

MEMORANDUM

TO: Genesee Transportation Council Members and Alternates
FROM: James Stack, Executive Director JS
DATE: February 18, 2021
SUBJECT: Supporting Parts A and B of the Transportation, Economic Development, and Environmental Conservation Bill

The New York State Fiscal Year 2022 Executive Budget, as proposed by Governor Cuomo, includes a number of related bills, under Article VII of the State Constitution, related to implementing the core appropriations bills. These Article VII bills focus on amending State laws governing programs and revenues that have an impact on the budget.

On February 5th, Ron Epstein, NYSDOT Executive Deputy, shared with the NYS Association of MPOs that NYSOT has proposed two particular legislative initiatives, Parts A and B, of the Transportation, Economic Development, and Environmental Conservation bill. He indicated that NYSDOT would appreciate support from the respective MPOs.

PART A – Deterring Parkway Bridge Strikes

Purpose: This bill would increase the fines for over height vehicles violating restrictions and for operating a commercial vehicle illegally on a State Parkway, enhance commercial vehicle owner responsibility to avoid such incidents, and prohibit the use of general consumer global positioning systems (GPS) for the routing of commercial vehicles and instead require the use of commercial grade GPS specifically designed for commercial and over height vehicles.

Summary of provisions include:

- Increases penalties for commercial vehicles on parkways;
- Increases penalties for vehicles exceeding legal height or posted clearance height;
- Requires commercial motor vehicles to be equipped with commercial GPS;
- Prohibits the use of non-commercial GPS by commercial motor carriers and drivers;
- Requires commercial carriers to notify commercial drivers of the prohibition against operating commercial motor vehicles on parkways;
- Prohibits the use of non-commercial GPS by bus drivers or motor carriers;
- Requires motor carriers to notify bus drivers of the prohibition against operating commercial motor vehicles on parkways; and
- Requires all rental vehicle companies to notify all drivers and renters of commercial vehicles about the prohibition against operating commercial motor vehicles on parkways.

Full Text: [NYS Division of the Budget](#)

PART B – Addressing Safety of Transportation Workers, Pedestrians, and the Public

Purpose: This bill would enhance the safety of transportation workers, pedestrians, bicyclists, and the traveling public by increasing fines and penalties for violations and by clarifying responsibility and authority relating to accident clearance.

Summary of Provisions:

- Impose tougher criminal penalties for perpetrators of violence against transportation workers;
- Require the mandatory revocation of perpetrator's driver's license following a conviction for certain crimes against highway workers;
- Establish new penalties for intrusion into an active work zone;
- Clarify a citizen's responsibility to move their vehicle out of the flow of traffic if involved in a minor accident and allow for a broader range of responders to remove vehicles and debris from roadways;
- Increase fines on drivers found to cause injury to pedestrians and bicyclists while failing to exercise due care; and
- Direct the Governor's Traffic Safety Committee (GTSC) to increase public outreach and educational awareness of work zone safety.

Full Text: [NYS Division of the Budget](#)

The Planning Committee considered this proposal and offered up two points of clarification on Part A. First, the legislation should clarify that municipal and other public fleet owners are not subject to these new provisions, which are applicable private commercial fleets. Second, the legislation should clarify that these new provisions are applicable to State-owned, limited access Parkways and not other public roads that have the word "Parkway" in their name.

A draft **Letter of Support** is attached for your consideration.

Recommended Action:

Authorize and direct the Executive Director to submit a letter of support for these two legislative initiatives to appropriate authorities.

February 26, 2021

DRAFT

[Addressee TBD]

On behalf of the Genesee Transportation Council (GTC), I am writing in support of the FY 2022 New York State Executive Budget Transportation, Economic Development and Environmental Conservation Article VII Legislation, Parts A and B.

GTC is supportive of the stated purpose of Part A to increase the fines for over height vehicles violating restrictions and for operating a commercial vehicle illegally on a State Parkway, enhance commercial vehicle owner responsibility to avoid such incidents, and prohibit the use of general consumer global positioning systems (GPS) for the routing of commercial vehicles and instead require the use of commercial GPS specifically designed for commercial and over height vehicles. The Lake Ontario State Parkway (LOSP) traverses portions of both Monroe and Orleans Counties. Anyone who has travelled on LOSP can appreciate that this road is not conducive to travel by large vehicles. GTC is hopeful that these provisions and broader use of commercial grade GPS devices will also reduce the number of bridge strikes on other facilities with low clearance.

GTC offers a suggestion to clarify that municipal and other public fleet owners are not subject to these new provisions, which are applicable private commercial fleets. Additionally, GTC suggests that the legislation clarify that these new provisions are applicable to State-owned, limited access Parkways and not public roads that have the word "Parkway" in their name.

GTC is also supportive of the stated purpose of Part B to enhance the safety of transportation workers, pedestrians, bicyclists, and the traveling public by increasing fines and penalties for violations and by clarifying responsibility and authority relating to accident clearance. GTC is particularly appreciative of the additional efforts to protect highway workers employed by or contracted to our member agencies and municipalities.

If you have any questions regarding this letter, please contact me at jstack@gctmpo.org.

Thank you,

James Stack, Executive Director