

STATE OF NEW YORK

1308

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sen. SERINO -- 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 exceptions from prohibitions on the operation of agricultural plated trucks on certain state highways and parkways

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs 9 and 22 of subdivision (a) of section 1621 of
2 the vehicle and traffic law, paragraph 9 as amended and paragraph 22 as
3 added by chapter 1008 of the laws of 1983, are amended to read as
4 follows:

5 9. Exclude trucks, commercial vehicles, tractors, tractor-trailer
6 combinations, tractor-semitrailer combinations, or tractor-trailer-semi-
7 trailer combinations from highways specified by the commissioner. Such
8 exclusion shall not be construed to prevent the delivery or pickup of
9 merchandise or other property along the highways from which such vehi-
10 cles and combinations are otherwise excluded, nor shall such exclusion
11 apply to agricultural plated trucks directly engaged in the furtherance
12 of the farm operation.

13 22. Exclude trucks, commercial vehicles, tractors, tractor-trailer
14 combinations, tractor-semitrailer combinations, or tractor-trailer-semi-
15 trailer combinations in excess of any designated weight, designated
16 length, designated height, or eight feet in width, from highways or set
17 limits on hours of operation of such vehicles on particular state high-
18 ways or segments of such highways. Such exclusion shall not be construed
19 to prevent the delivery or pickup of merchandise or other property along
20 the highways from which such vehicles or combinations are otherwise
21 excluded, nor shall such exclusion apply to agricultural plated trucks
22 directly engaged in the furtherance of the farm operation.

23 § 2. Section 1621 of the vehicle and traffic law is amended by adding
24 a new subdivision (e) to read as follows:

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

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1 (e) 1. Notwithstanding any provision of law to the contrary, and
2 subject to the terms and conditions set forth in paragraph two of this
3 subdivision, no rule or regulation of the department of transportation
4 or the office of parks, recreation and historic preservation shall
5 exclude from any state highway or parkway an agricultural plated vehicle
6 directly engaged in the furtherance of the farm operation. For the
7 purposes of this section, "farm operation" shall mean the land and
8 on-farm buildings, equipment, manure processing and handling facilities,
9 and practices which contribute to the production, preparation and
10 marketing of crops, livestock and livestock products as a commercial
11 enterprise, including a "commercial horse boarding operation," a "timber
12 operation," "compost, mulch or other biomass crops" and "commercial
13 equine operation" as defined in subdivision eleven of section three
14 hundred one of the agricultural and markets law. For the purposes of
15 this section, "agricultural plated truck" shall mean a truck and an
16 agricultural trailer shall be a trailer, other than a coach or house
17 trailer or semitrailer, owned by a person engaged in production by means
18 of the planting, cultivation and harvesting of agricultural, vegetable
19 and food products of the soil, including horticultural specialties such
20 as nursery stock, ornamental shrubs, ornamental trees and flowers, the
21 raising, feeding and care of livestock, bees and poultry or dairy farm-
22 ing. Such agricultural truck and agricultural trailer shall be used only
23 for the transportation of his own agricultural or dairy commodities or
24 supplies or for personal passenger use, or use in conjunction with
25 lumbering operations connected with but only incidental to the operation
26 of a farm as defined in section four hundred one of this chapter.

27 2. An agricultural plated truck shall be exempt from exclusion pursu-
28 ant to the provisions of this subdivision if the operation of such vehi-
29 cle on a state highway or parkway meets the following terms and condi-
30 tions:

31 (i) the operator is operating the agricultural plated truck for the
32 furtherance of the farm operation;

33 (ii) the vehicle weighs less than twelve thousand pounds;

34 (iii) the vehicle meets the height restrictions for any such highway
35 or parkway; and

36 (iv) the vehicle must not operate on any such parkway south of the
37 intersection of Interstate 84 and the Taconic Parkway.

38 3. Nothing contained in this subdivision shall be deemed to impair the
39 ability of the governor to waive all restrictions for operation on a
40 state highway pursuant to a declared state of emergency.

41 § 3. This act shall take effect on the ninetieth day after it shall
42 have become a law; provided, however, that effective immediately, the
43 addition, amendment and/or repeal of any rule or regulation necessary
44 for the implementation of this act on its effective date are authorized
45 and directed to be made and completed on or before such effective date.