

4903

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to non-divisible load permits

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

1 Section 1. Paragraph (d) of subdivision 15 of section 385 of the vehi-
2 cle and traffic law, as amended by section 3 of part C of chapter 59 of
3 the laws of 2004, is amended to read as follows:
4 (d) (I) Except during storms, floods, fires or other public emergen-
5 cies, no such permit may be issued to include a towing operation involv-
6 ing more than two vehicles except three vehicle combinations consisting
7 of a tractor, semitrailer and trailer or a tractor and two trailers
8 within legal weight and width limits proceeding to or from any qualify-
9 ing highway or access highway. Every such permit may designate the route
10 to be traversed and contain any other restrictions or conditions deemed
11 necessary by the issuing authority. Every such permit shall be carried
12 on the vehicle to which it refers and shall be open to the inspection of
13 any peace officer, acting pursuant to his special duties, or police
14 officer, or any other officer or employee authorized to enforce this
15 section. All permits issued shall be revocable by the authority issuing
16 them at the discretion of the authority without a hearing or the neces-
17 sity of showing cause. Except for a vehicle having a maximum gross
18 weight not exceeding eighty thousand pounds without regard to any axle
19 weight limitation set forth herein or the maximum gross weight estab-
20 lished by the formula commonly referred to as the bridge formula as set
21 forth in subdivision ten of this section and except for state or municipi-
22 pally-owned single vehicles engaged in snow and ice control operations,
23 or designed or fitted for snow and ice control operations while engaged
24 in other public works operations on public highways which do not exceed
25 the weight limits contained in subdivision seventeen-a of this section,

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

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1 no permit shall be issued to allow operation or movement of any vehicle
2 or combination of vehicles whose weight exceeds the limitations other-
3 wise prescribed in this section other than an annual permit issued
4 pursuant to paragraph (f) of this subdivision except upon a finding by
5 the department of transportation or the appropriate authority, as the
6 case may be, that the load proposed is of one piece or item or otherwise
7 cannot be separated into units of less weight provided, however, that
8 any such permit issued upon such finding shall not be valid for the
9 operation or movement of such vehicles on any state or other highway
10 within any city not wholly included within one county EXCEPT AS PROVIDED
11 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

12 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARA-
13 GRAPH AND PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION TO THE CONTRARY,
14 THE DEPARTMENT OF TRANSPORTATION MAY ISSUE SUCH PERMIT FOR THE OPERATION
15 OR MOVEMENT OF ANY VEHICLE OR COMBINATION OF VEHICLES ON ANY OF THE
16 FOLLOWING PORTIONS OF STATE OR OTHER HIGHWAYS WITHIN ANY CITY NOT WHOLLY
17 INCLUDED WITHIN ONE COUNTY, AND SUCH VEHICLES OR COMBINATION OF VEHICLES
18 MAY OPERATE OR MOVE ON SUCH PORTIONS, AND ONLY ON SUCH PORTIONS, OF SUCH
19 STATE OR OTHER HIGHWAYS WITHIN SUCH CITY WITHOUT A PERMIT ISSUED BY THE
20 DEPARTMENT OF TRANSPORTATION OF SUCH CITY: THAT PORTION OF INTERSTATE
21 NINETY-FIVE BETWEEN THE BRONX-WESTCHESTER COUNTY LINE AND INTERSTATE SIX
22 HUNDRED NINETY-FIVE, THAT PORTION OF INTERSTATE SIX HUNDRED NINETY-FIVE
23 BETWEEN INTERSTATE NINETY-FIVE AND INTERSTATE TWO HUNDRED NINETY-FIVE,
24 THAT PORTION OF INTERSTATE TWO HUNDRED NINETY-FIVE BETWEEN INTERSTATE
25 SIX HUNDRED NINETY-FIVE AND INTERSTATE FOUR HUNDRED NINETY-FIVE, AND
26 THAT PORTION OF INTERSTATE FOUR HUNDRED NINETY-FIVE BETWEEN INTERSTATE
27 TWO HUNDRED NINETY-FIVE AND THE QUEENS-NASSAU COUNTY BORDER. SUCH PERMIT
28 SHALL BE ISSUED BY THE DEPARTMENT OF TRANSPORTATION ONLY UPON: (1) A
29 FINDING BY SUCH DEPARTMENT THAT THE LOAD PROPOSED IS OF ONE PIECE OR
30 ITEM OR OTHERWISE CANNOT BE SEPARATED INTO UNITS OF LESS WEIGHT; (2) THE
31 APPROVAL OF SUCH CITY; AND (3) WITH RESPECT TO BRIDGES AND HIGHWAYS OVER
32 WHICH ANY AUTHORITY HAS JURISDICTION, THE APPROVAL OF SUCH AUTHORITY.
33 ANY SUCH VEHICLE OR COMBINATION OF VEHICLES OPERATING PURSUANT TO SUCH
34 PERMIT SHALL NOT EXIT THE AFOREMENTIONED HIGHWAYS UNDER ITS OWN POWER IN
35 ANY SUCH CITY NOT WHOLLY INCLUDED WITHIN ONE COUNTY.

36 [Bulk] (III) FOR THE PURPOSES OF THIS PARAGRAPH, BULK milk may be
37 considered one piece or item.

38 S 2. This act shall take effect on the ninetieth day after it shall
39 have become a law.