turn supports the public policy goal of energy conservation.

Chapter 206 of the Laws of 2020 (A.8608, Paulin) prohibits any person from stopping, standing or parking a vehicle in a space designated for the exclusive purpose of charging an electric vehicle (EV) at an EV charging station, unless the vehicle is an EV connected to the charging station. An EV disconnected for no more than 30 continuous minutes would not be in violation. The new law requires EV-designated spaces to be clearly identified and marked with conspicuous and permanent above-grade signs identifying them as EV charging stations restricted to EV charging, and include any day/time restrictions.

Electric Bicycles and Electric Scooters

(A.9508-B, Part XX, Budget; Chapter 58, Laws of 2020)

Prior to the enactment of Part XX of Chapter 58 of the Laws of 2020, electric bicycles (“e-bikes”) and electric scooters (“e-scooters”) met the definition of “motor vehicle” and thus were barred from operation in New York State since they could not meet motor vehicle standards such as inspection, equipment requirements, registration, and the like. E-bikes and e-scooters are zero-emission devices, and have the potential to improve the mobility of a wide segment of New Yorkers. E-bikes and e-scooters also could assist localities in reducing motor vehicle traffic,

thereby helping them to achieve their congestion, environmental, and safety goals. Additionally, these devices could improve the mobility of persons facing barriers to other modes of transportation, as well as helping bridge gaps between transit stops and home or work.

Part XX of Chapter 58 of the Laws of 2020 removes a barrier from the use of e-bikes and e-scooters by removing them from the definition of “motor vehicle,” and establishes rules governing the operation of e-bikes and e-scooters including the use of helmets, speed restrictions, and a prohibition on operating while under the influence of alcohol or drugs. Under this new law, cities, towns and villages are authorized to further regulate the time, place and manner of the operation of e-bikes and e-scooters, including limiting, prohibiting in specified areas, or prohibiting entirely. E-bikes and e-scooters are prohibited from operating on public lands or property (other than highways, exclusive of greenways), except as designated and posted for such travel, or on sidewalks except as otherwise authorized by local law. Part XX of Chapter 58 requires manufacturers to attach labels to these devices disclosing information relating to their size, maximum motor-assisted speed, and motor wattage (e-bikes) or to their maximum motor-assisted speed, maximum number of persons for which they are designed and equipped, and motor wattage (e-scooters.)

Part XX of Chapter 58 also prohibits the establishment of shared e-bike and e-scooter systems within municipalities unless authorized by local law, and establishes privacy safeguards for personal information generated by shared systems. Finally, with respect to the City of New York, the new law prohibits shared e-scooter systems within the borough of Manhattan, and delays the authorization for e-scooters for an additional 120 days beyond the effective date applicable to the rest of the State.

D. Department of Transportation

Long-Range Transportation Planning

(A.9874, Rozic; Passed Assembly)

Section 15 of the Transportation Law requires DOT to formulate a long-range comprehensive statewide master plan for adequate, safe and efficient transportation at reasonable cost to taxpayers. Transparency and accountability in the transportation planning process is critical to maximizing legislative and public participation in this process. Assembly bill 9874 (Rozic) would require that the DOT long-range comprehensive statewide master plan include a minimum 20-year forecast period at the time of adoption, assess long-range needs spanning such period, include a

forecast of highway pavement and bridge conditions, and take the following into consideration: the most recent 20 year transportation plan adopted by each Metropolitan Planning Organization (MPO) in the State, and New York's Statewide Transportation Improvement Program (STIP) as required by federal law.

Assembly bill 9874 also would require DOT to maintain hard copies of the most recent version of the master plan and revisions thereto in DOT's main and regional offices, and conduct at least one public hearing in each DOT region when formulating the plan. DOT also would be required to maintain on its public website the proposed and adopted long-range comprehensive statewide master plan and all proposed and adopted revisions thereto, and provide a means on such website for the public to submit comments on the plan to the Department. Finally, the bill would require DOT to submit a report to the Governor and the Legislature, beginning September 1, 2021, and semiannually thereafter, including a list of those capital projects in the DOT capital program that have experienced major schedule changes or major cost changes, as defined.

PUBLIC HEARING

Impact of the 2020-21 State Budget and COVID-19 on the NYSDOT Capital Program

Virtual, Friday, October 23, 2020

The Assembly Standing Committee on Transportation convened a virtual public hearing on October 23, 2020, to seek information and testimony on the impact of the 2020-2021 enacted State budget and COVID-19 on DOT's Capital Program. The hearing provided an opportunity to obtain pertinent budgetary information and to assess the progress of the DOT Capital Program.

Witnesses providing oral testimony included the New York State Department of Transportation, the NYS Association of Town Superintendents of Highways, the NYS County Highway Superintendents Association, the New York State Public Employees Federation, Associated General Contractors NYS, the Empire State Passengers Association, Railroads of New York, the New York Aviation Management Association, the New York Public Transit Association, Rebuild NY Now, and the American Council of Engineering Companies of New York.

OUTLOOK FOR 2021

During the 2021 Legislative Session, the Committee will continue its oversight of the implementation of the 2020-21 to 2021-22 Department of Transportation two year Capital Program. The Committee will also work on a wide range of legislation affecting various aspects of the State and local transportation systems and the safety of the walking, boating, biking and motoring public. Among the issue areas that will be under consideration include those relating to pedestrians, bicyclists, motorists and motor vehicle occupants, the safety of highway work zones, the performance of passenger rail, and penalties for various violations, as well as issues relating to the State's transportation infrastructure. It remains a Committee priority to ensure the safety, efficiency, and cost-effectiveness of transportation infrastructure throughout the State, from roads and bridges to rail, aviation, port, public transit, and bicycle / pedestrian facilities.

As always, the Committee will examine additional issues brought to its attention by legislators, advocates and the public, and looks forward to continuing to work with the Governor, the Senate, and the various State agencies toward a safe transportation system that is responsive to the needs of the people of the State of New York.

APPENDIX A: 2020 SUMMARY

	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<u>Bills Reported Favorable to</u>			
Codes	16	0	16
Judiciary	0	0	0
Ways and Means	12	0	12
Rules	3	0	3
Floor	<u>2</u>	<u>0</u>	<u>2</u>
Subtotal	33	0	33
 <u>Committee Action</u>			
Remaining in Committee (Assembly Bills Held for Consideration: 23)	532	34	566
Defeated	0	0	0
Enacting Clause Stricken	<u>67</u>	<u>0</u>	<u>67</u>
Subtotal	599	34	633
 <u>Bill Reference Changed To</u>			
Corporations, Authorities and Commissions	1	0	1
Ways and Means	9	0	9
Subtotal	<u>10</u>	<u>0</u>	<u>10</u>
TOTAL:	642	34	676

Total Number of Committee Meetings Held: 5

APPENDIX B: BILLS THAT PASSED BOTH HOUSES

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.712-A Paulin S.6186-B Metzger	Requires motor carriers to conduct drug and alcohol testing of drivers of stretch limousines, taxis and liveries with seating capacities of nine or more passengers, imposes drug and alcohol use restrictions, and requires oversight.	Chapter 2
A.1316-C Paulin S.6189-C Kaplan	Establishes a temporary Stretch Limousine Passenger Safety Task Force to conduct a comprehensive review of issues relating to the safety, adequacy, efficiency and reliability of stretch limousine for-hire transportation.	Chapter 3
A.5390-B Lupardo S.4580-C Kennedy	Would have authorized the operation of "auto-cycles" with either a Class D or Class M driver's license.	Vetoed, Memo 59
A.5923 Lavine S.3998 Gaughran	Authorizes the Hebrew Academy of Nassau County to provide driver education courses in middle school or elementary school locations.	Chapter 230
A.6163 Mosley S.4336 Carlucci	Requires all rear seat passengers sixteen years of age or over to wear seat belts.	Chapter 136
A.8156-A Byrnes S.7281 Borrello	Designates State Route 63 in the Town of North Dansville, Livingston County, as the "North Dansville Veterans Memorial Highway" and requires DOT to install and maintain signage.	Chapter 283

A.8172-B Santabarbara S.6188-B Gaughran	Increases penalties on drivers of stretch limousines having a seating capacity of nine or more passengers from performing illegal U-turns in such vehicles.	Chapter 4
A.8214-B Santabarbara S.6185-B May	Requires DOT and DMV to establish, maintain, monitor and publicize a toll-free hotline enabling persons to report safety issues with stretch limousine vehicles or drivers, and authorizes investigation of such reports.	Chapter 5
A.8326 Cusick S.3860 Lanza	Authorizes the Yeshiva of Staten Island to provide driver education courses at alternate locations.	Chapter 229
A.8361-A Jacobson S.8755 Serino	Designates State Route 55 in the City of Poughkeepsie, Dutchess County, as the “Firefighter Tim Gunther Memorial Highway” and requires DOT to install and maintain signage.	Chapter 256
A.8474-A Santabarbara S.6192-A Kennedy	Requires drivers of stretch limousines with seating capacities of nine or more passengers to hold a valid commercial driver’s license (CDL) with a passenger (“P”) endorsement, and requires that such vehicles comply with DOT safety regulations.	Chapter 6
A.8608 Paulin S.6836 Metzger	Imposes restrictions on the use of parking spaces designated for the exclusive purpose of charging an electric vehicle (EV) at an EV charging station.	Chapter 206

A.8767-A Jones S.8663-A Kennedy	Establishes an Adirondack Road Salt Reduction Task Force and an Adirondack Park Road Salt Reduction Pilot Plan and Test Program.	Chapter 313
A.8949 Cusick S.7314 Lanza	Amends Chapter 582 of the Laws of 2019 by clarifying a cross-reference to a federal law relating to the definition of recreational vessels.	Chapter 26
A.8983 Carroll S.6967 Gounardes	Amends Chapter 740 of the Laws of 2019, which established driver license qualification procedures following a loss of consciousness, by clarifying DMV procedures related to license suspensions and denials.	Chapter 31
A.8990 Magnarelli S.7134 Hoylman	Requires taxi and livery passengers 16 years of age and older to wear seat belts regardless of seating position, and prohibits the operation of a taxi or livery unless all passengers between the ages of 8 and 15 are restrained by seat belts.	Chapter 8
A.9056 Magnarelli S.6193-C Kennedy	Authorizes DOT to impound or immobilize stretch limousines failing DOT inspections where release would be contrary to public safety, and imposes penalties on repair shops releasing such vehicles without DOT's written approval.	Chapter 9
A.9057 Paulin S.6191-C Kennedy	Requires the installation or retrofitting of approved seat belts in altered stretch limousines, and the posting of a notice within such vehicles informing passengers to buckle up.	Chapter 10

A.9058 Santabarbara S.6187-C Gaughran	Requires stretch limousines with seating capacities of nine or more passengers registered in the State to be equipped with commercial GPS technology that complies with federal standards.	Chapter 11
A.9059 Santabarbara S.6604-B Sanders	Requires DMV to provide information on its website relating to the operation of stretch limousines by motor carriers, and to annually review the records and driver's license validity of limousine drivers.	Chapter 12
A.9639 Hawley S.7565 Ortt	Designates a portion of State Route 31 in the Town of Albion, Orleans County, as the "Charles W. Howard Memorial Highway" and requires DOT to install and maintain signage.	Chapter 301
A.9646 Magnarelli S.7623 Hoylman	Amends Chapter 8 of the Laws of 2020 by requiring taxi and livery passengers aged 8 to 15 years to wear seat belts, and repealing a provision prohibiting persons from operating a taxi or livery unless all such passengers are wearing seat belts.	Chapter 38
A.9691-A Galef S.7740-A Harckham	Authorizes the Village of Croton-on-Hudson to establish a residential permit parking system.	Chapter 210
A.10303-B Dinowitz S.8119-C Comrie	Would have extended the eligibility period of paratransit riders, modified paratransit application and ride procedures, and required the provision of personal safety equipment to paratransit drivers and personnel.	Vetoed, Memo 54

A.10653-A
Rules/Jaffee
S.8555-A Carlucci

Designates a portion of State Route 45 in the Village of Spring Valley, Rockland County, as the "Sandra L. Wilson Memorial Highway" and requires DOT to install and maintain signage.

Chapter 221

APPENDIX C: BILLS THAT PASSED THE ASSEMBLY

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>
A.2226-B Cahill	Would designate a bridge on State Route 28 in the Town of Shandaken, Ulster County, as the “John ‘Jody’ Rossitz Memorial Bridge” and require DOT to install and maintain signage.
A.3400-A Gunther S.4104-A Skoufis	Would authorize the solicitation of donations, within statutory parameters, on the shoulders of certain State highways within towns.
A.6334-A Walczyk S.3417-A Ritchie	Would reconfigure the Thousand Islands – Seaway Wine Trail.
A.7219-C Fahy S.5536-C Breslin	Would provide for the identification of transportation network company (TNC) drivers and vehicles.
A.8215-A McDonough S.6610-A Brooks	Would designate a bridge on the Bay Parkway within Jones Beach State Park in the Hamlet of Wantagh, Nassau County, as the “Detective Betsy Horner-Miller Cutrone Memorial Bridge” and requires DOT to install and maintain signage.
A.8900-B Hawley S.8660 Ranzenhofer	Would designate a portion of State Route 77 in the Town of Pembroke, Genesee County, as the “SP4 C. Jay Hall Memorial Highway” and requires DOT to install and maintain signage.
A.9874 Rozic S.7779 Skoufis	Would impose requirements on DOT relating to long-range transportation planning.
A.9891 Magnarelli S.8746 Kennedy	Would make a technical amendment to subdivision one of Section 502 of the Vehicle and Traffic Law, relating to driver’s license applications.