



2018 ANNUAL REPORT

New York State Assembly
Carl E. Heastie
Speaker

Committee on
Transportation

David F. Gantt
Chairman





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

COMMITTEE MEMBERSHIP
Transportation
Rules
Ways and Means
Economic Development, Job Creation,
Commerce and Industry
Local Governments

DAVID F. GANTT
Assemblyman 137TH District

CHAIRMAN
Transportation Committee

December 15, 2018

Honorable Carl E. Heastie
Speaker of the New York State Assembly
Room 932, Legislative Office Building
Albany, NY 12248

Dear Mr. Speaker:

I am pleased to submit to you the 2018 Annual Report of the Assembly Standing Committee on Transportation.

During the 2018 Legislative Session, the Committee considered many important bills aimed at enhancing the safety of the State's transportation system, and improving the health and safety of the general public.

Preventing childhood injuries and deaths from motor vehicle-related crashes is one of the priorities of the Committee. While less than one percent of all traffic-related fatalities nationwide are caused by crashes involving school buses, there is always room for continued improvement in order to better protect schoolchildren. To that end, the Committee was successful in obtaining the enactment of legislation to strengthen laws that require school bus drivers to submit to drug and alcohol testing, to ensure that drivers of smaller-sized school buses are subject to such testing. The Committee also advanced legislation that would provide improved education of drivers regarding the illegal passing of stopped school buses and call for the development of proposals to reduce the number of these incidents.

Even as the number of miles that motorists travel has been increasing, New York is among the top five states with the lowest number of fatalities by all metrics: per 100,000 population, per 100,000 licensed drivers, per 100,000 registered vehicles, and per 100 million vehicle miles travelled. However, the continued reduction of crashes, fatalities and injuries caused by motor vehicle crashes is critical to public health and safety.

Building upon the success of New York's comprehensive system of strict motor vehicle laws, combined with effective enforcement, prosecution, and adjudication in contributing to New York's low fatality rate, the Committee this year was instrumental in the enactment of legislation to improve the conspicuity of slow-moving vehicles sharing the road with other vehicles traveling at the posted speed limit, so that other motorists are adequately forewarned in order to slow down and avoid crashes.

In 2019, the Committee will explore ways to further develop New York State's transportation system, especially its intermodal features, in order to facilitate the movement of people and goods throughout the State. The Committee also will continue to address problems of the traveling public.

I would like to take this opportunity to express my gratitude to the members of the Committee for their support of and contributions to this year's legislative efforts. I also wish to thank the staff for their dedication and hard work.

Mr. Speaker, on behalf of the members of the Committee, I want to thank you for your encouragement and support of our efforts throughout the 2018 Session. With your continued leadership, we look forward to developing new programs and initiatives for the 2019 Legislative Session.

Sincerely,

A handwritten signature in cursive script that reads "David F. Gantt".

David F. Gantt, Chairman
Assembly Committee on Transportation

DFG:jb

**2018 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON TRANSPORTATION**

David F. Gantt, Chairman

Committee Members

Majority

N. Nick Perry
Michael Cusick
Donna A. Lupardo
Marcos A. Crespo
Fred W. Thiele, Jr.
Harry B. Bronson
Frank Skartados
James Skoufis
Phillip Steck
Anthony Brindisi
Jo Anne Simon
Kimberly Jean-Pierre
Pamela J. Hunter
Alicia Hyndman
Jaime R. Williams
Sean M. Ryan
Tremaine Wright

Minority

David G. McDonough,
Ranking Minority Member
Nicole Malliotakis
Edward P. Ra
David J. DiPietro
Dean Murray
Christopher S. Friend
Kevin Byrne

Staff

Michael Hernandez, Assistant Secretary for Program and Policy
Julie A. Barney, Principal Analyst
David Gordon, Associate Counsel
Frank Keophetlasy, Committee Clerk
Abigail Mellon, Program & Counsel Executive Secretary

TABLE OF CONTENTS

INTRODUCTION AND SUMMARY

| | |
|--|--------|
| Committee Jurisdiction..... | 1 |
| Summary of Committee Action..... | 2 |
| 2018 LEGISLATIVE ACTION..... | 3 |
| Stopping for Stopped School Buses..... | 3 |
| School Bus Driver Random Drug and Alcohol Testing..... | 4 |
| Slow Moving Vehicles..... | 5 |
| OUTLOOK FOR 2019..... | 8 |
| APPENDIX A: 2018 SUMMARY SHEET..... | 9 |
| APPENDIX B: BILLS THAT PASSED BOTH HOUSES..... | 10 |
| APPENDIX C: BILLS THAT PASSED THE ASSEMBLY..... | 16 |

INTRODUCTION AND SUMMARY

Committee Jurisdiction

New York State's transportation network moves millions of people and tons of freight annually. Based on the most recent data available, this network includes a State and local highway and bridge system of more than 19,000 bridges and over 114,000 miles of highways, upon which more than 130 billion vehicle miles are driven annually. More than 450 public and private aviation facilities provide service to more than 51 million passenger enplanements annually. Four port authorities (NY/NJ, Albany, Oswego, and Ogdensburg), the Port of Buffalo and numerous private ports and waterways handle millions of tons of freight each year. More than 544,000 carloads of freight originating or terminating in the State is transported annually on approximately 4,500 route miles of rail track. About 1.8 million riders use Amtrak's Empire and Adirondack services, and millions of rail passengers pass through Penn Station using Amtrak service with an origin or destination within New York State. Over 130 public transit operators provide service to approximately 2.8 billion passengers annually.

The Assembly Transportation Committee is charged with the responsibility of advancing policies for coordinating the management of these systems and ensuring the employment of measures designed to provide and encourage safe travel. The Committee is also responsible for developing and reviewing legislation covering a wide range of topics affecting the movement of people and goods throughout the State.

The Committee's jurisdiction includes oversight and analysis of the activities (including the implementation and administration of programs) of the

Departments of Transportation (DOT) and Motor Vehicles (DMV), the New York State Thruway Authority, and various regional transportation authorities and commissions. Committee action primarily affects the following consolidated laws: Vehicle and Traffic, Highway, Transportation, Navigation, Canal, and Railroad.

Summary of Committee Action

During the 2018 Legislative Session, 773 bills were referred to the Assembly Standing Committee on Transportation. A number were ultimately signed into law, including legislation to expand drug and alcohol testing of school bus drivers and to increase safety markings on slow-moving vehicles.

2018 LEGISLATIVE ACTION

Stopping for Stopped School Buses

(A.172, Gantt; Passed Assembly)

Under current law, it is illegal to pass a stopped school bus when its stop sign-shaped arms are extended and its red lights are flashing. However, motorists continue to illegally pass school buses, raising safety concerns among parents, drivers, and transportation administrators alike. It has been estimated that over 50,000 vehicles pass stopped school buses illegally each school day in New York State. Motorists pass from the front and the rear of buses as well as on the right hand, or boarding, side of school buses, which exposes children to the risk of death or serious physical injury from being struck by motor vehicles.

Since the law already imposes significant penalties upon motorists convicted of passing a stopped school bus (\$250 to \$1,000 in fines and/or 30 to 180 days imprisonment), the Assembly passed legislation to address this critical issue through public education and the development of proposals to reduce violations. Assembly bill 172 (Gantt) would direct DMV to design and implement a “school bus motorist education program” in conjunction with the Governor’s Traffic Safety Committee (GTSC), the State Education Department (SED), DOT, the Division of the State Police (DSP), and the State Comprehensive School Bus Driver Safety Training Council. This would serve a number of purposes: to educate motorists of the dangers of passing stopped school buses, to reduce the number of these violations, and to promote school bus safety.

The bill would also establish a “school bus motorist education fund” and redirect surcharges collected for illegally passing stopped school buses into such fund. Fifty percent of the monies collected would be directed to the “school bus motorist education program” and the remaining 50 percent of the monies collected would be directed to the State Comprehensive School Bus Driver Safety Training Council for the study of the illegal passing of stopped school buses and the development of proposals to reduce the number of such violations.

School Bus Driver Random Drug and Alcohol Testing

(A.208-E, Lupardo; Chapter 207, Laws of 2018)

The safe transportation of children to and from school is one of the highest priorities of the Committee. Significant safety measures have been enacted through the years at both the federal and State levels. Operators of commercial motor vehicles, including school buses, must submit to a variety of controlled substance and alcohol testing, including pre-employment, post-accident, random, and reasonable suspicion testing. Under the State’s Vehicle and Traffic Law a school bus is defined as every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities, or privately owned and operated for compensation for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. The Vehicle and Traffic Law also includes school buses under its definition of commercial motor vehicle, for which a commercial driver’s license is necessary to operate.

However, the definition of commercial motor vehicles to which federal mandatory drug and alcohol testing requirements apply excludes vehicles designed to transport less than 16 passengers including the driver. In order to further ensure the safety of New York's school children, the Assembly passed legislation, A.208-E (enacted as Chapter 207 of the Laws of 2018,) to strengthen requirements for pre-employment and random drug and alcohol testing of school bus operators to include all drivers of a school bus owned or operated by a school, municipality or private carrier under contract with a municipality or school district transporting children to and from school, regardless of commercial driver's license endorsement and regardless of occupant capacity. Chapter 207 also prohibits school bus drivers from being on duty or operating a bus if they appear to have consumed a drug, controlled substance, or alcohol within the preceding eight hours (increased from six hours.) Finally, Chapter 207 clarifies that the costs incurred by employers for such testing is eligible to be reimbursed by State aid.

Slow Moving Vehicles

(A.9522-A, Woerner; Chapter 478, Laws of 2018)

State law requires farm machinery, implements of husbandry, and other machinery including road construction and maintenance machinery that is designed to operate at 25 miles per hour or less to display a slow moving vehicle emblem when traveling on public highways. One of the major reasons why accidents can occur with farm equipment is that other drivers often fail to anticipate how slow farm equipment travels, and therefore do not adequately react and respond by starting to slow their vehicle when approaching farm equipment. The slow moving vehicle emblem is a fluorescent orange triangle with retroreflective borders, and it alerts other

drivers that a vehicle is travelling at a reduced speed and to use caution and slow down when driving behind the machinery.

Manufacturers have begun designing farm tractors and other equipment to travel at speeds above 25 miles per hour. Such vehicles are prohibited by law from displaying the slow moving vehicle emblem. However, highway safety could be compromised if a vehicle is traveling at 35 miles per hour on a roadway with a higher speed limit. In order to ensure the safety of the occupants of slow moving vehicles and of the other vehicles with which they share the road, the Committee enacted A.9522-A (Chapter 478 of the Laws of 2018.) This new law directs the Department of Motor Vehicles to adopt standards and specifications for the design, creation and use of a “speed identification symbol” (SIS) in conformance with recommendations of the American Society of Agricultural and Biological Engineers and the criteria of the ANSI/ASTM standard S584 for the size, design and mounting of such symbol. Chapter 478 requires that the SIS indicate the maximum speed in miles per hour (mph) at which the vehicle to which it is mounted is designed by its manufacturer to operate.

Chapter 478 also requires farm machinery and implements of husbandry and other machinery, including road construction and maintenance machinery, designed to operate at a speed greater than 25 mph but less than 40 mph traveling on a public highway day or night to display a slow-moving vehicle emblem and an SIS. A towed vehicle is required to display the same emblem and SIS as those displayed on the towing vehicle. Finally, the new law requires operators of agricultural tractors designed to travel above 25 mph but under 40 mph to possess documentation from the manufacturer

indicating the maximum speed in miles per hour at which the vehicle is designed to operate.

OUTLOOK FOR 2019

During the 2019 Legislative Session, the Committee will continue to oversee legislation affecting the transportation system of the State and the safety of the walking, boating, biking and motoring public. Among the issue areas to be considered are those relating to pedestrians and bicyclists, motorcyclists, motor vehicle occupants, school bus safety, and improved accessibility for the disabled, as well as issues relating to the State's transportation infrastructure.

APPENDIX A: 2018 SUMMARY SHEET

| | <u>ASSEMBLY BILLS</u> | <u>SENATE BILLS</u> | <u>TOTAL BILLS</u> |
|--|----------------------------------|--------------------------------|-------------------------------|
| <u>Bills Reported Favorable to</u> | | | |
| Codes | 19 | 0 | 19 |
| Judiciary | 0 | 0 | 0 |
| Ways and Means | 33 | 0 | 33 |
| Rules | 4 | 0 | 4 |
| Floor | <u>2</u> | <u>0</u> | <u>2</u> |
| Total | 58 | 0 | 58 |
| <u>Committee Action</u> | | | |
| Held for Consideration | 39 | 0 | 39 |
| Defeated | 0 | 0 | 0 |
| Enacting Clause Stricken | 23 | 0 | 23 |
| <u>Remaining in Committee</u> | <u>586</u> | <u>90</u> | <u>676</u> |
| <u>Bills Reference Changed to</u> | | | |
| Ways and Means Committee | | | |
| Total | 2 | 0 | 2 |
| Total Number of Committee Meetings Held: | 5 | | |

APPENDIX B: BILLS THAT PASSED BOTH HOUSES

| <u>BILL/SPONSOR</u> | <u>DESCRIPTION</u> | <u>ACTION</u> |
|---|---|----------------------|
| A.208-E Lupardo S.2587-E Marcellino | Provides for pre-employment and random drug and alcohol testing of school bus drivers. | Chapter 207 |
| A.219-A Santabarbara S.8869 Amedore | Requires DMV to issue distinctive "Elks Association" license plates. | Chapter 208 |
| A.1992 Abinanti S.5079 Kennedy | Requires DOT to establish a toll-free 24 hour hotline and interactive website to report potholes and receive notification when repairs have been completed. | Vetoed, Memo 353 |
| A.2620-A Perry S.9012 Persaud | Requires DMV to issue distinctive "West Indian-American Day Carnival" license plates. | Chapter 124 |
| A.2923-A Perry S.4019-A Hamilton | Requires DMV to issue distinctive "Jamaican Bobsled Team" license plates. | Chapter 472 |
| A.5305-B MG Miller S.4013-B Addabbo | Requires DMV to issue distinctive "Down's Syndrome Awareness" license plates. | Chapter 125 |
| A.6761-A Solages S.3137-A Hannon | Requires DOT to study Southern State Parkway entrance and exit ramps. | Chapter 361 |
| A.6926-A Magnarelli S.2904-A Ritchie | Extends period of validity of special hauling permits held by municipalities. | Chapter 299 |

| | | |
|--------------------------------------|---|-------------|
| A.7715-B Thiele S.6072-B LaValle | Requires DMV to issue distinctive "September Eleventh, Two Thousand One Remembrance" license plates. | Chapter 224 |
| A.8955 Benedetto S.7306 Helming | Amends Chapter 489 of the Laws of 2017 relating to field testing drivers. | Chapter 27 |
| A.9012-A Hunter S.7351-A Valesky | Requires removal of distinctive markings and lights prior to public sale of decommissioned police vehicles. | Chapter 486 |
| A.9036 Crouch S.7277 Akshar | Corrects the reference to a bridge identification number for the "SSG Justin R. Whiting Memorial Bridge." | Chapter 7 |
| A.9037 Crouch S.7278 Akshar | Corrects the reference to a bridge identification number for the "Lt. Cameron N. Hall Memorial Bridge." | Chapter 8 |
| A.9522-A Woerner S.6746-A Helming | Provides for the marking of certain slow-moving vehicles. | Chapter 478 |
| A.9617-A Woerner S.5369-A Tedisco | Relates to the return of license plates and notification of owners of repossessed vehicles. | Chapter 473 |
| A.9664 Norris S.7595 Ortt | Relates to the renaming of the Thomas C. Rotondo, Jr. Memorial Bridge. | Chapter 316 |
| A.9856 Errigo S.7712 Young | Designates a portion of State Route 256 in the Town of Conesus, Livingston County as the "Conesus Veterans Memorial Highway" and requires DOT to install signage. | Chapter 317 |

| | | |
|--|---|------------------|
| A.9916 Cahill S.7741 Amedore | Designates a bridge across Roundout Creek at High Falls on State Route 213 in the Town of Marbletown, Ulster County as the “Kathy Cairo Davis Memorial Bridge” and requires DOT to install signage. | Chapter 318 |
| A.10058 Fahy S.7965 Breslin | Extends for two years the authorization for the City of Albany to implement a residential permit parking system. | Chapter 243 |
| A.10198-A Pellegrino S.7829-A Boyle | Requires DOT to conduct a study to evaluate the weight of fire trucks. | Vetoed, Memo 304 |
| A.10298-A Peoples-Stokes S.8122-A Kennedy | Extends for three years the authorization for the City of Buffalo to implement a residential permit parking system. | Chapter 157 |
| A.10382-A Fitzpatrick S.8157-A Flanagan | Designates a portion of Jericho Turnpike between East Deer Park Road and St. Johnland Road as the “Lt. Christopher J. Raguso FDNY-CFD Memorial Highway” and requires DOT to install signage. | Chapter 279 |
| A.10548 Morinello S.7827 Ortt | Designates a portion of State Route 104 in the Town of Lewiston, Niagara County, as the “General William ‘Wild Bill’ Donovan Memorial Highway” and requires DOT to install signage. | Chapter 276 |
| A.10549 Gunther S.8315 Bonacic | Designates State Route 17-b in Sullivan County as “The Woodstock Way” and requires DOT to install signage. | Chapter 320 |

| | | |
|--|--|-------------|
| A.10787-A DiPietro S.8954 Gallivan | Designates a portion of State Route 19 between Sayre Road and Fox Road in the Towns of Warsaw and Middlebury, Wyoming County, as the “PFC David P. Coveny Memorial Highway” and requires DOT to install signage. | Chapter 286 |
| A.10788-A DiPietro S.9057 Gallivan | Designates the bridge on U.S. Route 219 crossing over State Route 391 in the Town of Boston, Erie County, as the “T Sgt Henry ‘Hank’ Dylong Memorial Bridge” and requires DOT to install signage. | Chapter 274 |
| A.10877-A DiPietro S.9032 Gallivan | Designates the bridge on Genesee Road, crossing over U.S. Route 219 in the Town of Concord, Erie County, as the “SGT Brian K. Baker Memorial Bridge” and requires DOT to install signage. | Chapter 287 |
| A.10922 Thiele S.8745-A LaValle | Designates rename the bridge on County Route 31 over Sunrise Highway in the Hamlet of Westhampton, Town of Southampton, Suffolk County, as the “Jolly 51 Memorial Bridge” and requires DOT to install signage. | Chapter 277 |
| A.10961-A Abinanti S.8875 Stewart-Cousins | Expands the residential parking permit system in the Village of Tarrytown to include the south side of Main Street between White Street and Windle Park. | Chapter 177 |

| | | |
|--|---|-------------|
| A.10975 Goodell S.8853 Young | Designates a portion of State Route 20 in the Village of Fredonia, Cattaraugus County, as the “Sergeant Jonathan Gollnitz Memorial Highway” and requires DOT to install signage. | Chapter 285 |
| A.10976 Goodell S.8855 Young | Designates a portion of State Route 60 in the City of Jamestown, Chautauqua County, as the “Sergeant James C. Matteson Memorial Highway” and requires DOT to install signage. | Chapter 280 |
| A.11001-A Ashby S.9049 Marchione | Designates a portion of State Route 22 in the Village of Cambridge, Washington County, as the “Chief George Bell Memorial Highway” and requires DOT to install signage. | Chapter 178 |
| A.11033 Rules (Gunther) S.8861 Larkin | Designates a portion of State Route 300 in the Town of Newburgh, Orange County, as the “Gold Star Families Memorial Highway” and requires DOT to install signage. | Chapter 321 |
| A.11054 Rules (Jenne) S.6839-A Ritchie | Designates the bridge on U.S. Route 11 over the Indian River in the Village of Philadelphia, Jefferson County, as the “New York State Trooper Joel R. Davis Memorial Bridge” and requires DOT to install signage. | Chapter 278 |
| A.11063-A Rules (DiPietro) S.9048 Gallivan | Designates the bridge on U.S. Route 20A crossing over Cazenovia Creek in the Town of Aurora, Erie County, as the “S Sgt Michael F. Kaczmarek Memorial Bridge” and requires DOT to install signage. | Chapter 281 |

A.11121 Rules
(Carroll)
S.8990 Young

Relates to the reexamination of
drivers by DMV, and requires DMV
to review its medical review
program.

Vetoed, Memo
346

APPENDIX C: BILLS THAT PASSED THE ASSEMBLY

| <u>BILL/SPONSOR</u> | <u>DESCRIPTION</u> |
|--|---|
| A.172 Gantt S.3276 Parker | Would provide for a school bus motorist education program. |
| A.7798-C Glick S.6046-C Peralta | Would extend and expand the New York City school speed zone photo enforcement program. |
| A.8008 Abinanti S.8211 Murphy | Would require DOT to study parkway entrances in Westchester County accessed by oversized commercial vehicles. |
| A.9017 Jenne | Would prohibit certain entities from engaging in business as private service bureaus. |
| A.10810 Peoples-Stokes S.8746-A Kennedy | Would authorize the City of Buffalo to implement a school speed zone photo enforcement program. |