

# STATE OF NEW YORK

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7557

2021-2022 Regular Sessions

## IN ASSEMBLY

May 13, 2021

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Introduced by M. of A. CUSICK -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to weight limits for vehicles with divisible loads operating in the city of New York; and directing the New York city department of transportation, the metropolitan transportation authority and the port authority of New York to permit vehicles with valid downstate divisible load permits to be operated on highways and bridges within the city of New York

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

1 Section 1. The commissioner of the New York city department of trans-  
2 portation shall establish rules and regulations which allow vehicles  
3 with divisible loads with valid New York state permits authorizing the  
4 operation of such vehicles within the counties of Westchester, Rockland,  
5 Putnam, Orange, Dutchess, Nassau, and Suffolk to be operated on roads  
6 and bridges operated by the New York city department of transportation.  
7 Any maximum weight limits established by the department shall be equal  
8 to or greater than the maximum weight limits authorized pursuant to such  
9 New York state permits for vehicles with divisible loads authorized to  
10 operate within the counties of Westchester, Rockland, Putnam, Orange,  
11 Dutchess, Nassau, and Suffolk.

12 § 2. The metropolitan transportation authority shall allow vehicles  
13 with divisible loads with valid New York state permits authorizing the  
14 operation of such vehicles within the counties of Westchester, Rockland,  
15 Putnam, Orange, Dutchess, Nassau, and Suffolk to be operated on roads  
16 and bridges operated by the authority. Any maximum weight limits estab-  
17 lished by the authority shall be equal to or greater than the maximum  
18 weight limits authorized pursuant to such New York state permits for  
19 vehicles with divisible loads authorized to operate within the counties  
20 of Westchester, Rockland, Putnam, Orange, Dutchess, Nassau, and Suffolk.

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

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1 § 3. The port of New York authority shall allow vehicles with divis-  
2 ible loads with valid New York state permits authorizing the operation  
3 of such vehicles within the counties of Westchester, Rockland, Putnam,  
4 Orange, Dutchess, Nassau, and Suffolk to be operated on roads and bridg-  
5 es operated by the authority. Any maximum weight limits established by  
6 the authority shall be equal to or greater than the maximum weight  
7 limits authorized pursuant to such New York state permits for vehicles  
8 with divisible loads authorized to operate within the counties of West-  
9 chester, Rockland, Putnam, Orange, Dutchess, Nassau, and Suffolk.

10 § 4. Paragraph (a) of subdivision 15 of section 385 of the vehicle and  
11 traffic law, as amended by chapter 299 of the laws of 2018, is amended  
12 to read as follows:

13 (a) The commissioner of transportation is hereby authorized to contin-  
14 ue to grant permits, and to charge fees therefor, for the operation or  
15 movement of a vehicle or combination of vehicles having weights or  
16 dimensions which exceed the limitations provided for in this section  
17 upon any highway under his or her jurisdiction except that such permit  
18 shall not be valid for the operation or movement of such vehicles on any  
19 state or other highway within any city not wholly included within one  
20 county unless provided otherwise pursuant to law, rule or regulations.

21 Such permits shall be issued in accordance with the terms and conditions  
22 contained in rules and regulations governing special hauling permits  
23 which have been or shall be promulgated by the commissioner of transpor-  
24 tation and which may include, but not be limited to, a requirement that  
25 a vehicle or combination of vehicles being issued a permit shall be  
26 accompanied by one or more escort vehicles which is being operated by an  
27 individual having a valid escort certificate issued by the commissioner.  
28 The commissioner of transportation is authorized to promulgate rules and  
29 regulations governing the operation, use and equipment of escort vehi-  
30 cles and the duties and responsibilities of the operator of an escort  
31 vehicle. Any finding by the commissioner of transportation that an indi-  
32 vidual has violated such rules and regulations shall be grounds for the  
33 cancellation of an individual's escort certificate and a penalty not to  
34 exceed five hundred dollars per occurrence for the first violation and  
35 not to exceed one thousand dollars per occurrence for each subsequent  
36 violation. Prior to issuing such a finding, the commissioner of trans-  
37 portation shall afford an individual the right to a hearing pursuant to  
38 section one hundred forty-five of the transportation law. Such rules and  
39 regulations shall take into consideration, but shall not be limited to,  
40 the safety of the traveling public and the protection of the highways  
41 and the environment. Such rules and regulations shall also contain a  
42 schedule of fees to be charged for the issuance of such permits which  
43 fees shall cover, but shall not be limited to, the costs to the depart-  
44 ment of transportation for the administration of the permit program, and  
45 shall permit the commissioner of transportation to levy a surcharge of  
46 up to twenty dollars for the issuance and distribution of special haul-  
47 ing permits at regional offices of the department of transportation. The  
48 annual vehicle fee for a permit issued pursuant to subparagraphs (i),  
49 (ii), (ii-a) and (iii) of paragraph (f) of this subdivision shall be  
50 three hundred sixty dollars for vehicles with less than five axles,  
51 seven hundred fifty dollars for vehicles with five or six axles and nine  
52 hundred dollars for vehicles with seven or more axles. The annual vehi-  
53 cle fee for a permit issued pursuant to subparagraphs (iv), (v), and  
54 (vi) of paragraph (f) of this subdivision shall be four hundred eighty  
55 dollars for vehicles with less than five axles and one thousand dollars  
56 for vehicles with five or more axles. Additionally, the commissioner

1 shall establish a fee schedule for the permitting of extra non-power  
2 combination units that may not exceed twenty-five dollars per vehicle  
3 and may offer discounts for multi-trailer registrations. Such fees shall  
4 not be charged to municipalities in this state. A permit issued by the  
5 commissioner to a municipality pursuant to this subdivision, that would  
6 otherwise be annual, shall not expire until such municipality removes  
7 such permitted vehicle from operation; provided, however, that any  
8 amendment to such permit shall remain subject to the commissioner's  
9 approval and nothing contained in this paragraph shall be deemed to  
10 alter the authority of the commissioner to revoke any such permit as  
11 authorized by this chapter. If the permit has routing requirements, such  
12 rules and regulations shall provide that if the routing anticipates the  
13 use of highways not under the jurisdiction of the commissioner of trans-  
14 portation, then he or she shall immediately notify the municipality or  
15 municipalities, having jurisdiction over such highway that an applica-  
16 tion for a permit has been received and request comment thereon. Said  
17 municipality or municipalities shall not have less than fifteen days to  
18 comment. Such rules and regulations shall also contain any other  
19 requirements deemed necessary by the commissioner of transportation.

20 § 5. Paragraph (c) of subdivision 15 of section 385 of the vehicle and  
21 traffic law, as amended by chapter 549 of the laws of 1985, is amended  
22 to read as follows:

23 (c) Upon application in writing and good cause being shown, the city  
24 department of transportation of a city not wholly included within one  
25 county may issue a permit pursuant to this subdivision to operate or  
26 move a vehicle or a combination of vehicles the weights or the dimen-  
27 sions of which exceed the limitations provided for in the rules and  
28 regulations of the city department of transportation of such city upon  
29 all highways within such city including highways which are on the state  
30 system of highways; provided, however, that any weight limits for such  
31 permits shall be equal to or greater than the maximum weight limits  
32 authorized pursuant to New York state permits for vehicles with divis-  
33 ible loads authorized to operate within the counties of Westchester,  
34 Rockland, Putnam, Orange, Dutchess, Nassau, and Suffolk. The rules and  
35 regulations of such city department of transportation shall contain a  
36 schedule of fees to be charged for the issuance of such permits which  
37 fees shall cover, but shall not be limited to, the costs to the city for  
38 the administration of the permit program. Such rules and regulations  
39 shall also contain any other requirements deemed necessary by the city  
40 commissioner of transportation.

41 § 6. This act shall take effect immediately.