STATE OF NEW YORK

7557

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

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:

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

§ 2. The metropolitan transportation authority shall allow vehicles with divisible loads with valid New York state permits authorizing the operation of such vehicles within the counties of Westchester, Rockland, Putnam, Orange, Dutchess, Nassau, and Suffolk to be operated on roads and bridges operated by the authority. Any maximum weight limits established by the authority shall be equal to or greater than the maximum weight limits authorized pursuant to such New York state permits for vehicles with divisible loads authorized to operate within the counties 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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§ 3. The port of New York authority shall allow vehicles with divisible loads with valid New York state permits authorizing the operation of such vehicles within the counties of Westchester, Rockland, Putnam, Orange, Dutchess, Nassau, and Suffolk to be operated on roads and bridges operated by the authority. Any maximum weight limits established by the authority shall be equal to or greater than the maximum weight limits authorized pursuant to such New York state permits for vehicles with divisible loads authorized to operate within the counties of Westchester, Rockland, Putnam, Orange, Dutchess, Nassau, and Suffolk.

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

(a) The commissioner of transportation is hereby authorized to continue to grant permits, and to charge fees therefor, for the operation or movement of a vehicle or combination of vehicles having weights or dimensions which exceed the limitations provided for in this section upon any highway under his or her jurisdiction except that such permit 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 **unless provided otherwise pursuant to law, rule or regulations**. Such permits shall be issued in accordance with the terms and conditions contained in rules and regulations governing special hauling permits which have been or shall be promulgated by the commissioner of transportation and which may include, but not be limited to, a requirement that a vehicle or combination of vehicles being issued a permit shall be accompanied by one or more escort vehicles which is being operated by an individual having a valid escort certificate issued by the commissioner. The commissioner of transportation is authorized to promulgate rules and regulations governing the operation, use and equipment of escort vehicles and the duties and responsibilities of the operator of an escort vehicle. Any finding by the commissioner of transportation that an individual has violated such rules and regulations shall be grounds for the cancellation of an individual's escort certificate and a penalty not to exceed five hundred dollars per occurrence for the first violation and not to exceed one thousand dollars per occurrence for each subsequent violation. Prior to issuing such a finding, the commissioner of transportation shall afford an individual the right to a hearing pursuant to section one hundred forty-five of the transportation law. Such rules and regulations shall take into consideration, but shall not be limited to, the safety of the traveling public and the protection of the highways and the environment. Such rules and regulations shall also contain a schedule of fees to be charged for the issuance of such permits which fees shall cover, but shall not be limited to, the costs to the department of transportation for the administration of the permit program, and shall permit the commissioner of transportation to levy a surcharge of up to twenty dollars for the issuance and distribution of special hauling permits at regional offices of the department of transportation. The annual vehicle fee for a permit issued pursuant to subparagraphs (i), (ii), (ii-a) and (iii) of paragraph (f) of this subdivision shall be three hundred sixty dollars for vehicles with less than five axles, seven hundred fifty dollars for vehicles with five or six axles and nine hundred dollars for vehicles with seven or more axles. The annual vehicle fee for a permit issued pursuant to subparagraphs (iv), (v), and (vi) of paragraph (f) of this subdivision shall be four hundred eighty dollars for vehicles with less than five axles and one thousand dollars for vehicles with five or more axles. Additionally, the commissioner

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

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

(c) Upon application in writing and good cause being shown, the city department of transportation of a city not wholly included within one county may issue a permit pursuant to this subdivision to operate or move a vehicle or a combination of vehicles the weights or the dimensions of which exceed the limitations provided for in the rules and regulations of the city department of transportation of such city upon all highways within such city including highways which are on the state system of highways**; provided, however, that any weight limits for such permits shall be equal to or greater than the maximum weight limits authorized pursuant to New York state permits for vehicles with divisible loads authorized to operate within the counties of Westchester, Rockland, Putnam, Orange, Dutchess, Nassau, and Suffolk**. The rules and regulations of such city department of transportation shall contain a schedule of fees to be charged for the issuance of such permits which fees shall cover, but shall not be limited to, the costs to the city for the administration of the permit program. Such rules and regulations shall also contain any other requirements deemed necessary by the city commissioner of transportation.

§ 6. This act shall take effect immediately.