



**New York State Assembly**

Carl E. Heastie, Speaker

# ANNUAL REPORT 2015

A dark blue silhouette of a city skyline, including various skyscrapers and buildings, positioned behind the large white text of the title.

Committee on

**Transportation**

David F. Gantt, Chairman



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

DAVID F. GANTT  
Assemblyman 137<sup>TH</sup> District

CHAIRMAN  
Transportation Committee

COMMITTEE MEMBERSHIP  
Transportation  
Rules  
Ways and Means  
Economic Development, Job Creation,  
Commerce and Industry  
Local Governments

December 15, 2015

Honorable Carl E. Heastie  
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 2015 Annual Report of the Assembly Standing Committee on Transportation.

During the 2015 Legislative Session, the Committee considered many important bills affecting the travelling public, enhancing highway safety, ensuring equal treatment of veterans obtaining veteran notations, and easing financial costs on farmers.

Statistics from the National Highway Traffic Safety Administration (NHTSA) through 2013, the most recent data available, show that overall motor vehicle-related fatalities have dropped over the 10 year period 2004 through 2013. The rate of fatalities per 100,000 population was reduced to 0.92 percent in 2013 as compared with 1.08 percent in 2004. There is a fairly large distinction, however, between the rural and urban fatality rates, with the rural rate 1.93 percent and the urban rate 0.59 percent.

In an effort to continue reducing deaths and physical injuries caused by motor vehicles, the Assembly Transportation Committee considered a number of bills addressing various factors that contribute to crashes. These bills dealt with the various "E" approaches to traffic safety: enforcement, engineering and education. One of these measures, which was signed into law, expands enforcement of the seat belt law to include volunteer firefighters and volunteer ambulance workers. Another new law requires prioritized processing of fatal and serious injury accident reports to facilitate engineering solutions at dangerous locations. Finally, the Committee reported a bill that would improve the education of motorists regarding the dangers of passing stopped school buses.

The Committee also advanced legislation to reduce the cost to dairy, livestock and produce farmers of hauling their agricultural or dairy commodities or supplies by allowing such farmers to register trailers used for these purposes at a reduced agricultural rate. Additionally, the Committee enacted legislation to ensure that veterans who had previously paid a fee in order to obtain a veteran notation on their drivers' licenses and non-driver identification cards could receive a refund. This became necessary to ensure the same treatment of all veterans after the Legislature eliminated the

fee that the Department of Motor Vehicles had imposed upon veterans obtaining the notation before their license or non-driver ID had expired.

In 2016, the Committee will explore ways to further develop New York State's transportation system, especially its intermodal features, in order to facilitate the movement of people and goods throughout the State. The Committee also will continue to address problems of the traveling public.

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 2015 Session. With your continued leadership, we look forward to developing new programs and initiatives for the 2016 Legislative Session.

Sincerely,

A handwritten signature in cursive script that reads "David F. Gantt".

David F. Gantt, Chairman  
Assembly Committee on Transportation

DFG:jb  
Enclosure

**2015 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON TRANSPORTATION**

**David F. Gantt, Chairman**

**Committee Members**

**Majority**

N. Nick Perry  
Michael Cusick  
Donna A. Lupardo  
Michelle Schimel  
Michael G. DenDekker  
Marcos A. Crespo  
Fred W. Thiele, Jr.  
Harry B. Bronson  
Frank Skartados  
James Skoufis  
Phillip Steck  
Anthony Brindisi  
Todd D. Kaminsky  
Jo Anne Simon  
Kimberly Jean-Pierre

**Minority**

David G. McDonough,  
Ranking Minority Member  
Nicole Malliotakis  
Edward P. Ra  
David J. DiPietro  
Chad A. Lupinacci  
Bill Nojay  
Dean Murray

**Staff**

Christian Malanga, Assistant Secretary for Program and Policy  
Julie A. Barney, Principal Analyst  
Michael R. Hernandez, Associate Counsel  
Anthony Orphe, Counsel to the Chairman  
Kathryn F. Curren, Committee Clerk  
Jeannine Barcher, 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. This network includes a State and local highway and bridge system of more than 17,000 bridges and over 114,000 miles of highways, upon which more than 130 billion vehicle miles are driven annually. Over 480 public and private aviation facilities provide service to more than 80 million passengers annually. Four port authorities (NY/NJ, Albany, Oswego, and Ogdensburg), the Port of Buffalo and numerous private ports and waterways handle more than 165 million tons of freight each year. There also are approximately 4,600 route miles of rail in the State, moving almost 68 million tons of freight annually. Almost 1.7 million riders use Amtrak's Empire and Adirondack services, and over 8.4 million rail passengers pass through Penn Station using Amtrak service with an origin or destination within New York State. Over 130 public transit operators provide service to approximately 7.5 million passengers per day.

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 2015 Legislative Session 729 bills were referred to the Assembly Standing Committee on Transportation. A number were ultimately signed into law, including legislation to enhance penalties to discourage leaving the scene of an accident offenses, to require prioritization of motor vehicle accident report processing, to mandate the use of seat belts by volunteer firefighters and ambulance service workers, and to provide a refund of fees paid by veterans opting to place a distinguishing mark on their drivers' licenses and non-driver identification (ID) cards. The Assembly also acted upon a number of other bills to enhance public safety, including bills that would have discouraged motorists from illegally passing stopped school buses, and would have prohibited persons from interfering with traffic control signals.

The Committee conducted a public hearing on Thursday, December 3, 2015, on the impact of the 2015-2016 enacted State budget on the Department of Transportation Two-Year Capital Program.

## 2015 LEGISLATIVE ACTION

### **Stopping for Stopped School Buses**

(A.458, Gantt; Passed Assembly)

Under current law, it is illegal to pass a stopped school bus when its stop sign-shaped arms are extended and its red lights are flashing. However, motorists continue to illegally pass school buses, raising safety concerns among parents, drivers, and transportation administrators alike. It has been estimated that over 50,000 vehicles pass stopped school buses illegally each school day in New York State. Motorists pass from the front and the rear of buses as well as on the right hand, or boarding, side of school buses, which exposes children to the risk of death or serious physical injury from being struck by motor vehicles.

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 458 (Gantt) would direct DMV to design and implement a “school bus motorist education program” in conjunction with the Governor’s Traffic Safety Committee (GTSC), the State Education Department (SED), DOT, the Division of the State Police (DSP), and the State Comprehensive School Bus Driver Safety Training Council. This would serve a number of purposes: to educate motorists of the dangers of passing stopped school buses, to reduce the number of these violations, and to promote school bus safety.



The bill would also establish a “school bus motorist education fund” and redirect surcharges collected for illegally passing stopped school buses into such fund. Fifty percent of the monies collected would be directed to the “school bus motorist education program” and the remaining 50 percent of the monies collected would be directed to the State Comprehensive School Bus Driver Safety Training Council for the study of the illegal passing of stopped school buses and the development of proposals to reduce the number of such violations.

### **Accident Report Processing**

(A.3262, Titus; Chapter 429, Laws of 2015)

Factors contributing to motor vehicle-related deaths and injuries generally fall into two categories: factors that contribute to the actual cause of a crash and factors that contribute to the severity of a crash. Collisions 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 a crash 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. One of the most important features of a preventative safety program, however, is ensuring that crash data is reported to the appropriate agency in a timely manner. Such data assists agencies in identifying high risk or problem areas and supports a more rapid response in mitigating crash factors at such locations.

Chapter 429 of the Laws of 2015 (A.3262, Titus) is intended to ensure that the data necessary for roadside accident mitigation efforts is available in a more timely manner than current practice allows. It would require DMV to prioritize the processing of accident reports involving serious physical injury or death. Having this data available more quickly after the occurrence of a collision would facilitate prompter responses in making any necessary changes at crash locations to prevent or reduce the severity of potential future crashes.

### **Registration of Agriculture Trailers**

(A.5653-B, Gunther; Chapter 527, Laws of 2015)

Under the provisions of the Vehicle and Traffic Law, trucks registered as “agricultural trucks” are allowed to operate on public highways but only when being used for any of the following purposes: the planting, cultivation and harvesting of agricultural, vegetable and food products; the raising, feeding and care of livestock, bees, and poultry; or dairy farming. Individuals who register their agricultural trucks pay a lesser fee than those who register other types of trucks. However, despite their limited use, trailers that are only used for these limited agricultural purposes are subject to the same registration fee as trailers used for other purposes.

Requiring farmers to pay the same registration fee for trailers that are only used for limited agricultural activities is not consistent with existing statute that provides a reduced fee for agricultural trucks. To address this inconsistency, Chapter 527 of the Laws of 2015 (A.5653-B, Gunther) authorizes

the registration of “agricultural trailers” at the same reduced registration fee that is currently charged to register “agricultural vehicles.” To qualify, an agricultural trailer must be owned by a person engaged in the production of plants, produce, livestock, bees, poultry or dairy farming. An agricultural trailer could be used only for the transportation of the owner’s agricultural or dairy commodities or supplies or for personal passenger use, or in conjunction with lumbering operations connected with but only incidental to the operation of a farm.

**Refund of Fee for Veteran Notation on Drivers’ Licenses and Non-Driver ID Cards**

(A.6557, Jean-Pierre; Chapter 149, Laws of 2015)

In order to provide a form of ID for veterans to carry, the Legislature enacted Chapter 487 of the Laws of 2012 which requires DMV to provide a notation on non-driver identification (ID) cards and drivers’ licenses, upon request, that the holder is a United States armed forces veteran. Persons who were honorably discharged from the armed forces of the United States, or who were released under honorable conditions, are eligible to request this notation provided that they submit proof that the Commissioner of Motor Vehicles finds is satisfactory including, but not limited to, a DD form 214 (Report of Separation).

Veterans requesting this notation as part of their renewal of a driver’s license or non-driver ID card are not charged a fee. However, prior to the passage of Chapter 429 of the Laws of 2014, those making the request as a change to a currently valid license or ID card were subject to a fee. Chapter 429 clarified that no fee should be charged for this notation regardless of whether it is at the time of, or prior to, renewal of these documents. In order to ensure that

all veterans who have obtained this notation are treated equally, the Legislature this year enacted Chapter 149 (A.6557, Jean-Pierre), which directs the Commissioner of Motor Vehicles to refund any such fee previously paid by a veteran.

### **Seat Belt Use**

(A.7315, Thiele; Chapter 448, Laws of 2015)

The State of New York in 1984 adopted the first seat belt law in the nation. As first enacted, the law required drivers, all front seat passengers, and rear seat passengers up to the age of 10 years to be restrained by safety belts and/or child safety seats as appropriate. The law was amended periodically in subsequent years to increase the minimum age of rear seat passenger use to include all those under the age of 16, and to modify the child safety seat provisions to include booster seats for passengers under the age of eight. Use rose from 16 percent prior to the law's enactment, to 92 percent in 2015. However, the number of unrestrained occupant fatalities has remained, on average, about 194 over the five-year period 2009-2013.

Since its inception, the law exempted drivers and passengers in a variety of vehicles from seat belt requirements. These exemptions include authorized emergency vehicles. The exemption for authorized emergency vehicle personnel may be necessary in certain conditions in order for them to perform their duties. However, experts have stated that traffic crashes on the way to or coming from an emergency situation are the leading cause of death or serious injury to volunteer firefighters and ambulance workers. As a result, firefighters and ambulance workers are trained to use seat belts, newer fire vehicles will not activate until all seat belts are fastened, and many ambulance and fire

department policies require personnel to use seat belts whenever operating a departmental vehicle.

Chapter 448 (A.7315, Thiele) would eliminate the exemption from seat belt requirements of fire vehicles and ambulances operated by volunteer fire companies and volunteer ambulance services. Violations would be subject to a maximum \$50 civil penalty.

## **PUBLIC HEARING**

### **Impact of the State Budget on the DOT Two-Year Capital Program**

Albany, Thursday, December 3, 2015

The Assembly Standing Committee on Transportation convened a public hearing in Albany on December 3, 2015, to seek information and testimony on the impact of the 2015-2016 enacted State budget on the Department of Transportation Two-Year Capital Program. The hearing provided an opportunity to obtain pertinent budgetary information and assess progress on the second year of DOT's capital program funded by the 2015-2016 enacted State budget.

Witnesses providing oral testimony included the New York State Association of Counties, Railroads of New York, the Associated General Contractors for New York State, the New York Public Transit Association, the Public Employees Federation, the New York Aviation Management Association, the Tri-State Transportation Campaign, the American Council of Engineering Companies of New York, the New York State County Highway Superintendents Association, the New York State Association of Town Superintendents of Highways, the New York Bicycling Coalition, and a private citizen. Written testimony was submitted by the New York State Department of Transportation and the New York Roadway and Infrastructure Coalition.

Testimony covered a range of issues relating to various components of the capital program including an overview of the capital program; recommendations regarding the process by which a capital plan is developed and delivered; needs in the various transportation modes including rail freight, local roads and bridges, aviation, and vulnerable users such as

bicyclists and pedestrians; the role of transportation in the economy, environment, public health and safety, and in quality of life; and the overall importance of securing federal funding to support transportation capital needs.

**OUTLOOK FOR 2016**

During the 2016 Legislative Session, 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. Among the issue areas to be considered are those relating to pedestrians and bicyclists, motorcyclists, motor vehicle occupants, school bus safety, and improved accessibility for the disabled, as well as issues relating to the State's transportation infrastructure.



## APPENDIX A: 2015 SUMMARY SHEET

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; not returning to Committee	3	0	3
To Ways and Means	32	0	32
To Codes	24	0	24
To Rules	4	0	4
To Judiciary	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total</b>	<b>63</b>	<b>0</b>	<b>63</b>
<b><u>Bills Having Committee Reference Changed</u></b>			
To Corporations Committee	2	0	2
To Labor Committee	1	0	1
To Judiciary Committee	<u>1</u>	<u>0</u>	<u>1</u>
<b>Total</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		17	17
Recalled		<u>5</u>	<u>5</u>
<b>Total</b>		<b>22</b>	<b>22</b>
<b><u>Bills Defeated in Committee</u></b>	0	0	0
<b><u>Bills Held for Consideration with a Roll- Call Vote</u></b>	72	0	72
<b><u>Bills Never Reported, Held in Committee</u></b>	441	121	562
<b><u>Bills Having Enacting Clauses Stricken</u></b>	10	0	10
<b><u>Motions to Discharge Lost</u></b>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>590</b>	<b>143</b>	<b>733</b>
<b>Total Number of Committee Meetings Held</b>	<b>7</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.486-A Miller S.438-A Gallivan	Requires DMV to issue distinctive "Kiwanis International" license plates.	Vetoed, Memo 212
A.857-A Cahill S.3951-B Larkin	Increases pilotage rates, and establishes a pension system, for the Hudson River pilots.	Chapter 478
A.2131 Fahy S.2290 Amedore	Designates a portion of State Route 146 in the Town of Guilderland as the "Lieutenant Colonel Todd J. Clark Memorial Highway."	Chapter 69
A.3262 Titus S.5066 Robach	Requires DMV, when processing accident reports, to give priority to those involving death or serious physical injuries.	Chapter 429
A.3341 Peoples-Stokes S.4114 Nozzolio	Authorizes installment payments by the Harriet Tubman Home for Thruway signage fees.	Chapter 109
A.5149 Blankenbush S.3227 Griffo	Designates a portion of State Route 13 in the Village of Camden as the "Elisha R. Parker Veterans Memorial Highway."	Chapter 70
A.5239-A Crouch S.3468-A Libous	Designates bridges on Interstate Route 81 crossing US Route 11 at Exit 7 in the Town of Chenango as the "Trooper Christopher G. Skinner Memorial Bridge."	Chapter 101
A.5266 Thiele S.4747 Funke	Would have created the crime "aggravated leaving the scene of an accident without reporting."	Vetoed, Memo 279

A.5312 Giglio S.3423 Young	Designates bridges on I-86 in the Town of Friendship as the "Susan Foster Myers Memorial Bridge."	Chapter 162
A.5519-C Gunther S.4278-C Croci	Exempts fire vehicles from certain statutory weight restrictions.	Chapter 526
A.5653-B Gunther S.4241-B Ritchie	Authorizes the registration of trailers as "agriculture trailers."	Chapter 527
A.6104-A Nojay S.4268-A Young	Designates a portion of State Route 15A in the Town of Livonia as the "Livonia Veterans Memorial Highway."	Chapter 169
A.6123-A Nojay S.4267-A Young	Designates a portion of State Route 15A in the Town of Springwater as the "Springwater Veterans Memorial Highway."	Chapter 168
A.6557 Jean-Pierre S.1695 Marchione	Retroactively exempts fees imposed when a veteran amended his or her valid driver's license or non-driver ID card to add a veteran's notation, and directs DMV to issue refunds.	Chapter 149
A.6611-A Solages S.4836-A Martins	Designates bridges on Jericho Turnpike in Nassau and Queens counties as the "Police Officer Arthur Lopez Memorial Bridge."	Chapter 102
A.6613 Katz S.4495 Murphy	Designates a bridge across the New Croton Reservoir on State Route 129 in the Town of Yorktown as the "Specialist David R. Fahey Jr. Memorial Bridge."	Chapter 63
A.6787-A Nojay S.4565-A Funke	Designates a portion of State Route 15A in the Town of Mendon as the "Mendon Veterans Memorial Highway."	Chapter 178

A.6790-A Nojay S.4564-A Funke	Designates a portion of State Route 15A in the Town of Rush as the "Rush Veterans Memorial Highway."	Chapter 177
A.7230-A DenDekker S.5046-A Avella	Prohibits municipalities from imposing a fee on traffic tickets unless a conviction is entered.	Chapter 578
A.7315 Thiele S.4187-A Flanagan	Removes the seatbelt exemption for volunteer firefighters and volunteer ambulance service workers.	Chapter 448
A.7359-A Stirpe S.5335-A Valesky	Designates a bridge on State Route 481 in the Town of Dewitt as the "Deputy Sheriff Glenn Searles Memorial Bridge."	Chapter 103
A.7405-A Buchwald S.3820-A Murphy	Designates a portion of State Route 137 in the Town of Pound Ridge as the "Marine Captain Eric A. Jones Memorial Highway."	Chapter 71
A.7436-A Abinanti S.5187-A Stewart-Cousins	Authorizes the Village of Dobbs Ferry to establish a residential permit parking system.	Chapter 329
A.7444-A Galef S.5538-A Serino	Authorizes the Village of Cold Spring to expand its residential permit parking system.	Chapter 341
A.7462-A Goldfeder S.4957-A Robach	Authorizes DMV to provide for the electronic transmission of vehicle titles and acquisition documents by dismantlers.	Chapter 531
A.7605-A Kolb S.4561-A Funke	Designates a portion of State Route 15A in the Town of Canadice as the "Canadice Veterans Memorial Highway."	Chapter 176

A.7713 Giglio S.5326 Young	Expands the Western New York Southtowns Scenic Byway.	Chapter 333
A.7730 Buchwald S.5688 Stewart-Cousins	Authorizes the City of White Plains to enact a local law to implement a pilot red light camera program.	Chapter 222
A.7892 Brindisi S.5761 Griffo	Designates a portion of State Route 49 between the cities of Rome and Utica as the "Oneida County Vietnam Veterans Memorial Highway."	Chapter 135
A.7941 Otis S.5436-A Latimer	Authorizes the Village of Mamaroneck to establish a residential permit parking system.	Chapter 336
A.7954 Cahill S.5687 Seward	Creates the Catskill Mountains Scenic Byway.	Chapter 509
A.7996-A Rozic S.5608-A Golden	Extends and authorizes the expansion of the New York City bus lane photo enforcement program.	Chapter 239
A.8003-A Perry S.5765 Robach	Authorizes the display of vehicles by mobility dealers.	Chapter 554
A.8009 Moya S.5955 Klein	Increases penalties for unregistered operation as a motor vehicle dealer.	Chapter 516
A.8049 Morelle S.5782 Robach	Designates a portion of State Route 15A in the Town of Brighton as the "Brighton Veterans Memorial Highway."	Chapter 223
A.8098 Bronson S.4687-A Gallivan	Designates a portion of State Route 15A in the Town of Henrietta as the "Henrietta Veterans Memorial Highway."	Chapter 180

A.8177-B DiPietro  
S.5854-B Gallivan

Designates a portion of State Route  
75 in the Town of Eden as the  
“Captain John J. Levulis Memorial  
Highway.”

Chapter 65

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

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>
A.39-A Simanowitz S.393-A Gallivan	Would prohibit motor vehicle repair shops from repairing tires that would not meet New York State tire standards upon completion of the repair.
A.297 Dinowitz S.1119 LaValle	Would prohibit persons from interfering with official traffic control signals.
A.458 Gantt S.1239 Parker	Would provide for a school bus motorist education program.
A.1258 Gantt	Would limit a provision relating to the suspension of licenses and registrations imposed for issuing a dishonored check.
A.5235-A Abinanti S.3458-A Carlucci	Would require DOT to conduct a statewide study of highway-railroad grade crossing safety.
A.6148 Roberts S.1649 Dilan	Would clarify a provision of law relating to roadway lane markings.
A.7178-A Borelli S.4286-A Lanza	Would rename the Eltingville transit center as the "Iraq War and Afghanistan War Veterans Memorial Transit Center."
A.7574-C Peoples-Stokes S.5306-C Kennedy	Would authorize the City of Buffalo to establish a residential permit parking system.