S T A T E O F N E W Y O R K

10901

I N A S S E M B L Y

April 29, 2010

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the powers and duties of the commissioner; and to amend the vehicle and traffic law in relation to the transportation of bulk milk

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 4 of section 16 of the agriculture and markets law, such section as renumbered by chapter 16 of the laws of 1935, is amended to read as follows:

4. Investigate the sources of food supply for the state, the production, transportation, storage, marketing and distribution of food sold, offered for sale, stored or held within the state, the cost OR BARRIERS of transportation to the leading centers of population and of distribution to consumers.

S 2. Subdivision 11 of section 16 of the agriculture and markets law, as amended by chapter 267 of the laws of 1970, is amended to read as follows:

11. Co-operate with the commissioner of transportation with the view of obtaining suitable, expeditious and economical facilities for the shipment of food, and recommend as to the action to be taken by such commissioner to avoid and prevent unfair discrimination in such shipment and unreasonable delay OR BARRIERS in the transportation thereof, and to obtain fair and reasonable rates for such transportation.

S 3. Paragraph (d) of subdivision 15 of section 385 of the vehicle and traffic law, as amended by section 3 of part C of chapter 59 of the laws of 2004, is amended to read as follows:

(d) Except during storms, floods, fires or other public emergencies, no such permit may be issued to include a towing operation involving more than two vehicles except three vehicle combinations consisting of a tractor, semitrailer and trailer or a tractor and two trailers within legal weight and width limits proceeding to or from any qualifying highway or access highway. Every such permit may designate the route to be traversed and contain any other restrictions or conditions deemed neces-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07685-01-9

sary by the issuing authority. Every such permit shall be carried on the vehicle to which it refers and shall be open to the inspection of any peace officer, acting pursuant to his special duties, or police officer, or any other officer or employee authorized to enforce this section. All permits issued shall be revocable by the authority issuing them at the discretion of the authority without a hearing or the necessity of showing cause. Except for a vehicle having a maximum gross weight not exceeding eighty thousand pounds without regard to any axle weight limitation set forth herein or the maximum gross weight established by the formula commonly referred to as the bridge formula as set forth in subdivision ten of this section and except for state or municipally-owned single vehicles engaged in snow and ice control operations, or designed or fitted for snow and ice control operations while engaged in other public works operations on public highways which do not exceed the weight limits contained in subdivision seventeen-a of this section, no permit shall be issued to allow operation or movement of any vehicle or combination of vehicles whose weight exceeds the limitations otherwise prescribed in this section other than an annual permit issued pursuant to paragraph (f) of this subdivision except upon a finding by the department of transportation or the appropriate authority, as the case may be, that the load proposed is of one piece or item or otherwise cannot be separated into units of less weight provided, however, that any such permit issued upon such finding shall not be valid for the operation or movement of such vehicles on any state or other highway within any city not wholly included within one county. PROVIDED, HOWEVER, A PERMIT FOR THE TRANSPORTATION OF BULK MILK SHALL BE VALID ON ANY STATE OR OTHER HIGHWAY UNLESS SUCH VEHICLE OR ANY COMBINATION OF VEHICLES TRANSPORTING SUCH MILK EXCEEDS LIMITATIONS ON SUCH STATE OR OTHER HIGHWAY AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION OR WITHIN ANY CITY NOT WHOLLY CONTAINED WITHIN ONE COUNTY BY THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION OF SUCH CITY. Bulk milk may be considered one piece or item.

S 4. This act shall take effect immediately.