

New York State Assembly - Sheldon Silver, *Speaker*

2006

# ANNUAL REPORT

Committee On  
**Transportation**  
David F. Gantt, *Chairman*



December 15, 2006

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 2006 Annual Report of the Assembly Standing Committee on Transportation. The Committee's work during the 2006 Legislative Session encompassed a variety of transportation issues, including action on bills to address unsafe driving behaviors, to reduce the occurrence and severity of crashes, to improve motor vehicle occupant, pedestrian and bicyclist safety, and to increase access for disabled drivers in the State.

Throughout the years, New York has made significant progress in reducing alcohol-related motor vehicle crashes. Experts have noted that the State's efforts, consisting of a combination of laws, penalties, enforcement, and public information and education on the dangers of impaired driving and the risk of being arrested, has resulted in a drop in police-reported alcohol-related crashes from over 15,000 in 1982 to approximately 6,400 in 2002. However, given the continued involvement of alcohol in a significant number of fatal crashes, the Committee's work on legislation designed to deter motorists from getting behind the wheel while drunk or impaired by drugs met with success this year with the enactment of a comprehensive anti-DWI measure. This landmark legislation combines deterrence (stricter penalties for certain offenders, such as those with high blood alcohol concentration levels or who are repeat offenders) with prevention (mandatory assessment and treatment of alcohol and drug abuse and dependency to prevent future incidents). This new law, combined with other DWI-related laws enacted this year, is another step in reducing the deaths and injuries caused by those who drive after drinking or taking drugs.

The Committee also was successful in obtaining the enactment of legislation addressing problems posed by other unsafe driving behaviors, such as a new law for the creation of a public education program on the dangers of drowsy and distracted driving. A statewide telephone survey conducted by the Institute for Traffic Safety and Management in 1998 found that approximately 25 percent of New York drivers had fallen asleep at the wheel at some point while driving, and that about 20% had driven while drowsy (i.e., fighting to keep their eyes open.) Statewide in 2005, driver fatigue or drowsiness was a contributing factor in more than 860 accidents (14 of which were fatal) and falling asleep was a contributing factor in almost 2,200 accidents (24 of which were fatal,) while driver inattention/distraction was a contributing factor in more than 24,000 accidents (of which 122 were fatal.) By focusing attention on this issue, and educating drivers on how to avoid driving when they

are drowsy, this new law should help to prevent such accidents. Additionally, drivers who fail to yield the right of way and cause the death of, or serious physical injury to, other people would be subject to the suspension or revocation of their drivers' licenses.

Pedestrians are some of the most vulnerable users of the highway system, particularly those who are children. Pedestrians accounted for almost one quarter of all persons killed in motor vehicle accidents in 2005, and about seven percent of those injured. Of the pedestrians killed, six percent were children aged five to seventeen, while twenty percent of pedestrians injured were children in that age bracket. Elementary-aged children in particular are at great risk because of a number of factors, including having a narrower field of vision, an inability to determine the direction of sounds or to accurately judge moving vehicles' speed or distance, being more easily distracted, and being easily hidden by roadside objects such as parked cars and bushes.

With this in mind, the Committee enacted legislation allowing the State to pay the costs of traffic control devices at entrances to schools on State roadways. The Committee also moved legislation creating a school bus motorist education program to alert motorists to the dangers of illegally passing stopped school buses, which exposes children who are attempting to board or who have disembarked from a school bus to the risk of being killed or seriously injured.

Children who are motor vehicle occupants also face certain dangers which the Committee sought to address through the movement of legislation prohibiting children under the age of eighteen from riding in the cargo area of pick-up trucks and those under the age of seven from riding in the front seat of all motor vehicles in most circumstances. The Committee also advanced legislation imposing safety standards upon school bus drivers transporting pre-school aged children, mandating the use of seat belts on smaller-sized school buses, and requiring school bus drivers and attendants serving students with disabilities to receive training and instruction concerning the special needs of such students.

I would like to thank the members of the Committee for their support of, and contributions to, this year's legislative efforts. I also wish to express my gratitude to the State agencies for their assistance and cooperation, and to 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 2006 Session. With your continued leadership, we look forward to a productive Session in 2007.

Sincerely,

David F. Gantt, Chairman  
Assembly Standing Committee  
on Transportation

DFG:sb

**2006 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON TRANSPORTATION**

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Robert Cook, Counsel to the Chairman  
William Thornton, Counsel  
Simonia Brown, Committee Assistant  
Janet Crist, 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 16,000 bridges and over 113,000 miles of highways, upon which more than 138 billion vehicle miles are driven annually. Five hundred thirteen public and private aviation facilities provide service to at least 78 million people annually. Four port authorities, the Port of Buffalo and numerous private ports handle more than 150 million tons of freight each year. There also are 4,600 miles of operated railroads in the State, moving 35.7 million tons of freight annually. About 1.4 million riders use Amtrak's Empire and Adirondack services, and approximately 8 million riders 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 7.5 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 2006 Legislative Session, 768 bills were referred to the Assembly Standing Committee on Transportation. A number were ultimately signed into law, such as landmark legislation to comprehensively address the continuing problem of motorists who place others at risk by driving while intoxicated (DWI) or while ability impaired (DWA). Other bills which the Committee shepherded through to enactment included legislation conforming penalties for boating while intoxicated (BWI) and boating while ability impaired (BWA) to those for DWI and DWA; requiring that fatalities and serious physical injuries be noted upon all tickets issued, following an accident, for moving violations; mandating the suspension and revocation of drivers' licenses of persons convicted of right-of-way violations causing serious physical injuries or fatalities; and implementing a public education campaign to warn motorists of the dangers of driving while drowsy.

The Assembly also acted upon a number of bills enhancing school transportation safety, including training for school bus drivers and attendants serving students with disabilities, a school bus motorist education program to educate motorists of the

dangers of passing stopped school buses, standards and qualifications for drivers of pre-school-aged children, and the wearing of seat belts in smaller-sized school vehicles. Additionally, the Assembly acted upon legislation to create a Motor Vehicle Franchise Board to address certain disputes between franchisors and franchised motor vehicle dealers.

The Committee conducted a public hearing in the western New York region on the issue of Thruway tolls, a public hearing on the New York State Department of Transportation's bridge inspection process, and a public hearing on the impact of the 2006-2007 State budget on the airport or aviation State program with respect to federal Airport Improvement Program (AIP) State matching aid.

## II. 2006 LEGISLATIVE ACTION

### A. Traffic Safety and Vehicle Equipment

#### Uniform Traffic Ticket Notations

(A.130, Bradley; Chapter 553, Laws of 2006)

Current law requires police officers to note, in the “description of violation” section of a uniform traffic summons issued for DWI and DWAI, whether a death or serious physical injury occurred. Assembly bill 130 (Bradley), enacted as Chapter 553 of the Laws of 2006, extends this requirement to all traffic summonses issued for violations arising out of a crash in which a death or serious physical injury occurred. The provision of such notations will allow courts and district attorneys the opportunity to review whether further action is warranted given the circumstances of a crash.

#### Drowsy Driving

(A.4473-A, Galef; Chapter 651, Laws of 2006)

The National Highway Traffic Safety Administration (NHTSA) reports that, nationwide, drivers falling asleep while driving have been responsible for at least 100,000 motor vehicle crashes, thousands of non-fatal injuries and more than 1,500 fatalities annually. While there is no empirical method for proving drowsiness, NHTSA infers drowsiness from crash characteristics: crashes occurring between the hours of midnight and six a.m. involving a single vehicle and sober driver traveling alone, with the vehicle leaving the roadway without any evidence that the driver attempted to avoid the crash. Thus, the true level of drowsiness-induced crashes may be underestimated, since the number of crashes occurring in daytime hours or involving multiple vehicles, alcohol, passengers or evasive maneuvers are not included.

In an effort to reduce fatalities and injuries caused by drowsy driving, the Assembly passed A.4473-A (Galef), enacted as Chapter 651 of the Laws of 2006. Chapter 651 requires the Governor’s Traffic Safety Committee (GTSC), in cooperation with DMV, DOT, the Department of Health (DOH), the Division of State Police (DSP), and any other agency or public entity of the State deemed necessary, to develop and implement a public outreach campaign to inform the general public of the dangers of operating a motor vehicle while drowsy, of the need for drivers to provide their full attention to the driving task, of the dangers of engaging in behaviors that reduce the attention of the driver from the driving task, and methods for avoiding such behaviors. The new law requires that the campaign include public service announcements and written informational materials to be available in motor vehicle offices and motor vehicle dealerships. Chapter 651 requires the GTSC, as part of this campaign, to coordinate educational efforts with other State and local agencies and not-for-profit organizations, and to encourage traffic safety and driver education programs to include such information in their curricula.

This new law also requires DOT to conduct a study, in consultation with DSP and the Thruway Authority, of the availability and safety of rest areas for use by vehicle



operators to avoid driving while drowsy, and to deliver the study to the Governor and the Legislature on or before December 1, 2007.

### **“Right-of-Way” Violations**

(A.4914-B, Canestrari; Chapter 571, Laws of 2006)

Motor vehicle crashes resulting from right-of-way violations can cause severe bodily injuries and even death. DMV motor vehicle accident statistics indicate that “failure to yield the right-of-way” was a contributing factor in 16 percent (20,714) of fatal and personal injury crashes in 2005. These types of crashes have large human and monetary costs but they are often preventable.

Chapter 571 of the Laws of 2006 (A.4914-B, Canestrari) is intended to improve traffic safety and reduce right-of-way violations. It mandates the suspension or revocation of drivers’ licenses upon convictions for right-of-way violations as follows: a 45 day suspension for a first offense causing a serious physical injury, a 75 day suspension for a first offense causing a death, a 75 day revocation for a repeat offense (within 18 months) causing serious physical injury, and a 120 day revocation for a repeat offense (within 18 months) causing a death. The new law prohibits the issuance of a restricted use license to a person whose license was revoked for a repeat right-of-way violation involving serious physical injury or death.

The law also authorizes courts to require a person convicted of a right-of-way violation involving serious physical injury or death to participate in a motor vehicle accident prevention course.

### **Reexamination of Drivers**

(A.1632-A, Gantt; Passed Assembly)

New York State drivers’ licenses are valid for eight years upon issuance or renewal, except for any period of time that licenses are suspended or revoked. Section 502 of the Vehicle and Traffic Law requires persons applying for an original or renewal driver’s license to submit proof of fitness as required by the Commissioner. Further, §506 of the Vehicle and Traffic Law authorizes DMV to require a person holding a valid license to submit to a reexamination of his or her qualifications to operate a motor vehicle whenever the Department has reasonable grounds to believe that a licensee is not qualified, as well as whenever a licensee has been involved in three reportable accidents within an 18 month period. DMV indicates that it receives information on drivers’ conditions from multiple sources, including licensees themselves, accident reports, and reports from physicians, the police, family members or other citizens. There may be instances, though, where courts adjudicating offenses are in a position to identify problem drivers.

Assembly bill 1632-A (Gantt) would authorize courts, upon sentencing a person convicted of leaving the scene of an accident, or of a third or subsequent moving violation within eighteen months, or who the court has reasonable grounds to believe is not qualified to drive a motor vehicle, to issue an order requiring such person to submit to a reexamination by DMV. The bill would require DMV to

suspend the driver's license of any person who fails to make an application for reexamination pursuant to such court order within thirty days of its issuance, until such time as the person makes application.

### **Vehicular Homicide**

(A.1653, Lentol; Passed Assembly)

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

To address this issue, the Assembly passed A.1653 (Lentol), which would create the new crime of "vehicular homicide," a class E felony. A person would be guilty of "vehicular homicide" by operating a motor vehicle and causing the death of another person by the commission of a major traffic violation (defined below) and, additionally, either:

- such person was previously convicted of two or more major traffic violations on at least two separate occasions within the immediately preceding 18 months, or
- at the time of causing such death, such person was driving with a license revoked for a conviction of homicide or assault arising from the operation of a motor vehicle or criminal negligence resulting in death from such operation, and such person knew or had reason to know of such revocation.

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

### **Accident Data Processing**

(A.8169, 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 8169 (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 allow more prompt responses in making any necessary changes at crash locations to prevent or reduce the severity of potential future crashes.

### **Truck Convex Mirrors**

(A.9704, Millman; Passed Assembly)

NHTSA reports that more than 4,800 pedestrians died nationwide from traffic-related injuries in 2005, the majority of which (74%) occurred in urban areas. In New York, nearly half of all pedestrian fatalities occurred in New York City each year from 2002 to 2004.<sup>1</sup> Nearly one-fifth of all children aged 5 to 9 years who were killed in traffic crashes were pedestrians. The increased risk of child pedestrian injuries and fatalities is due to multiple factors, including the fact that their smaller size makes children difficult for drivers, particularly drivers of large vehicles, to see.

While no single strategy will prevent all of these injuries, improvements in truck equipment could increase the visibility of child pedestrians. Assembly bill 9704 (Millman) would require the mounting of a convex mirror on the front of all trucks, tractors, and tractor-trailer or semi-trailer combinations having a gross vehicle weight rating of 18,000 pounds or more and registered in the State, when operating on local New York City streets. The same requirement would be imposed on such vehicles registered outside the State which make regular deliveries in New York City using local streets. The bill also would specify the adjustments of such mirrors while the vehicles are in operation. The bill's provisions also would direct DMV, in consultation with DOT, to promulgate regulations to exempt from this requirement any vehicle for which DMV has determined that the use of such mirrors would not increase the visibility of persons or objects directly in front of such vehicle.

The bill also would be deemed repealed if any federal agency or court of competent jurisdiction determines that it would render New York State ineligible for the receipt of federal funds.

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<sup>1</sup> New York State Governor's Traffic Safety Committee, "Pedestrian Safety," *2007 Highway Safety Strategic Plan*, 2006.

## **B. Occupant Protection**

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

(A.96, 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 bodies of trucks (also known as the cargo areas). NHTSA has found that more than 200 people die annually as a result of riding in truck bodies, and children and teenagers account for more than half of these fatalities.

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 body of a truck.

Assembly bill 96 (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 body 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.

### **Seatbelt Use**

(A.2157-A, 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 in 2006. However, at least thirty-nine percent of individuals actually killed in traffic crashes in New York State were not wearing their seat belts.<sup>2</sup> The majority of unrestrained fatalities nationwide tend to occur among persons aged 16 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>3</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

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<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, Early Edition: Table 112.

<sup>3</sup> *Ibid*, p. 119

traffic crashes is \$19.49 billion.<sup>4</sup> The Federal Bureau of Transportation Statistics estimates that those directly involved in a crash pay approximately one-quarter of the total costs, while society in general pays the remaining three-quarters through higher insurance rates, taxes, and the like.

Recent research conducted by the Center for Transportation Injury Research, affiliated with the University of Buffalo, showed that drivers were 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 was three times higher.<sup>5</sup>

In New York State, all front seat passengers are required to be properly restrained. However, in the middle and rear seats, only persons under the age of 16 are required to wear seat belts. Assembly bill 2157-A (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.

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

(A.6917-A, Grannis; Passed Assembly)

In the United States, an average of five children were killed and approximately 640 were injured every day in motor vehicle-related crashes in 2005 (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 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 the age of 16 to be restrained. To build on these safety standards, the Assembly passed A.6917-A (Grannis). The bill would prohibit the operation of a motor vehicle with any passengers under the age of seven seated in the front seat of such 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.

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<sup>4</sup> National Highway Traffic Safety Administration, "New York Toll of Motor Vehicle Crashes, 2005," *State Traffic Safety Information for Year 2005* (Washington, D.C., 2005), Table entitled "Economic Impact of Motor Vehicle Traffic Crashes, 2000."

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

## **C. School Transportation Safety**

### **School Traffic Lights**

(A.1728, Brodsky; Chapter 560, Laws of 2006)

Under existing law, DOT is authorized to issue permits to school districts for the installation of traffic-control devices at school highway entrances. School districts then pay an annual fee to DOT for the maintenance costs of these devices. Concerns had been raised that the safety benefits of traffic control devices, where their installation would otherwise be warranted, could be limited by the constraints of local budgets. Chapter 560 of the Laws of 2006 (A.1728, Brodsky) requires the State to pay for the cost of providing and installing, at entrances to schools on State highways, traffic-control signals or flashing signals used in connection with regulating traffic, when ordered by DOT. The State is not, however, responsible for the cost of maintaining such signals.

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

(A.10071-A, P. Rivera; Passed Assembly)

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 instruction on school bus safety practices (prior to beginning service, during the first year of employment, and biannually thereafter) and instruction on the special needs of students with disabilities (during the first year of employment for drivers exclusively transporting children with disabilities, and biannually for all drivers after their first year of employment). 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 Assembly passed A.10071-A (P. Rivera). This bill would direct 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 twice a year, training and instruction relating to the understanding of and attention to the special needs of such students.

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

(A.1692, 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 1692 (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.

### **School Bus Motorist Education – Passing a Stopped School Bus**

(A.2555-A, Gantt; Passed Assembly)

Currently, it is illegal to pass a stopped school bus when its stop sign-shaped arm is 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. 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 hit and one student was killed by motorists in New York State passing stopped school buses. Since the law already imposes significant penalties (\$250 to \$1,000 in fines and/or 30 to 180 days imprisonment) upon motorists convicted of passing a stopped school bus, the Assembly passed legislation to address this critical issue through public education and the development of proposals to reduce violations.

Assembly bill 2555-A (Gantt) would direct DMV to design and implement, in conjunction with the GTSC, SED, DOT, DSP, and the State Comprehensive School Bus Driver Safety Training Council, a “school bus motorist education program” 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.

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

(A.3740-A, Perry; Passed Assembly)

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 with requirements such as high backed, padded seats, compartmentalized passenger areas and stricter 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 any other occupant of any other similarly-sized van or car 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.” Assembly bill 3740-A (Perry) would eliminate 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.

## **D. Intoxication and Impairment**

### **Driving While Intoxicated**

(A.11963, Rules/Gantt; Chapter 732, Laws of 2006)

The State of New York has an exemplary record of fighting drunk driving, based upon strict laws, vigorous enforcement, an outstanding STOP-DWI Program<sup>6</sup>, and public education efforts. However, while alcohol-related crashes represent approximately four percent of all police-reported accidents occurring within New York State, alcohol-related fatal crashes represent about twenty-seven percent of all fatal accidents.<sup>7</sup> Clearly, more needs to be done to prevent seriously intoxicated drivers, as well as repeat offenders, from putting the public at risk of death or serious physical injury.

<sup>6</sup>“Special Traffic Options Program – Driving While Intoxicated,” see *Vehicle and Traffic Law Section 1197*.

<sup>7</sup> New York State Department of Motor Vehicles, “Accident Summary Totals,” *Summary of Motor Vehicle Accidents 2005 Statewide Statistical Summary*: Table 1, and “Alcohol-Related (A-R) Accidents,” *Summary of Motor Vehicle Accidents 2005 Statewide Statistical Summary*: Table 1(P).



Chapter 732 of the Laws of 2006 (A.11963, Rules/Gantt) makes comprehensive changes in current law to deter drivers from operating vehicles while having a high blood alcohol concentration (BAC) level, as well as those who put the public at risk by repeatedly driving while intoxicated.

Specifically, Chapter 732 changes the law in the following manner:

1. Aggravated DWI

The new law establishes the offense of aggravated DWI, and the offense of DWAI by the combined influence of drugs or of alcohol and drug(s). It also restricts plea bargains for persons charged with aggravated DWI to at least a plea to DWI, unless a district attorney determines that such charge is not warranted and the court sets forth on the record the basis for the disposition.

A first conviction for aggravated DWI is a misdemeanor, punishable by a minimum \$1,000, maximum \$2,500 fine and/or up to one year imprisonment, as well as a one year driver's license revocation. A first conviction for DWAI by the combined influence of drugs or of alcohol and drug(s) also is a misdemeanor punishable by a minimum \$500, maximum \$1,000 fine and/or up to one year imprisonment. The new law requires that persons convicted of aggravated DWI who are sentenced to probation be required to install and maintain an ignition interlock device for the term of probation. A conviction for aggravated DWI, or DWAI by the combined influence of drugs or of alcohol and drug(s), within ten years of a previous conviction for DWI, aggravated DWI, DWAI by drugs, DWAI by the combined influence of drugs or of alcohol and drug(s), vehicular assault or vehicular manslaughter is a class E felony, subject to a minimum \$1,000, maximum \$5,000 fine and/or imprisonment as provided in the Penal Law, and a subsequent violation after being convicted of any of the aforementioned crimes twice within the preceding ten years is a class D felony. The new law increases penalties for committing aggravated DWI while operating certain commercial and non-commercial vehicles such as taxicabs, school buses, and trucks.

2. Vehicular Assault and Vehicular Manslaughter

A person committing second degree vehicular assault or vehicular manslaughter can be charged with first degree vehicular assault or vehicular manslaughter if, in addition to operating a motor vehicle while intoxicated or impaired by drugs and causing someone else's serious physical injury or death, he or she does so knowing that his or her license is suspended or revoked for DWI, DWAI, or refusing a chemical test. Chapter 732 expands the circumstances elevating second degree vehicular assault or vehicular manslaughter to first degree to include the following: operating a vehicle while committing aggravated DWI; or causing the serious physical

injury or death of more than one other person; or having a previous conviction for vehicular assault or vehicular manslaughter; or having two prior DWI/DWAI convictions within the previous ten years each of which are either a misdemeanor or felony; or having three prior DWI/DWAI convictions within the previous ten years, at least one of which is a misdemeanor or felony.

### 3. Permanent Driver's License Revocation

The new law mandates the permanent revocation of a person's driver's license when he or she is either convicted of certain alcohol or drug-related driving offenses, or is found to have refused to submit to a chemical test and his or her record shows two previous alcohol or drug-related convictions or prior findings of refusal in separate incidents within the previous four years, or three such convictions or findings of refusal within the previous eight years.

If the person obtains no further convictions for certain alcohol or drug-related driving offenses nor refuses a chemical test during the first five years of the permanent revocation period, and provides either proof of successful completion of a rehabilitation program or a Certificate of Relief from Disabilities, the new law requires DMV to restore his or her license. However, the law allows DMV to deny such a restoration, on a case-by-case basis, for public safety and welfare reasons.

Chapter 732 requires DMV to permanently revoke the driver's license of any person who refuses a chemical test or is convicted of certain alcohol or drug-related driving offenses and whose record indicates that he or she has (a) three previous chemical test refusals and/or four prior alcohol or drug-related driving convictions within the preceding four years, or (b) four previous refusals and/or five prior convictions within the preceding eight years.

If a person obtains no further alcohol or drug-related driving convictions nor chemical test refusals during the eight year period after permanent revocation was imposed, and he or she provides both proof of his or her successful completion of a rehabilitation program and a Certificate of Relief from Disabilities, the new law grants DMV the discretion to restore his or her license.

### 4. Substance abuse and dependency

The new law expands the current provisions mandating alcohol assessment for repeat offenders to include assessment for substance abuse and dependency, requires court-ordered treatment as a condition of a sentence of probation or conditional discharge, and imposes confidentiality requirements on assessment and treatment records. Additionally, it mandates an alcohol and drug screening either at the arraignment or prior to the sentencing of any person charged with a first-time DWI offense with a

BAC less than 0.15 of one percent or charged with refusing a chemical test, and an alcohol and drug assessment either at the arraignment or prior to the sentencing of any person whose screening indicates a problem, or who is a repeat DWI or DWAI offender, or who is charged with DWI with a BAC of 0.15 of one percent or higher, or who is charged with aggravated DWI.

The new law mandates treatment as a condition of a sentence of probation or conditional discharge wherever a screening or assessment indicates such need, and deems pleas which include the Drinking Driver Program (DDP) and any assessments or treatment imposed thereby to comply with the sentencing requirement.

#### 5. Chemical Test Refusals

Chapter 732 increases the license revocation periods and civil fines imposed for chemical test refusals: to one year (from six months) for a first offense and to eighteen months (from one year) for subsequent offenses, and to \$500 (from \$300) for an offense involving a passenger motor vehicle and to \$550 (from \$350) for an offense involving a commercial motor vehicle.

The stiffer penalties contained in this measure are intended to deter hardcore drinking drivers from getting behind the wheel, while the assessment and treatment provisions will address the underlying alcohol or substance abuse problems in order to prevent future incidents.

#### **Prior Out of State DWI Convictions**

(A.10369-A, Magnarelli, Chapter 231, Laws of 2006)

Prior to the enactment of Chapter 231, a previous conviction for operating a motor vehicle while under the influence of alcohol or drugs outside New York State was deemed a previous conviction of New York's DWAI offense, provided that such out of state conduct would have constituted a DWI or DWAI violation under New York State law. It has been argued that persons who drive drunk or impaired by alcohol or drugs in New York should be subject to the same range of penalties, regardless of whether any prior offenses may have occurred within or outside of New York State.

Motorists who drive while intoxicated or impaired by alcohol or drugs present a serious risk to all highway users. The Assembly passed A.10369-A (Chapter 231 of the Laws of 2006) to prevent offenders with prior out of state convictions from facing lesser penalties. The new law requires out of state convictions for driving under the influence to be treated as a DWI conviction if such conduct would have constituted a misdemeanor or felony offense in New York, or as a DWAI conviction if the conduct would not have constituted a misdemeanor or felony offense.

### **Boating While Intoxicated**

(A.11458-B, DiNapoli; Chapter 151, Laws of 2006)

(A.3313, Schimminger; Passed Assembly)

The most recent statistics from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) show that there were 204 reported boating accidents in New York State in 2004, with 18 fatalities and 93 injuries (down from 34 and 137, respectively, in 2003). OPRHP's statistics indicate that, as a factor in boating accidents in New York State, alcohol involvement appears to be low: in 2004, alcohol was involved in 13 boating accidents, four fatalities and ten injuries. However, OPRHP states that alcohol use is present in a higher percentage of fatal accidents than in other accidents. Additionally, statistics may be incomplete (for example, there may be under-reporting of accidents), and 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 Legislature enacted Chapter 151 of the Laws of 2006 (A.11458-B, DiNapoli.) Chapter 151 brings New York's BWI and BWAIs into conformance with those for DWI and DWAI. Persons convicted of BWAIs are subject to a minimum \$300, maximum \$500 fine for a first offense, and a minimum \$500, maximum \$750 fine for a BWAIs conviction within five years of a prior BWI or BWAIs conviction. Chapter 151 deems a conviction for BWAIs within 10 years of two or more BWI/BWAIs convictions to be a misdemeanor, with a minimum \$750, maximum \$1,500 fine and/or up to 180 days imprisonment.

Persons convicted of BWI or BWAIs by drugs are subject to a minimum \$500, maximum \$1,000 fine and/or up to one year imprisonment. The new law deems a second conviction for BWI or BWAIs by drugs within ten years of a previous conviction to be a class E felony, punishable by a minimum \$1,000, maximum \$5,000 fine and/or up to four years imprisonment. Chapter 151 also deems a conviction for a third or subsequent violation of BWI or BWAIs by drugs within ten years of previous convictions to be a class D felony, punishable by a minimum \$2,000, maximum \$10,000 fine and/or a period of imprisonment.

Separately, A.3313 (Schimminger) 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 BWAIs. 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).

### **Distribution of Mandatory Surcharge**

(A.953-A, Tokasz; Passed Assembly)

In the SFY 2000-2001 and 2003-04 budgets, the Governor proposed and the Legislature enacted significant increases in the mandatory surcharges imposed on traffic violations<sup>8</sup>. A "driver responsibility assessment" was approved in the SFY

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<sup>8</sup> Currently these surcharges are \$25 for an equipment violation, \$45 for a traffic infraction, \$140 for a DWI misdemeanor, and \$250 for a DWI felony, see *Vehicle and Traffic Law Section 1809*.

2004-05 budget, consisting of \$250 per year for a total of three years upon conviction for DWI or DWAI, or for a finding of having refused a chemical test. The surcharge increases and the new assessment could have the unintended consequence of reducing the collection of DWI fines, which fund local STOP-DWI programs. Accordingly, the Assembly passed A.953-A (Tokasz), which proposes that the surcharges (not including the driver responsibility assessment) imposed for all alcohol-related convictions under the Vehicle and Traffic Law and vehicular assault and vehicular manslaughter under the Penal Law be returned to the county of conviction, to the credit of the applicable local STOP-DWI program.

The State's STOP-DWI Program has always had a commitment to maintain fines at a collectible amount. Earmarking the surcharges on alcohol-related convictions for local STOP-DWI programs would be consistent with the underlying intent of the STOP-DWI statute and would help to insulate the local programs from the effects of any reduced fine collection, thereby helping to restore the revenues that are critical to the success of these programs.

#### **Disposition of STOP-DWI Fine Money**

(A.1688, Gantt; Passed Assembly)

The STOP-DWI Program, enacted in 1981, authorizes each of the State's 62 counties to establish a local STOP-DWI program to address alcohol and highway safety issues within each county. These programs have proven to be very successful in reducing alcohol-related traffic injuries and fatalities, and generally include efforts relating to enforcement, prosecution, probation, rehabilitation, public information and education, and program administration. The establishment of such programs qualifies each county to receive almost all of the fine moneys collected for alcohol and other drug-related traffic offenses occurring within its jurisdiction.

The one exception regarding the payment of DWI fine monies to a STOP-DWI program are the fines assessed for violating the conditions of a conditional use license. A conditional use license is issued to a person convicted of a DWI offense, upon successful completion of an approved alcohol and drug rehabilitation program. Such license allows an individual whose driver's license was suspended or revoked for a DWI offense to drive under limited circumstances (including to and from work, school, court-ordered probation activities, and medical treatment).

Assembly bill 1688 (Gantt) would direct the fines assessed for driving a vehicle for purposes other than those allowed by a conditional use license to the appropriate county's STOP-DWI program. Allocation of these fine monies to the STOP-DWI programs would further aid local efforts to combat drunk driving.

#### **E. Disabled Access**

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

(A.2147-A, Cusick; Vetoed, Memorandum 245)

Parking permits for the disabled are issued to allow the parking of vehicles being used either by individuals with disabilities or to transport such individuals, in spaces specifically designated for individuals with disabilities. This allows them better

access to shopping, educational, workplace, medical and other facilities. However, there have been instances where the illegal use of such 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.

Assembly bill 2147-A (Cusick), which passed both houses, would have required a disabled parking permit to include the last three digits of the identification number found on the driver's license or non-driver identification (ID) card of the person to whom such permit is issued, or an identifying number (a single, three digit number or alphanumeric sequence) established by DMV for use on such permits when an individual does not possess a driver's license or non-driver ID card. The bill also would have imposed a minimum \$250, maximum \$1,000 civil penalty on individuals who knowingly and willfully made a false statement or gave information which such individual knew to be false to prevent the marking of the last three digits of their driver's license or non-driver ID card on a disabled parking permit.

### **Metered Parking Waivers**

(A.10563-A, Paulin; Passed Assembly)

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.

Assembly bill 10563-A (Paulin) would require DMV to distribute metered parking waiver permits to localities to entitle eligible permit holders to park at any metered parking space at no cost. Such permits would only be issued 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 bill would require 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 Width**

(A.7337, Paulin; 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 7337 (Paulin) 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, repaves or repaints more than fifty percent of the total number of parking spaces within an off-street lot, or repaves or repaints more than fifty percent of the total number of disabled parking spaces within an off-street lot.

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

(A.7338-A, Paulin; 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 7338-A (Paulin) 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, repaves or repaints more than fifty percent of the total number of parking spaces within an off-street lot, repaves or repaints more than fifty percent of the total number of disabled parking spaces within an off-street lot.

### **Parking Spaces**

(A.5737, Cahill; Passed Assembly)

Current law requires persons, firms or corporations owning a shopping center or facility with at least five separate retail stores and at least 20 off-street parking spaces for use by the shopping public to designate, for exclusive use by the disabled, a minimum of five percent of the total number of spaces, or ten spaces, whichever is less.

In an effort to further improve access by the disabled, the Assembly passed legislation to increase the number of facilities required to designate parking spaces for disabled use (A.5737, Cahill). Under the legislation, facilities with at least three separate retail stores and at least 20 off-street parking spaces for use by the shopping public would have to designate disabled parking spaces by July 1, 2007. This proposal would require facilities with one retail store with at least 20 off-street parking spaces to designate such spaces by July 1, 2009.

### **Wheelchair Accident Statistics**

(A.5736, Cahill; Passed Assembly)

Certain federal laws require transportation providers to transport disabled students and adults in their own wheelchairs. During one five-year study period from 1991 - 1995, nationwide an estimated 1,500 wheelchair occupants were injured annually in motor vehicle-related incidents, and improper or lack of securement of wheelchairs was a factor in more than one third of these incidents.<sup>9</sup> In New York State, however, there is no way to easily determine the number of wheelchair occupants injured in motor vehicle-related accidents. Since this information is not

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<sup>9</sup> National Highway Traffic Safety Administration, National Center for Statistics and Analysis, "Wheelchair Users Injuries and Deaths Associated with Motor Vehicle Related Incidents," *Research Note* Washington, D.C., September 1997): 1.

required to be included on motor vehicle accident report forms, it is not included in DMV's annual summary of motor vehicle accidents.

Assembly bill 5736 (Cahill) would require DMV to include in its annual summary of motor vehicle accidents, beginning in 2007, information relating to whether a passenger was being transported in a wheelchair, whether such passenger sustained injuries, the position the wheelchair was facing, and whether any components of the wheelchair contributed to the injuries of any person.

### **Rental Vehicle Access**

(A.2821, DiNapoli; Passed Assembly)

While several large vehicle rental agencies offer the option of portable, temporarily installed hand controls or other mechanical devices to allow a vehicle's use by a person with disabilities, this option generally is available only on medium and/or high priced category vehicles. Assembly bill 2821 (DiNapoli) would require car rental companies with fleets of 100 or more vehicles to offer portable hand controls or other mechanical devices at no additional charge for use on all price and size categories of vehicles. If a class of vehicle is requested which cannot accommodate the controls or devices, the rental company would be required to provide a vehicle that could accommodate such controls or devices, at a price equal to that of the vehicle requested. The bill would allow companies to require 48 hours prior notice.

## **F. Motor Vehicle Franchises**

### **Motor Vehicle Franchise Board**

(A.7536-A, Gantt; Passed Assembly)

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. Assembly bill 7536-A seeks to provide an administrative mechanism as an alternative to the courts for the resolution of disputes involving alleged violations of the Act.

Assembly bill 7536-A (Gantt) would create a Motor Vehicle Franchise Board (the "Board") within DMV, and authorize franchised motor vehicle dealers aggrieved by a violation of the Act to file a request with DMV for an adjudicatory proceeding in lieu of a private action. The Board would be composed of 13 members of whom five members and a hearing officer would conduct any hearings called pursuant to requests filed with DMV. The bill sets forth provisions that would govern the selection of Board members, the submission of hearing requests, and the conduct of hearings and appeals. A final decision by the DMV Commissioner would be



required within 30 days of receipt of the Board's recommendation. Under the bill, the Commissioner would be authorized to order the party found to be in violation to pay attorneys' fees and costs, and a complaining party would be authorized to file a request to do the same.

### III. PUBLIC HEARINGS

#### Thruway Tolls in Western New York

Buffalo, Thursday, March 2, 2006

The Assembly Standing Committee on Transportation held a public hearing on March 2, 2006 to examine the issue of tolls in Western New York. Numerous bills were introduced in the Assembly proposing adjustments to the toll structure in the region, and concerns were brought to the attention of the Assembly Standing Committee on Transportation regarding the impact of tolls in Western New York on traffic congestion on local roads, increased travel time for commuters and travelers, and the advisability of removing toll barriers. The Assembly's hearing provided an opportunity for the Thruway Authority (the "Authority"), other interested parties, and the general public to present their comments on this issue.

Witnesses included David Swarts, Erie County Clerk; William Leslie and John Bryant, New York State Thruway Authority; Hal Morse, Greater Buffalo-Niagara Regional Transportation Council; Hon. Mark Coppola, New York State Senate; Kathy Hochul, Erie County Deputy County Clerk; Carl Paladino, Ellicott Development Company; Betty Newell, Hamburg Chamber of Commerce; Steven Walters, Town of Hamburg Supervisor; Elizabeth Berry, Save Our Libraries; Maria Whyte, Erie County Legislator; George Gorman, ABATE; and Thomas W. Frank and Robert Tracy, New York State citizens. Additionally, Paul Leuchner, a private citizen, submitted written testimony.

The Thruway Authority's testimony offered an historical overview of the financing of the Thruway system, and stated that tolls provide critical support for safety and maintenance of the Thruway. The Authority also asserted that current bond covenants restrict its ability to remove tolls, and addressed the economic impact that toll barriers in Western New York have on the operation and maintenance of the Thruway. The testimony touched upon the Authority's multi-year Capital Plan to address critical infrastructure needs, traffic demands, and improved customer service, including enhancements to the E-ZPass system in Western New York such as the addition of twenty-six higher speed E-ZPass lanes in the Buffalo area to address the issue of toll collection delays in the region. The Capital Plan also includes a study to examine how tolls are currently collected and how tolls should be collected in the future.

Witnesses attending the hearing who oppose the imposition of tolls at toll collection barriers and stations in Western New York cited various reasons for their opposition.<sup>10</sup> Testimony was submitted stating that toll barriers in the region serve as an unfair commuter tax imposed only on Western New York residents. Other issues that were cited included concerns relating to public health (such as a high asthma rate); air quality; economic impacts on individuals, local businesses, and local economies; increased travel time; and additional traffic in residential neighborhoods. Other witnesses discussed the Lackawanna Toll Barrier Relocation

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<sup>10</sup> Hamburg Chamber of Commerce; Erie County Clerk; Erie County Deputy County Clerk; Erie County Legislator; Town of Hamburg Supervisor; Hon. Mark Coppola, Save Our Libraries, and some citizens.

Study<sup>11</sup>, and the Niagara Tolls Removal Act of 1968.<sup>12</sup>

### **Department of Transportation (DOT) Bridge Inspection Program**

Albany, Monday, March 6, 2006

The Assembly Standing Committee on Transportation conducted a public hearing on March 6, 2006 to obtain information on DOT's bridge inspection program. The collapse of the westbound I-290/I-190 bridge in Tonawanda and the Dunn Memorial Bridge in the Capital District raised questions regarding DOT's bridge inspection process and the detection of serious bridge conditions, as well as problems with the bridge inspection and evaluation information provided to the general public. The Assembly's hearing provided an opportunity for DOT to present information regarding the bridge inspection program including the facts and circumstances concerning the above mentioned bridges, as well as to examine the comprehensiveness and accuracy of bridge inspection and evaluation findings provided to the public by the Department.

Witnesses providing oral testimony included: Commissioner Thomas J. Madison, Jr., New York State Department of Transportation; Roger Benson and Darlene A. Morabito, NYS Public Employees Federation (PEF); and Amy Jackson-Grove, Federal Highway Administration (FHWA).

DOT's testimony provided an overview of its bridge inspection program including a summary of its procedures such as the training of bridge inspectors and annual review of inspection teams, the numerical rating scale used to evaluate and report on the structural condition of bridges, the flagging procedure used to report dangerous bridge conditions, and how its program meets State statutory requirements for a comprehensive bridge inspection program as well as national bridge inspection standards. DOT described the collapses as "isolated bridge events," and testified that while a follow-up risk assessment of the bridge inspection program revealed that it is adequate and appropriate, DOT identified improvement opportunities which they had begun to implement.

Witnesses speaking on behalf of PEF presented testimony that, while DOT does the best it can with limited resources, it could do better but for artificial constraints imposed upon the Department (such as a hiring freeze). Their statements included testimony about numerous studies showing the cost-effectiveness of using in-house, rather than consultant, engineers, and indicated that increased use of State engineers could produce significant savings that could be applied to bridge repairs. Furthermore, they stated that in addition to cost savings, State engineers bring continuity, flexibility, accountability, and expertise to the bridge inspection process. The FHWA's testimony included an overview of their evaluation and assessment of DOT's Bridge Inspection Program, and the ways in which FHWA works with DOT to improve bridge safety, such as training of inspectors.

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<sup>11</sup> GBNRTC

<sup>12</sup> Ellicott Development Company

**Impact of the 2006-2007 State Budget on the Airport or Aviation State Program with respect to Federal Airport Improvement Program (AIP) State Matching Aid**

Albany, Wednesday, December 13, 2006

The Assembly Standing Committee on Transportation conducted a public hearing on December 13, 2006 regarding the impact of the State budget on the Airport or Aviation State Program with respect to federal Airport Improvement Program (AIP) State matching aid. The enacted 2006-2007 State Budget contained an \$8 million appropriation in the Airport or Aviation State Program for airport or aviation projects that received financial assistance through the federal AIP, which provides grants to eligible public-use airports for planning and development. The hearing, held in conformance with Rule IV, section 4, paragraph b of the Rules of the Assembly, provided the Committee with an opportunity to review the implementation of the State matching aid component of the Airport or Aviation State Program.

Witnesses included Michael Novakowski, NYSDOT, William Vanecek, New York Aviation Management Association (NYAMA), and Charles G. Brodie, Randall Airport, Aerodrome Development Corporation.

The NYSDOT testimony provided an overview of AIP, including a description of airports that are eligible to receive AIP funding, how funding is distributed, and the types of projects that AIP grants can be utilized for, such as improvements related to enhancing airport safety, capacity, security and environmental concerns. Many of these projects include construction and rehabilitation of runways, aprons, and taxiways; installation of navigational aids; acquisition of weather reporting and snow removal equipment; hazard mitigation; and airport planning and environmental studies. NYSDOT's testimony also included recommendations that New York AIP funding levels should maintain the State's readiness to capitalize on federal aviation funds, thereby demonstrating strong support for the AIP as Congress works to reauthorize it in 2007.

NYAMA presented testimony on the importance of federal AIP funding to the aviation industry, stating that AIP grants provide the majority of aviation capital funding for airports and aviation facilities. According to NYAMA, AIP funding in Federal Fiscal Year 2005 was \$106.2 million for all eligible New York State airports. NYAMA also testified that the State's match has a powerful leveraging effect on federal AIP grants. NYAMA's testimony included an overview of some challenges facing the aviation industry, such as the lack of government resources to meet unmet aviation capital or operating needs, and airports' insufficient operating revenue and inability to access revenue generating mechanisms to meet airport capital development needs. NYAMA concluded that aviation is a critical part of the State's transportation network and a powerful economic driver, and while federal AIP funding and the State's matching share address much of the capital needs of the State's airports, they do not address all the needs.

Charles G. Brodie of Aerodrome Development Corporation testified that federal AIP grants to Randall Airport, a privately-owned public-use airport in Middletown,

NY, have been used for planning, safety, infrastructure, and perimeter control enhancements.

**IV. OUTLOOK FOR 2007**

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 2007 Legislative Session. The issues to be considered include, but are not limited to, dangerous drivers, safety of motor vehicle occupants, motorcyclists, bicyclists and pedestrians, improved access for the disabled, and school bus issues.

## APPENDIX A: 2006 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	6		6
To Floor; recommitted and died			
To Ways and Means	48		48
To Codes	67		67
To Rules	6		6
To Judiciary	—		—
<b>Total</b>	<b>127</b>		<b>127</b>
<b><u>Bills having Committee Reference Changed</u></b>			
<b>Total</b>			<b>0</b>
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		8	8
Recalled		<u>3</u>	<u>3</u>
<b>Total</b>		<b>11</b>	<b>11</b>
<b><u>Bills Defeated in Committee</u></b>			
<b><u>Bills Never Reported, Held in Committee</u></b>			
<b><u>Bills Never Reported, Died in Committee</u></b>	561	62	623
<b><u>Bills Having Enacting Clauses Stricken</u></b>	7		7
<b><u>Motion to Discharge Lost</u></b>	—	—	—
<b>TOTAL BILLS IN COMMITTEE</b>	<b>695</b>	<b>73</b>	<b>768</b>
<b>Total Number of Committee Meetings Held</b>	<b>11</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.130 Bradley S.3646 Leibell	Requires police officers to note, in the “description of violation” section of a uniform traffic summons issued for violations arising out of a reportable accident, whether a death or serious physical injury occurred.	Chapter 553
A.271-A Canestrari S.2069 LaValle	Permits a nurse practitioner to certify as to a person’s disability for the purpose of obtaining a disabled parking permit.	Chapter 448
A.290-B Christensen S.3692-B Spano	Authorizes the display of rear projection blue lights to be used in conjunction with red or combination red/white lights on police vehicles when engaged in an emergency operation.	Chapter 45
A.1690-C Gantt S.110-A Maziarz	Renames two bridges on Interstate 490 connecting the City of Rochester and the Town of Gates as the “Supervisor Jack C. Hart Memorial Bridges.”	Chapter 286
A.1728 Brodsky S.4749 Spano	Requires the State to pay for the cost of providing and installing traffic-control signals or flashing signals on a highway at entrances to schools.	Chapter 560
A.2147-A Cusick S.7962 Marchi	Would have required parking permits issued to persons with disabilities to contain the last three digits of the driver’s license or non-driver ID number of such persons, or an identifying number established by DMV for persons who do not have a driver’s license or non-driver ID card.	Vetoed, Memo 245
A.3995 Cahill S.8281 Bonacic	Requires that drivers’ licenses and renewals issued to persons making an anatomical gift have prominently printed, upon the front, the statement “ORGAN DONOR.”	Chapter 568
A.4294-A Hoyt S.4610-A Hannon	Directs DMV to develop driver’s license and renewal application forms that solicit a voluntary \$1 donation to be deposited into the “Life Pass It On” Trust Fund.	Chapter 570



<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.4473-A Galef S.3512-A Leibell	Directs the GTSC to develop and implement an outreach campaign on the dangers of operating a motor vehicle while drowsy; requires DOT to conduct a study on highway rest stop availability and safety.	Chapter 651
A.4914-B Canestrari S.3410-B Robach	Mandates the suspension or revocation of drivers' licenses upon conviction for failure to yield the right of way in a motor vehicle when such action results in the death or serious physical injury of another.	Chapter 571
A.5778 McLaughlin S.2939 Maltese	Increases the fine for parking, stopping, or standing of a vehicle within fifteen feet of a fire hydrant, when such vehicle obstructs the access of a fire vehicle to a fire hydrant during an actual emergency operation.	Chapter 574
A.5790 Aubertine S.1195 Golden	Requires DMV to issue non-driver ID cards free of charge to individuals 62 years of age or older who are receiving SSI benefits, and who do not hold drivers' licenses.	Chapter 575
A.6799-B Colton S.3643-C Marcellino	Would have required DMV to issue distinctive "New York Recycles" license plates.	Vetoed, Memo 227
A.8038-C Lafayette S.5357-B Padavan	Expands the New York City Red Light Camera Program by authorizing the use of an additional 50 cameras, and modifies other provisions of the Program relating to the photographs, owner liability, reporting requirements, and a defense for a violation.	Chapter 658
A.8161-B Morelle S.5024-C Alesi	Would have required DMV to issue distinctive Veteran's Outreach Center license plates.	Vetoed, Memo 234
A.8388-D Morelle S.5109-D Flanagan	Authorizes the Thruway Authority and the State Office of Parks, Recreation and Historic Preservation (OPRHP) to enter an agreement for the use of E-ZPass for the payment of entrance and parking fees at historic sites, parks and recreation facilities.	Chapter 657

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.8391-B Scarborough S.8035-A LaValle	Would have required DMV to issue distinctive "September 11, 2001 Remembrance" license plates.	Vetoed, Memo 241
A.8488-B Englebright S.3113-B LaValle	Would have required DMV to issue distinctive "Cure Childhood Cancer" license plates.	Vetoed, Memo 232
A.8521-A P. Rivera S.2501-B Saland	Prohibits the sale, offering for sale, or distribution of any artificial or synthetic substance or material that would conceal or distort the recorded or photographic image of a license plate.	Chapter 648
A.8670-B Rules (Lupardo) S.5525-A Libous	Authorizes the City of Binghamton to establish a residential parking permit program.	Chapter 591
A.9047-A Rules (Morelle) S.4993-B Alesi	Would have required DMV to issue distinctive license plates for severely disabled volunteer firefighters.	Vetoed, Memo 233
A.9128-A Morelle S.6014-A Golden	Would have required DMV to issue distinctive license plates supporting New York State entertainment (film and television production marketing).	Vetoed, Memo 228
A.9147-A Zebrowski S.6310-A Morahan	Would have required DMV to issue distinctive license plates for retired disabled police officers.	Vetoed, Memo 229
A.9263-C DelMonte S.6225-A Maziarz	Requires DOT to install and maintain signage to guide traffic to the "Niagara Wine Trail East," and to and from wineries in close proximity to such trail.	Chapter 661
A.9288-A Brodsky S.6361-A Spano	Would have required DMV to issue distinctive "The Westchester Way" license plates.	Vetoed, Memo 230
A.9301-B Ignizio S.6332-B Marchi	Authorizes New York City DOT to permit certain construction trucks owned and/or operated by the New York City Department of Environmental Protection (DEP) to use the Korean War Veterans Parkway during the remediation of the Brookfield landfill on Staten Island.	Chapter 468

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.9464 Paulin S.6407 Spano	Amends Chapter 453 of the Laws of 2005 to require school buses instead to be equipped with an "engine fire suppression system," and to delay the effective date.	Chapter 203
A.9543 Bacalles S.6449 Winner	Renames a portion of State Route 36 in Steuben County as the "Pearl Harbor Veterans Memorial Highway."	Chapter 329
A.9709 Cahill S.6320-A Larkin	Renames a portion of State Route 9W in Ulster County as the "86 <sup>th</sup> Blackhawk Infantry Division Memorial Highway."	Chapter 322
A.9843 Cahill S.6659 Bonacic	Designates portions of State Routes 52, 55, 208, 213, 299, and 302, Ulster County Routes 1, 7, 9, and 18, Orange County Route 14, and U.S. Routes 44 and 209 as the "Shawangunk Mountains Scenic Byway."	Chapter 666
A.9933-A Abbate S.6223-A Maziarz	Would have required DMV to issue distinctive license plates for paid professional firefighters.	Vetoed, Memo 235
A.10036-A Latimer S.6748-A Volker	Would have required DMV to issue distinctive "Kiwanis International" license plates.	Vetoed, Memo 239
A.10039-A Morelle S.6607-A Robach	Would have required DMV to issue distinctive "Mothers Against Drunk Driving" license plates.	Vetoed, Memo 231
A.10139 Gantt S.7512 Libous	Extends until July 7, 2010 the provision of law authorizing DMV to accept credit cards as a form of payment.	Chapter 145
A.10194-A Koon S.6940-A Winner	Eliminates the cap on the amount that towns are authorized to pay to a landowner for such person's release from all damages for laying out, altering, or discontinuing a highway, or for acquiring land for the requisite right of way of a highway.	Chapter 678

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.10245-B Cusick S.6967-B Marchi	Would have required DMV to issue distinctive "Survivor of the Bravest" license plates.	Vetoed, Memo 240
A.10246 Lavelle S.6968 Marchi	Increases the base pilotage fees assessed on ships calling at the Port of New York by way of Sandy Hook, Sands Point, or Execution Rocks by approximately 5% in 2007, 4% in 2008, and 3% in 2009.	Chapter 347
A.10265-A Aubertine S.6713-B Wright	Would have required DMV to issue distinctive license plates for members of the U.S. Army 10 <sup>th</sup> Mountain Division.	Vetoed, Memo 238
A.10282-A Grannis S.6427-A Little	Would have required DMV to issue distinctive "Explore NY 400" license plates.	Vetoed, Memo 237
A.10369-A Magnarelli S.7216-A DeFrancisco	Requires out of state convictions for driving under the influence to be treated as a prior conviction for the equivalent violation in New York State when determining penalties for a DWI or DWAI conviction in New York State.	Chapter 231
A.10379-A Hoyt S.6224-A Maziarz	Would have required DMV to issue distinctive "Buy American" license plates.	Vetoed, Memo 236
A.10528-A Galef S.7174-A Spano	Requires every garbage truck purchased on or after January 1, 2008 and registered in New York state for the collection of garbage or refuse in Westchester County to be equipped with a rear video system, rear object detection system, or other device which enables the vehicle operator to detect that an individual or object is directly behind the vehicle.	Chapter 686
A.10540-B Peralta S.8400 Golden	Establishes standards and regulations for the interjurisdictional operation of pre-arranged for-hire vehicles.	Chapter 549
A.10576-A Schimminger S.7329-A Maziarz	Renames a portion of Interstate 190 as the "299 <sup>th</sup> Engineer Combat Battalion Memorial Highway."	Chapter 369

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.10591 Paulin S. 7814 Spano	Would have established additional safety requirements for altered liveries, and would have required DMV to include information on such vehicles in its annual summary of vehicle registrations.	Vetoed, Memo 345
A.10655 Canestrari S.7803 Spano	Increases the pilotage fees charged to vessels entering and departing from the Port of New York on the Yonkers Line, by 5% in 2007, by 4% in 2008, and by 3% in 2009.	Chapter 392
A.10886-B Gantt S.7447-B Johnson	Expands the definition of "low speed vehicle" to include limited use trucks that have a maximum performance speed of greater than 20 mph but less than 25 mph and a gross vehicle weight rating of less than 3,000 pounds.	Chapter 698
A.10938-B Paulin S.7604-B Klein	Authorizes the Village of Bronxville in Westchester County to establish a two-year residential permit parking program.	Chapter 619
A.11001 Cahill S.8034 Larkin	Authorizes the City of Kingston to restrict and regulate the construction and location of boathouses, moorings, and docks in waters within or bounding the municipality to a distance of 1,500 feet from the shoreline.	Chapter 622
A.11113-A Townsend S.7968-A Meier	Renames a portion of State Route 28 in Oneida County as the "M. Paul Keesler Memorial Highway."	Chapter 397
A.11136-A Morelle S.6971-A Nozzolio	Authorizes the operation of tandem trucks on a portion of State Route (SR) 332, Gateway Drive, Plastermill Road and Loomis Road for .8 miles from SR 332's intersection with Thruway interchange 44 (Canandaigua/Victor).	Chapter 681
A.11265 Giglio S.7777 Young	Renames a portion of State Route 16 in Cattaraugus County as the "Senator Patricia K. McGee Memorial Highway."	Chapter 389

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.11314 Carrozza S.7704 Padavan	Exempts volunteer ambulance companies from fees for searches or copies of documents from DMV, to be used for a public purpose.	Chapter 708
A.11458-B DiNapoli S.7154-B Flanagan	Conforms the penalties for BWA and BWI to those imposed for DWAI and DWI.	Chapter 151
A.11569 Gantt S.8071 Libous	Establishes the "DMV Distinctive Plate Development Fund" for the design, production, advertising, and distribution of distinctive license plates.	Chapter 406
A.11744 Rules (Gantt) S.8031 Libous	Deems the National Manual of Uniform Traffic Control Devices (MUTCD) as the State MUTCD, provided that it does not conflict with the Vehicle and Traffic Law or other laws of the State, and makes other statutory changes to conform State law with federal requirements for traffic control devices.	Chapter 722
A.11774 Rules (Paulin) S.8137 Klein	Expands the existing residential permit parking program in the Village of Pelham, Westchester County.	Chapter 636
A.11880 Rules (Casale) S.8306 Breslin	Renames a portion of State Route 140 in the Town of Bethlehem, Albany County as the "Captain Timothy J. Moshier Memorial Highway."	Chapter 423
A.11963 Rules (Gantt) S.8232 Fuschillo	Establishes the offense of "aggravated DWI," provides for permanent drivers' licenses revocation, authorizes higher felony charges for certain offenders involved in fatal or serious physical injury crashes, imposes higher penalties for chemical test refusals, and requires alcohol and drug abuse assessments and treatment.	Chapter 732

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

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>
A.67 Gantt	Would limit the authority of DMV to suspend the license or registration of persons whose check to DMV is dishonored.
A.71 Gantt	Would define the term "electric assisted bicycle."
A.96 Gantt	Would prohibit the operation of a truck with passengers under the age of 18 in the cargo area, with limited exceptions.
A.456 Lafayette S.1250 Sabini	Would require DMV to charge out of state entities the same fees for inquiries as are charged by such other states.
A.707-A Sweeney A.683 Johnson	Would direct DOT to establish an engineering and technician career development, recruitment and retention program.
A.839 Tokasz	Would prohibit tractor-trailer or semi-trailer combinations weighing over 18,000 pounds from making right turns at red lights.
A.952-B Tokasz	Would require DMV to issue distinctive "Healthy Heart" license plates.
A.953-A Tokasz S.6394 Young	Would require the deposit of the mandatory surcharges imposed for DWI convictions to the credit of county STOP-DWI programs.
A.954 Tokasz S.7290 Volker	Would direct the Thruway Authority to issue short-distance commuter passes in the northern Buffalo area.
A.1157 Grannis	Would require parking garages to install and operate pedestrian warning devices where vehicles exiting a garage cross a pedestrian sidewalk.
A.1166 Morelle	Would require the Thruway Authority to install local attraction videos at Thruway service areas.

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>
A.1632-A Gantt S. 2908-A Rath	Would authorize the courts to require reexamination of drivers by DMV.
A.1653 Lentol	Would create the new crime of "Vehicular Homicide."
A.1688 Gantt	Would direct the payment of penalties imposed for violating the conditions of a conditional use license to county STOP-DWI programs.
A.1692 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.1693 Gantt	Would authorize the issuance of combination distinctive disabled license plates.
A.1999 DelMonte S.8009 Coppola	Would prohibit the erection or maintenance of tourist information signs unless they guide traffic to a "qualified tourist information facility," as defined.
A.2157-A Lafayette S.3582-A Alesi	Would remove the exemption for backseat passengers age sixteen and over from wearing a seatbelt.
A.2354-A Tonko S.1210-A Farley	Would direct the Thruway Authority to establish a tourism information demonstration program.
A.2555-A 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.2581 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.2821 DiNapoli	Would require certain car rental companies to offer portable hand controls or other mechanical devices to enable individuals with disabilities to operate vehicles.



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

A.3115 Sweeney  
S.4292 Flanagan

Would require that 100% of the annual service charges collected for certain distinctive license plates be deposited into their respective special revenue funds.

A.3313 Schimminger  
S.2280 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.3437-B Perry

Would direct DMV to issue distinctive license plates for the New York City auxiliary police.

A.3618 Seminerio

Would require a numbered license plate to be displayed only on the rear of all motor vehicles registered as historic motor vehicles.

A.3632 Cahill

Would authorize the use of red or amber reflectors on bicycles.

A.3692-A Gantt

Would create the crime of "aggravated DWI," impose permanent license revocation requirements for certain offenders, require alcohol and substance abuse assessments and treatment, and expand the elements of vehicular homicide.

A.3740-A Perry

Would prohibit the operation of school buses with a capacity of ten or fewer passengers, unless all passengers are properly restrained.

A.3795 Morelle  
S.981 Skelos

Would increase the motor vehicle property damage accident reporting threshold from \$1,000 to \$2,000.

A.3876-A A. Cohen

Would require DMV to include in its annual report on accident statistics information on bicycle safety helmet usage.

A.3978 Weisenberg

Would require vessel registration numbers to be affixed to vessels.

A.5195 Englebright

Would require the removal or covering of inapplicable highway work zone traffic control signals.

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>
A.5736 Cahill	Would require DMV to include information regarding wheelchairs in its annual summary of motor vehicle statistics.
A.5737 Cahill	Would require retail stores having off street parking to provide parking spaces for individuals with disabilities.
A.6917-A Grannis S.3980-A Alesi	Would prohibit the operation of a motor vehicle with a passenger under the age of seven seated in the front seat, with limited exceptions.
A.7337 Paulin S4873 Morahan	Would require that access aisles of parking spaces reserved for the disabled to be a minimum of eight feet in width.
A.7338-A Paulin S.4871-A 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.7536-A Gantt S.4643-A Libous	Would establish a "Motor Vehicle Franchise Board" to hear disputes between franchised auto dealers and motor vehicle franchisors involving violations of the Motor Vehicle Franchise Act, as an alternative to resolving such disputes in the courts.
A.8169 Titus	Would require DMV, when processing accident reports, to give priority to those involving deaths or serious physical injuries.
A.8588-A Lupardo S.6229-A 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.8661-A Rules (McEneny) S.5554-A Breslin	Would authorize the City of Albany to establish a two-year residential parking permit program.
A.9076-A Rules (Peoples)	Would require the Thruway Authority to allow the "Harriet Tubman Home" to elect to pay the fees associated with installing a specific services (or "logo") sign on the Thruway in installments.

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

A.9627 Lentol

Would prohibit the operation without a conductor of a train traveling under any body of water.

A.9704 Millman  
S.2210-B Golden

Would require certain trucks registered in the State that operate on local streets in New York City, and trucks registered outside the State that make regular deliveries using local streets in New York City, to be equipped with convex mirrors.

A.9903 Tonko  
S.6426 Maziarz

Would require motor vehicle certificates of inspection to expire at midnight on the last day of the month indicated on the certificate, of the assigned year.

A.10071-A P. Rivera  
S.7469-A Morahan

Would enact "P.J.'s Law" to require school bus attendants and school bus drivers serving students with disabilities to receive training and instruction relating to the special needs of such students.

A.10563-A Paulin  
S.7815-A Spano

Would require DMV to issue metered parking waiver permits to individuals with certain severe disabilities, to entitle such persons to park at metered parking spaces at no cost.

A.11033-A Crouch

Would rename a portion of State Route 268 as the "John J. Okulsky Memorial Highway."

A.11218 Alessi

Would extend the existing North Fork Wine Trail in Suffolk County.

A.11601-A Hoyt

Would impose an additional one dollar fee upon the issuance of any permit, license or renewal of a license, for deposit into the "Life Pass It On" Trust Fund.