

2009-2010

Report of the New York State Senate Standing Committee on Transportation



Senator Martin Malavé Dilan, Chairman
17th Senatorial District | dilan.nysenate.gov

MARTIN MALAVE DILAN
SENATOR, 17TH DISTRICT

SENIOR ASSISTANT
MAJORITY LEADER

CO-CHAIR
LEGISLATIVE TASK FORCE ON
DEMOGRAPHIC RESEARCH &
REAPPORTIONMENT



THE SENATE
STATE OF NEW YORK
ALBANY 12247

CHAIRMAN
TRANSPORTATION

COMMITTEES
CIVIL SERVICE & PENSIONS
CORPORATIONS, AUTHORITIES
& COMMISSIONS
ELECTIONS
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RULES

Message from Chairman Martin Malavé Dilan

As the Chairman of the New York State Senate Transportation Committee I have been afforded the responsibility of protecting the interests of those who live, work, and travel in New York State. Throughout the previous two years the committee has operated within the confines of a challenging economic and political dynamic with the goals of providing a safe, reliable, accessible and affordable means of transportation.

In the past two years I have had the pleasure to travel across the state, visiting numerous transportation related facilities and meeting with stakeholders. The committee has hosted hearings from Long Island to Buffalo seeking insight and ideas to address some of the concerns for the future. Additionally, I have met with countless groups, advocates, and individuals in my offices to meet the same end.

These experiences have been insightful and in many cases truly eye-opening. After two years as chairman, I can say with confidence that our approach to transportation policy impacts each of us daily. And that there is one idea that has become most prevalent – there is no simple solution to our evolving transportation policy. It's apparent that there is a need for the long-term restructuring of how we fund our projects and assess the need for new projects. I believe, with a cooperative will and a focused eye on the future, New York can become a leader in innovation and the implementation of alternative transportation strategies.

I would like to take this opportunity to thank my colleagues who served on the committee. The respectful and substantive discourse of our meetings and hearings proved enlightening and exemplified a willingness to work in the best interests of the state. Special appreciation must be extended to Senator Charles J. Fuschillo Jr., ranking member of the committee, and his staff.

Although I believe the committee has advanced important and forward thinking pieces of legislation to be discussed later in this report, there remains a long road ahead for transportation policy in New York. I look forward to working with my colleagues and stakeholders from throughout the state as I continue my efforts in this field during the upcoming legislative session.

Sincerely,

Martin Malavé Dilan

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2009-2010 New York State Senate Transportation Committee Membership

Chairman, Martin Malavé Dilan
17th Senatorial District

Ranking Minority Member, Charles J. Fuschillo, Jr.
8th Senatorial District

Senator Joseph P. Addabbo, Jr. 15 th Senatorial District	Senator Michael F. Nozzolio 54 th Senatorial District
Senator Darrel J. Aubertine 48 th Senatorial District	Senator Bill Perkins 30 th Senatorial District
Senator Ruben Diaz 32 nd Senatorial District	Senator Joseph E. Robach 56 th Senatorial District
Senator Brian X. Foley 3 rd Senatorial District	Senator Diane J. Savino 23 rd Senatorial District
Senator Ruth Hassell-Thompson (2009) 36 th Senatorial District	Senator Daniel L. Squadron 25 th Senatorial District
Senator Owen H. Johnson 4 th Senatorial District	Senator Toby Ann Stavisky 16 th Senatorial District
Senator Andrew J. Lanza 24 th Senatorial District	Senator David J. Valesky 49 th Senatorial District
Senator William J. Larkin, Jr. 39 th Senatorial District	Senator Dale M. Volker (2010) 59 th Senatorial District
Senator Tom Libous 52 nd Senatorial District	Senator Catharine Young 57 th Senatorial District

I would like to thank the following persons whose efforts played a key role in the successful day-to-day operation of the committee:

Matthew Trapasso – Policy & Legislative Director
 Thomas Benware – Senior Policy Analyst
 Heath Heimroth – Committee Clerk
 Janet Ho – Deputy Director of Budget Studies, Senate Majority Finance
 Joseph Rappaport – Program Director, Senate Majority Program & Counsel
 Graham Ennis – Deputy Program Director, Senate Majority Program & Counsel
 Dan Ranellone – Associate Counsel, Senate Majority Program & Counsel

Transportation Committee 2009-2010 Summation

549 Introduced to Committee
142 Reported from Committee
94 Transportation bills passed Senate
48 Chaptered
4 Vetoed
38 Nominees moved through committee confirmed by Senate
12 Nominees moved through committee awaiting Senate Finance approval

Bills Reported from Committee

2009:

S.27B – Fuschillo: Creates the mandatory ignition interlock program; repealer
S.402 – Breslin: Requires handicapped parking permits be written in indelible ink or some other form of permanent marking to prevent tampering
S.414B – Breslin: Requires that instruction in the laws relating to handicapped parking be included in the pre-licensing driver's course
S.495 – Lanza: Provides that no additional penalty or alternate additional penalty shall accrue on parking violations after the date of payment
S.497 – Lanza: Transfers certain lands to city of New York to be used as parklands
S.1156B – Thompson: Authorizes the city of Buffalo to adjudicate traffic infractions similar to cities having a population of less than two hundred thousand
S.1169B – Dilan: Provides that no person sixteen years of age or over shall be a passenger in the back seat of a motor vehicle unless such person is restrained by a safety belt
S.1181 – Oppenheimer: Allows the town board of the Town of Mamaroneck to adopt a local law or ordinance providing for a residential parking permit system
S.1213A – Thompson: Relates to the designation of representatives, one upon recommendation of the mayor of Buffalo and one by the Buffalo common council, to the Niagara Frontier Transportation Authority
S.1298 – Dilan: Provides that ownership of an unidentifiable part of an identifiable motorcycle, other than a stolen motorcycle, shall be returned to owner after investigation is completed
S.1386B – Duane: Establishes the metropolitan transportation authority disabled riders' council
S.1547A – Stavisky: Requires police accident reports to indicate whether a mobile phone was in use at the time of such vehicle accident
S.1600B – Valesky: Allows firefighters, members of a fire company auxiliary and members of a volunteer ambulance service to solicit funds on roadways
S.1624C – Foley: Allows a person to operate a fire truck without possessing a commercial drivers license
S.1741 – Stavisky: Relates to requiring evening court hours for the adjudication of parking violations
S.1807C – Johnson, O.: Prohibits operation of any motor vehicle equipped with device which affects the operation of traffic-control signals

S.1865A – Klein: Allows residents in the village of Pelham, county of Westchester, to park in their driveways overhanging the sidewalk during certain hours

S.1866 – Klein: Relates to the description of the bounded area for which the residential parking permit system in the village of Tuckahoe, county of Westchester, may be established

S.2057 – Dilan: Requires convex mirrors on certain trucks, tractors and tractor-trailers or semitrailers

S.2250 – Dilan: Requires bicycles to be equipped with a red or amber reflector for night use

S.2693 – Aubertine: Requires a horse-drawn carriage operating at night to be equipped with functioning front and rear lamps

S.2709D – Dilan: Establishes in the city of New York a bus rapid transit and bus mobility demonstration program to enforce certain restrictions

S.2830 – Valesky: Relates to the method of abandonment for the purposes of the canal system

S.2933 – Duane: Caps fares for paratransit transportation

S.3007 – Lanza: Establishes Michelle and Jordan's law and relates to the penalties for participating in an unlawful speed contest or race

S.3327 – Dilan: Imposes a penalty for displaying illegal plates on a motor vehicle that was seized by the sheriff or marshal of the city of New York

S.3328 – Dilan: Increases the registration filing fee

S.3619A – Dilan: Relates to the graduated licensing program; repeals section 503-a of the vehicle and traffic law

S.3622 – Dilan: Authorizes the canal corporation to abandon canal terminal lands in the Syracuse inner harbor

S.3623A – Dilan: Relates to requiring children under the age of 8 to be restrained by a child restraint system in a motor vehicle

S.3625 – Dilan: Retention of motor vehicle records

S.3627 – Dilan: Establishes a hardship privilege for those with a suspended license where there is a necessary operation of a vehicle during the course of the licensee's employment

S.3745 – Stewart-Cousins: Relates to owners liability for failure of operator to comply with traffic control indications

S.3746 – Thompson: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Rochester

S.3747 – Thompson: Authorizes city of Buffalo to establish a demonstration program imposing monetary liability on vehicle owners who fail to comply with traffic control indicators

S.3748 – Foley: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Suffolk County

S.3749 – Johnson, C.: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Nassau County

S.3750 – Dilan: Relates to certain traffic-control indications in the city of New York

S.3772A – Dilan: Creates the New York City Transit Authority safety advisory panel to study and report on safety from terrorist acts

S.3812A – Valesky: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Syracuse

S.4014 – Morahan: Defines the term electric assisted bicycle

S.4128 – LaValle: Prohibits any person from interfering with any official traffic control device or railroad sign or signal

S.4201A – Nozzolio: Designates a portion of State Route 38 as the New York State Vietnam Veterans' Memorial Highway of Valor

S.4241 – Griffo: Designates the bridge crossing the Erie Canal on State Route 291 as the Army Captain George A. Wood Memorial Bridge

S.4277 – Aubertine: Relates to the definition of all terrain vehicle or "ATV"

S.4380 – Dilan: Relates to the ownership status of transit facilities

S.4392A – Stewart-Cousins: Authorizes the city of Yonkers to establish a residential parking system in the Yonkers Raceway/Empire City area

S.4478B – Dilan: Defines offenses of trespasses on and damage to railroad property

S.4479A – Dilan: Provides health insurance coverage upon retirement for certain officers and employees of the New York City Transit Authority

S.4480C – Dilan: Relates to the membership composition of the Metropolitan Transportation Authority board

S.4487A – Dilan: Relates to implementing various supplemental fees and taxes for the metropolitan commuter transportation district; repealer

S.4647B – Stachowski: Enacts the "Ambrose-Searles move over act"

S.4777 – Fuschillo: Defines the terms "impaired" and "intoxication" for the purposes of the vehicle and traffic law

S.4810 – Perkins: Eliminates the MTA's exemption from environmental quality review standards established by Article 8 of the Environmental Conservation Law

S.4837 – Aubertine: Permits small seasonal farmers to place signs on state highways

S.4903 – Klein: Relates to non-divisible load permits

S.4909E – Foley: Establishes a mandatory surcharge for traffic offenses and infractions in Suffolk and Nassau counties

S.4918A – Thompson: Requires two representatives be appointed upon the recommendation of the mayor of Niagara Falls and one by the Niagara Falls common council, to the Niagara Frontier

S.5010A – Perkins: Requires the MTA to submit annual reports on attacks, injuries, or deaths reported to or otherwise known to it in connection with its facilities and premises

S.5056 – Perkins: Requires the Metropolitan Transportation Authority to hold a public hearing prior to awarding a sole source contract without competitive bidding thereon

S.5174 – Dilan: Relates to emergency rule with respect to the removal of vehicles from public streets and highways

S.5175B – Dilan: Relates to the presence of official full or partial lane markings on roadway

S.5226A – Dilan: Provides that motor vehicles, with certain exceptions, shall not be operated with an accumulation of snow or ice on the surface thereof

S.5287D – Squadron: Prohibits idling by heavy-duty vehicles

S.5426 – Aubertine: Authorizes county highway superintendents to rent road machinery from any city, town or village

S.5467A – Griffo: Designates a portion of the state highway system in the village of Holland Patent as the "Marine Lance Cpl. Blaise Oleski Memorial Highway"

S.5567A – Dilan: Enacts Clarente's Law, imposing a mandatory surcharge and crime victim assistance fee for a moving violation occurring within a school traffic safety and speed zone

S.5593A – Aubertine: Allows fire vehicles to display a combination of red, white and/or blue lights for rear projection only

S.5643 – Dilan: Provides that unlawful solicitation of ground transportation at an airport shall be a class B misdemeanor

2010:

S.46B – Fuschillo: Relates to testing blood

S.293 – Little: Provides that the town board of certain towns may establish maximum speed limits on certain town highways

S.396A – Breslin: Authorizes the city of Albany to provide for a residential parking permit system

S.402 – Breslin: Requires handicapped parking permits be written in indelible ink or some other form of permanent marking to prevent tampering

S.495 – Lanza: Provides that no additional penalty or alternate additional penalty shall accrue on parking violations after the date of payment

S.674 – Larkin: Designates State Route 218, in the county of Orange, as the "General David H. Petraeus Highway"

S.910 – Kruger: Provides additional flexibility in establishment of school speed zone along highway

S.1089 – Perkins: Relates to providing free fare on Metropolitan Transportation Authority transit systems

S.1150A – Larkin: Grants each of the representatives of the counties of Dutchess, Putnam, Orange and Rockland a vote during the proceedings of the Metropolitan Transportation Authority

S.1156B – Thompson: Authorizes the city of Buffalo to adjudicate traffic infractions similar to cities having a population of less than two hundred thousand

S.1169B – Dilan: Provides that no person sixteen years of age or over shall be a passenger in the back seat of a motor vehicle unless such person is restrained by a safety belt

S.1204 – Thompson: Directs the New York State Thruway Authority to discontinue the collection of tolls at the Grand Island bridges in the Niagara section of the thruway

S.1213A – Thompson: Relates to the designation of representatives, one upon recommendation of the mayor of Buffalo and one by the Buffalo common council, to the Niagara Frontier Transportation Authority

S.1244 – Thompson: Relates to the comprehensive school bus driver safety training program

S.1298 – Dilan: Provides that ownership of an unidentifiable part in an identifiable motorcycle, other than a stolen motorcycle, shall be returned to owner after investigation

S.1372A – Stavisky: Establishes the crime of operating a vehicle while fatigued

S.1386B – Duane: Establishes metropolitan transportation authority disabled riders' council

S.1387 – Duane: Requires the city of New York or county within the district to make maintenance of escalators, elevators and other facilities in passenger stations a priority

S.1547A – Stavisky: Requires police accident reports to indicate whether a mobile phone was in use at the time of such vehicle accident

S.1625 – Griffo: Authorizes a governmental agency or municipality to designate a highway or portion of highway as open for travel by an ATV

S.1638 – Valesky: Provides for an increase in penalties for obstruction of driver's view or operator's view in a vessel if injury or death results

S.1807C – Johnson, O.: Prohibits operation of any motor vehicle equipped with device which affects the operation of traffic-control signals

S.1865A – Klein: Allows residents in the village of Pelham, county of Westchester, to park in their driveways overhanging the sidewalk during certain hours

S.1866 – Klein: Relates to the description of the bounded area for which the residential parking permit system in the village of Tuckahoe, county of Westchester, may be established

S.1960 – Stachowski: Requires drivers to use four-way flashers when traveling at speeds equal to or slower than fifteen miles per hour below the posted maximum speed limit

S.2238A – Alesi: Prohibits a person from operating a motor vehicle with children under the age of 8 in the front seat in most cases

S.2933 – Duane: Caps fares for paratransit transportation

S.3007 – Lanza: Establishes Michelle and Jordan's law and relates to the penalties for participating in an unlawful speed contest or race

S.3074A – Valesky: Relates to the thruway authority installing local attraction videos at service areas along the thruway system

S.3119C – Huntley: Prohibits disruption of a funeral procession by making it illegal for a driver of a motor vehicle to force his/her way into the line of said procession

S.3209 – Maziarz: Prohibits state officers and employees from using the thruway system without paying tolls during non-working hours

S.3327 – Dilan: Imposes a penalty for displaying illegal plates on a motor vehicle that was seized by the sheriff or marshal of the city of New York

S.3328 – Dilan: Increases the registration filing fee

S.3417 – Young: Permits two or more contiguous towns to jointly purchase highway equipment

S.3622 – Dilan: Authorizes the canal corporation to abandon canal terminal lands in the Syracuse inner harbor

S.3625 – Dilan: Retention of motor vehicle records

S.3627 – Dilan: Establishes a hardship privilege for those with a suspended license where there is a necessary operation of a vehicle during the course of the licensee's employment

S.3772A – Dilan: Creates the New York City Transit Authority safety advisory panel to study and report on safety from terrorist acts

S.4014 – Morahan: Defines the term electric assisted bicycle

S.4128 – LaValle: Prohibits any person from interfering with any official traffic control device or railroad sign or signal

S.4166 – Flanagan: Relates to driver safety courses

S.4181 – Flanagan: Increases limitation on certain highway expenses in the town of Brookhaven, Suffolk county

S.4277 – Aubertine: Relates to the definition of all terrain vehicle or "ATV"

S.4380 – Dilan: Relates to the ownership status of transit facilities

S.4478B – Dilan: Defines offenses of trespasses on and damage to railroad property

S.4479A – Dilan: Provides health insurance coverage upon retirement for certain officers and employees of the New York City Transit Authority

S.4480C – Dilan: Relates to the membership composition of the metropolitan transportation authority board

S.4647B – Stachowski: Enacts the "Ambrose-Searles move over act"

S.4777 – Fuschillo: Defines the terms "impaired" and "intoxication" for the purposes of the vehicle and traffic law

S.4810 – Perkins: Eliminates the MTA's exemption from environmental quality review standards established by article 8 of the environmental conservation law

S.4837 – Aubertine: Permits small seasonal farmers to place signs on state highways

S.4903 – Klein: Relates to non-divisible load permits

S.4909E – Foley: Establishes a mandatory surcharge for traffic offenses and infractions in Suffolk and Nassau counties

S.4918A – Thompson: Requires two representatives be appointed upon the recommendation of the mayor of Niagara Falls and one by the Niagara Falls Common Council, to the Niagara Frontier

S.5010A – Perkins: Requires the MTA to submit annual reports on attacks, injuries, or deaths reported to or otherwise known to it in connection with its facilities and premises

S.5141A – Fuschillo: Relates to sanctions for driving while ability impaired while holding a conditional license

S.5174 – Dilan: Relates to emergency rule with respect to the removal of vehicles from public streets and highways

S.5175B – Dilan: Relates to the presence of official full or partial lane markings on roadway

S.5226A – Dilan: Provides that motor vehicles, with certain exceptions, shall not be operated with an accumulation of snow or ice on the surface thereof

S.5227A – Dilan: Relates to the payment of restitution by registered and unregistered repair shops

S.5280A – Squadron: Relates to the operation of traffic-control signal photo violation-monitoring devices

S.5287D – Squadron: Prohibits idling by heavy-duty vehicles

S.5292C – Squadron: Relates to the requirement of exercising due care in the operation of a motor vehicle to avoid colliding with any bicyclist, pedestrian or domestic animal

S.5375A – Klein: Provides for weight and dimension limitations for certain vehicles operated in a city not wholly included within a county

S.5426 – Aubertine: Authorizes county highway superintendents to rent road machinery from any city, town or village

S.5567A – Dilan: Enacts Clarente's Law, imposing a mandatory surcharge and crime victim assistance fee for a moving violation occurring within a school traffic safety and speed zone

S.5593A – Aubertine: Allows fire vehicles to display a combination of red, white and/or blue lights for rear projection only

S.5634 – Savino: Removes restrictions on designation of officers or employees of subsidiary corporations of the MTA as public officers or public employees

S.5692 – Flanagan: Relates to the limitation on highway expenses in the town of Smithtown

S.5711B – Dilan: Enables safe access to public roads for all users

S.5722A – Valesky: Excludes idling reduction devices from the calculation of the weight of certain vehicles

S.5977 – Stavisky: Relates to requiring evening court hours for the adjudication of parking violations

S.6120 – Dilan: Requires access aisles of handicapped parking spaces to be marked with a sign and diagonal stripes

S.6237A – Aubertine: Designating a portion of State Highway 812 in Ogdensburg as "Trooper Shawn W. Snow Street"

S.6277A – Stachowski: Designates a portion of the state highway system as the "National Veterans Highway"

S.6459A – Foley: Designates a certain portion of the state highway system to be the "Cpl. Paulo Marko Pacificador Memorial Bridge"

S.6460 – Addabbo: Increases the penalties for driving with a suspended or revoked license

S.6466A – Oppenheimer: Authorizes approval of certain transportation contracts of the Port Chester-Rye union free school district

S.6476 – Dilan: Requires the driver of a vehicle involved in an accident involving no personal injury or death to move the vehicle to a safe location

S.6620 – Stewart-Cousins: Establishes a three foot buffer zone between a motor vehicle passing a bicyclist proceeding in the same direction on a highway

S.6671A – Maziarz: Relates to an exchange of ownership and maintenance responsibility between the village of Medina and the state of New York regarding roads in such village

S.6718A – Valesky: Authorizes the village of Fair Haven to reduce the speed limit on Westside Drive

S.6748 – Stachowski: Designates a portion of the highway system as the Highway of Fallen Heroes

S.6758A – Aubertine: Authorizes commissioner of transportation to exempt certain signs from highway law

S.6789 – Valesky: Requires the suspension of a driver's license for an accident caused by the failure to yield the right of way and such failure results in the death of a person

S.6818 – Foley: Increases penalties for violation of overtaking and passing a school bus and creates the crime of vehicular homicide in the third degree

S.6826 – Seward: Authorizes a school district's website to be printed on school buses

S.6992 – Dilan: Relates to driving while using a portable electronic device

S.7005A – Addabbo: Requires a sticker or label to be affixed to any tire identifying the creation date of any tire

S.7024 – Adams: Permits the proration of vehicle registration fees for stolen vehicles

S.7177 – Dilan: Relates to restricting access of commercial vehicles

S.7181B – Aubertine: Relates to the maintenance, improvement and repair of certain town highways

S.7191 – Dilan: Requires contract carriers of passengers by motor vehicle to provide federal SafeStat results to potential customers

S.7198B – Valesky: Designates a portion of the state highway system as the "Harriet Tubman Memorial Highway"

S.7223 – Dilan: Relates to the membership of the Stewart Airport Commission

S.7285 – Aubertine: Authorizes certain businesses to issue registration certificates and to assign registration numbers to snowmobiles

S.7381 – Parker: Provides that the thruway authority may award contracts under one hundred thousand dollars to minority and women owned businesses without competitive bidding

S.7385 – Larkin: Requires motorcycles to be operated on public highways with both wheels on the ground at all times

S.7438 – Dilan: Relates to the temporary suspension of a repair shop registration or license and the jurisdiction of repair shop appeals; repealer

S.7439 – Dilan: Relates to the minimum hours of supervised driving requirement for licensing

S.7458 – Foley: Requires the MTA to hold hearings in each county that is allocated a voting member of the MTA before proposed changes in services or fares can take effect

S.7485A – Dilan: Relates to the suspension of driving privileges

S.7486 – Dilan: Relates to the certifications of disability for severely disabled persons to obtain certain motor vehicle registrations, plates and permits

S.7615 – Dilan: Clarifies the purposes for which a revocable permit may be issued

S.7617 – Dilan: Provides that employees of the canal corporation are employees of the canal corporation, the state of New York and the thruway authority for purposes of the workers' compensation law

S.7700C – Libous: Designates a portion of the state highway system in the county of Broome, as the "Officer Aldo Rossi Junior Memorial Highway"

S.7701 – Foley: Authorizes and directs the department of transportation to prepare a report on noise abatement procedures at certain heliports and airports in the county of Suffolk

S.7715A – Serrano: Directs the New York State Bridge Authority to acquire and maintain the walkway over the Hudson Bridge

S.7726 – Foley: Makes the owner of a vehicle used to pass or overtake a stopped school bus jointly liable with the operator thereof when violation is on camera or observed

S.7727A – Sampson: Establishes the "New York State Organ Donor Awareness and Education Act"

S.7734 – Dilan: Authorizes the lease of lands adjacent to state, public authority and local highways for operation of wind or solar electric generating systems

S.7735 – Dilan: Establishes in New York City, a bus rapid transit and bus mobility demonstration program to enforce certain restrictions

S.7831A – Addabbo: Establishes the "Vehicle Lienholder Accountability Act"

S.7885A – Dilan: Requires actual consent to participation in franchise programs

S.7935 – Aubertine: Designates a certain portion of State Route 12 the "PFC Jack T. Sweet" highway

S.7951 – Dilan: Relates to the distribution of certain mandatory surcharges imposed for alcohol-related traffic convictions

**Bills discharged from the Transportation Committee
and/or directly moved through
the Rules Committee**

2009:

- S.3624 – Dilan:** Grants the New York State Bridge Authority the power to issue bonds and notes
- S.4392A – Stewart-Cousins:** Authorizes the city of Yonkers to establish a residential parking system in the Yonkers Raceway/Empire City area
- S.4911 – Bonacic:** Relates to the course of the Shawangunk Mountains Scenic Byway, which is part of the New York State Scenic Byways System
- S.5451 – Dilan:** Relates to implementing various supplemental fees and taxes for the metropolitan commuter transportation district; repealer
- S.6018 – RULES:** Establishes a mandatory surcharge for traffic offenses and infractions in Suffolk and Nassau counties
- S.66008 – Dilan:** Relates to operating a motor vehicle while under the influence of alcohol or drugs with a child passenger

2010:

- S.2057 – Dilan:** Requires convex mirrors on certain trucks, tractors and tractor-trailers or semitrailers
- S.2400A – Nozzolio:** Expands the “Lake Ontario Wine Trail”
- S.5388A – Squadron:** Relates to the conduct of public hearings by the metropolitan transportation authority
- S.5743B – Nozzolio:** Designates a portion of the state highway system to be known as the "Sampson Veterans Memorial highway"
- S.5987B – Sampson:** Creates the Metropolitan Transit Authority Small Business Mentoring Program; repealer
- S.6705A – Marcellino:** Designates a portion of the state highway system as the "Charles Varese Memorial Highway"
- S.7115A – Young:** Designates a bridge on Interstate Route 86, over Falconer - Kimball Road in the town of Ellicott as the "Roger Tory Peterson Memorial Bridge"
- S.7591C – Addabbo:** Relates to contracts for the transportation of putrescible and non-putrescible waste by rail
- S.7897 – Stewart-Cousins:** Relates to vehicles passing bicycles
- S.7947A – Seward:** Designates the "Trooper David J. Lane Memorial Highway" in Greene County
- S.8052 – McDonald:** Designates a portion of Route 7 in Troy, county of Rensselaer as the "Korean War Veterans Memorial Highway"
- S.8215 – RULES:** Relates to designating a portion of the state highway system in the town of Shelter Island as the "Lt. Joseph J. Theinert Memorial Way"
- S.8370 – RULES:** Extends certain provisions regarding the payment of fees and other charges by credit card

Transportation Bills that Passed the Senate

2009:

S.27B – Fuschillo: Creates the mandatory ignition interlock program; repealer

S.414B – Breslin: Requires that instruction in the laws relating to handicapped parking be included in the pre-licensing driver's course

S.1181 – Oppenheimer: Allows the town board of the Town of Mamaroneck to adopt a local law or ordinance providing for a residential parking permit system

S.1213A – Thompson: Relates to the designation of representatives, one upon recommendation of the mayor of Buffalo and one by the Buffalo Common Council, to the Niagara Frontier Transportation Authority

S.1547A – Stavisky: Requires police accident reports to indicate whether a mobile phone was in use at the time of such vehicle accident

S.1624C – Foley: Allows a person to operate a fire truck without possessing a commercial drivers license

S.1865A – Klein: Allows residents in the village of Pelham, county of Westchester, to park in their driveways overhanging the sidewalk during certain hours

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S.2250 – Dilan: Requires bicycles to be equipped with a red or amber reflector for night use

S.2830 – Valesky: Relates to the method of abandonment for the purposes of the canal system

S.3619A – Dilan: Relates to the graduated licensing program; repeals section 503-a of the vehicle and traffic law

S.3623A – Dilan: Relates to requiring children under the age of 8 to be restrained by a child restraint system in a motor vehicle

S.3624 – Dilan: Grants the New York State Bridge Authority the power to issue bonds and notes

S.3625 – Dilan: Retention of motor vehicle records

S.3745 – Stewart-Cousins: Relates to owners liability for failure of operator to comply with traffic control indications

S.3746 – Thompson: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Rochester

S.3747 – Thompson: Authorizes city of Buffalo to establish a demonstration program imposing monetary liability on vehicle owners who fail to comply with traffic control indicators

S.3748 – Foley: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Suffolk county

S.3749 – Johnson, C.: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Nassau County

S.3750 – Dilan: Relates to certain traffic-control indications in the city of New York

S.3812A – Valesky: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Syracuse

S.4201A – Nozzolio: Designates a portion of State Route 38 as the New York State Vietnam Veterans' Memorial Highway of Valor
S.4241 – Griffo: Designates the bridge crossing the Erie Canal on State Route 291 as the Army Captain George A. Wood Memorial Bridge
S.4392A – Stewart-Cousins: Authorizes the city of Yonkers to establish a residential parking system in the Yonkers Raceway/Empire City area
S.4903 – Klein: Relates to non-divisible load permits
S.4911 – Bonacic: Relates to the course of the Shawangunk Mountains Scenic Byway, which is part of the New York State Scenic Byways System
S.5174 – Dilan: Relates to emergency rule with respect to the removal of vehicles from public streets and highways
S.5451 – Dilan: Relates to implementing various supplemental fees and taxes for the metropolitan commuter transportation district; repealer
S.5467A – Griffo: Designates a portion of the state highway system in the village of Holland Patent as the "Marine Lance Cpl. Blaise Oleski Memorial Highway"
S.5643 – Dilan: Provides that unlawful solicitation of ground transportation at an airport shall be a class B misdemeanor
S.6018 – RULES: Establishes a mandatory surcharge for traffic offenses and infractions in Suffolk and Nassau counties

2010:

S.46B – Fuschillo: Relates to testing blood
S.396A – Breslin: Authorizes the city of Albany to provide for a residential parking permit system
S.674 – Larkin: Designates State Route 218, in the county of Orange, as the "General David H. Petraeus Highway"
S.1156B – Thompson: Authorizes the city of Buffalo to adjudicate traffic infractions similar to cities having a population of less than two hundred thousand
S.1866 – Klein: Relates to the description of the bounded area for which the residential parking permit system in the village of Tuckahoe, county of Westchester, may be established
S.2933 – Duane: Caps fares for paratransit transportation
S.3119C – Huntley: Prohibits disruption of a funeral procession by making it illegal for a driver of a motor vehicle to force his/her way into the line of said procession
S.3417 – Young: Permits two or more contiguous towns to jointly purchase highway equipment
S.3625 – Dilan: Retention of motor vehicle records
S.3772A – Dilan: Creates the New York City Transit Authority safety advisory panel to study and report on safety from terrorist acts
S.4181 – Flanagan: Increases limitation on certain highway expenses in the town of Brookhaven, Suffolk county
S.4277 – Aubertine: Relates to the definition of all terrain vehicle or "ATV"
S.4478B – Dilan: Defines offenses of trespasses on and damage to railroad property
S.4480C – Dilan: Relates to the membership composition of the metropolitan transportation authority board
S.4647B – Stachowski: Enacts the "Ambrose-Searles Move Over Act"
S.4837 – Aubertine: Permits small seasonal farmers to place signs on state highways

S.4903 – Klein: Relates to non-divisible load permits

S.5174 – Dilan: Relates to emergency rule with respect to the removal of vehicles from public streets and highways

S.5175B – Dilan: Relates to the presence of official full or partial lane markings on roadway

S.5287D – Squadron: Prohibits idling by heavy-duty vehicles

S.5292C – Squadron: Relates to the requirement of exercising due care in the operation of a motor vehicle to avoid colliding with any bicyclist, pedestrian or domestic animal

S.5388A – Squadron: Relates to the conduct of public hearings by the metropolitan transportation authority

S.5426 – Aubertine: Authorizes county highway superintendents to rent road machinery from any city, town or village

S.5593A – Aubertine: Allows fire vehicles to display a combination of red, white and/or blue lights for rear projection only

S.5634 – Savino: Removes restrictions on designation of officers or employees of subsidiary corporations of the MTA as public officers or public employees

S.5692 – Flanagan: Relates to the limitation on highway expenses in the town of Smithtown

S.5711B – Dilan: Enables safe access to public roads for all users

S.5722A – Valesky: Excludes idling reduction devices from the calculation of the weight of certain vehicles

S.5743B – Nozzolio: Designates a portion of the state highway system to be known as the "Sampson Veterans Memorial highway"

S.5874 – McDonald: Designates a portion of highway as the "Saratoga County Veterans' Memorial Highway"

S.5977 – Stavisky: Relates to requiring evening court hours for the adjudication of parking violations

S.5987B – Sampson: Creates the Metropolitan Transit Authority Small Business Mentoring Program; repealer

S.6120 – Dilan: Requires access aisles of handicapped parking spaces to be marked with a sign and diagonal stripes

S.6237A – Aubertine: Designating a portion of State Highway 812 in Ogdensburg as "Trooper Shawn W. Snow Street"

S.6277A – Stachowski: Designates a portion of the state highway system as the "National Veterans Highway"

S.6459A – Foley: Designates a certain portion of the state highway system to be the "Cpl. Paulo Marko Pacificador Memorial Bridge"

S.6466A – Oppenheimer: Authorizes approval of certain transportation contracts of the Port Chester-Rye Union Free School District

S.6476 – Dilan: Requires the driver of a vehicle involved in an accident involving no personal injury or death to move the vehicle to a safe location

S.6671A – Maziarz: Relates to an exchange of ownership and maintenance responsibility between the village of Medina and the state of New York regarding roads in such village

S.6718A – Valesky: Authorizes the village of Fair Haven to reduce the speed limit on Westside Drive

S.6748 – Stachowski: Designates a portion of the highway system as the Highway of Fallen Heroes

S.6758A – Aubertine: Authorizes commissioner of transportation to exempt certain signs from highway law

S.6826 – Seward: Authorizes school district's website to be printed on school buses

S.7115A – Young: Designates a bridge on interstate route 86 over Falconer - Kimball Road in the town of Ellicott as the "Roger Tory Peterson Memorial Bridge"

S.7181B – Aubertine: Relates to the maintenance, improvement and repair of certain town highways

S.7191 – Dilan: Requires contract carriers of passengers by motor vehicle to provide federal SafeStat results to potential customers

S.7198B – Valesky: Designates a portion of the state highway system as the "Harriet Tubman Memorial Highway"

S.7438 - Dilan: Relates to the temporary suspension of a repair shop registration or license and the jurisdiction of repair shop appeals; repealer

S.7439 – Dilan: Relates to the minimum hours of supervised driving requirement for licensing

S.7458 – Foley: Requires the MTA to hold hearings in each county that is allocated a voting member of the MTA before proposed changes in services or fares can take effect

S.7485A – Dilan: Relates to the suspension of driving privileges

S.7615 – Dilan: Clarifies the purposes for which a revocable permit may be issued

S.7617 – Dilan: Provides that employees of the canal corporation are employees of the canal corporation, the state of New York and the thruway authority for purposes of the workers' compensation law

S.7700C – Libous: Designates a portion of the state highway system in the county of Broome, as the "Officer Aldo Rossi Junior Memorial Highway"

S.7701 – Foley: Authorizes and directs the department of transportation to prepare a report on noise abatement procedures at certain heliports and airports in the county of Suffolk

S.7715A – Serrano: Directs the New York State Bridge Authority to acquire and maintain the walkway over the Hudson Bridge

S.7734 – Dilan: Authorizes the lease of lands adjacent to state, public authority and local highways for operation of wind or solar electric generating systems

S.7885A – Dilan: Requires actual consent to participation in franchise programs

S.7897 – Stewart-Cousins: Relates to vehicles passing bicycles

S.7947A – Seward: Designates the "Trooper David J. Lane Memorial Highway" in Greene County

S.7951 – Dilan: Relates to the distribution of certain mandatory surcharges imposed for alcohol-related traffic convictions

S.8052 – McDonald: Designates a portion of Route 7 in Troy, county of Rensselaer as the "Korean War Veterans Memorial Highway"

Transportation bills signed into law

2009:

Ch. 16 / S.2250 – Dilan: Requires bicycles to be equipped with a red or amber reflector for night use

Ch. 18 / S.3750 – Dilan: Relates to certain traffic-control indications in the city of New York

Ch. 19 / S.3749 – Johnson, C.: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Nassau County

Ch. 20 / S.3745 – Stewart-Cousins: Relates to owners liability for failure of operator to comply with traffic control indications

Ch. 21 / S.3747 – Thompson: Authorizes city of Buffalo to establish a demonstration program imposing monetary liability on vehicle owners who fail to comply with traffic control indicators

Ch. 22 / S.3746 – Thompson: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Rochester

Ch. 23 / S.3748 – Foley: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Suffolk County

Ch. 25 / S.5451 – Dilan: Relates to implementing various supplemental fees and taxes for the metropolitan commuter transportation district; repealer

Ch. 36 / S.1624C – Foley: Allows a person to operate a fire truck without possessing a commercial drivers license

Ch. 44 / S.2830 – Valesky: Relates to the method of abandonment for the purposes of the canal system

Ch. 170 / S.3624 – Dilan: Grants the New York State Bridge Authority the power to issue bonds and notes

Ch. 245 / S.1181 – Oppenheimer: Allows the town board of the town of Mamaroneck to adopt a local law or ordinance providing for a residential parking permit system

Ch. 308 / S.4392A – Stewart-Cousins: Authorizes the city of Yonkers to establish a residential parking system in the Yonkers Raceway/Empire City area

Ch. 323 / S.4201A – Nozzolio: Designates a portion of State Route 38 as the New York State Vietnam Veterans' Memorial Highway of Valor

Ch. 324 / S.4241 – Griffo: Designates the bridge crossing the Erie Canal on State Route 291 as the Army Captain George A. Wood Memorial Bridge

Ch. 333 / S.5467A – Griffo: Designates a portion of the state highway system in the village of Holland Patent as the "Marine Lance Cpl. Blaise Oleski Memorial Highway"

Ch. 383 / S.3812A – Valesky: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Syracuse

Ch. 394 / S.4911 – Bonacic: Relates to the course of the Shawangunk Mountains Scenic Byway, which is part of the New York State Scenic Byways System

Ch. 403 / S.3619A – Dilan: Relates to the graduated licensing program; repeals section 503-a of the vehicle and traffic law

Ch. 405 / S.3623A – Dilan: Relates to requiring children under the age of 8 to be restrained by a child restraint system in a motor vehicle

Ch. 481 / S.5643 – Dilan: Provides that unlawful solicitation of ground transportation at an airport shall be a class B misdemeanor

Ch. 496 / S.66008 – Dilan: Relates to operating a motor vehicle while under the influence of alcohol or drugs with a child passenger

2010:

Ch. 2 / S.4480C – Dilan: Relates to the membership composition of the metropolitan transportation authority board

Ch. 169 / S.46B – Fuschillo: Relates to testing blood

Ch. 206 / S.5987B – Sampson: Creates the Metropolitan Transit Authority Small Business mentoring program; repealer

Ch. 207 / S.6120 – Dilan: Requires access aisles of handicapped parking spaces to be marked with a sign and diagonal stripes

Ch. 215 / S.7439 – Dilan: Relates to the minimum hours of supervised driving requirement for licensing

Ch. 219 / S.7715A – Serrano: Directs the New York State Bridge Authority to acquire and maintain the walkway over the Hudson Bridge

Ch. 233 / S.2400A – Nozzolio: Expands the “Lake Ontario Wine Trail”

Ch. 251 / S.6277A – Stachowski: Designates a portion of the state highway system as the "National Veterans Highway"

Ch. 263 / S.7115A – Young: Designates a bridge on Interstate Route 86, over Falconer - Kimball Road in the town of Ellicott as the "Roger Tory Peterson Memorial Bridge"

Ch. 268 / S.8370 – RULES: Extends certain provisions regarding the payment of fees and other charges by credit card

Ch. 285 / S.5743B – Nozzolio: Designates a portion of the state highway system to be known as the "Sampson Veterans Memorial Highway"

Ch. 290 / S.6459A – Foley: Designates a certain portion of the state highway system to be the "Cpl. Paulo Marko Pacificador Memorial Bridge"

Ch. 295 / S.7198B – Valesky: Designates a portion of the state highway system as the "Harriet Tubman Memorial Highway"

Ch. 300 / S.7700C – Libous: Designates a portion of the state highway system in the county of Broome, as the "Officer Aldo Rossi Junior Memorial Highway"

Ch. 304 / S.7947A – Seward: Designates the "Trooper David J. Lane Memorial Highway" in Greene County

Ch. 307 / S.8215 – RULES: Relates to designating a portion of the state highway system in the town of Shelter Island as the "Lt. Joseph J. Theinert Memorial Way"

Ch. 333 / S.5292C – Squadron: Relates to the requirement of exercising due care in the operation of a motor vehicle to avoid colliding with any bicyclist, pedestrian or domestic animal

Ch. 387 / S.4647B – Stachowski: Enacts the "Ambrose-Searles Move Over Act"

Ch. 397 / S.6237A – Aubertine: Designating a portion of State Highway 812 in Ogdensburg as "Trooper Shawn W. Snow Street"

Ch. 402 / S.6671A – Maziarz: Relates to an exchange of ownership and maintenance responsibility between the village of Medina and the state of New York regarding roads in such village

Ch. 409 / S.7485A – Dilan: Relates to the suspension of driving privileges

Ch. 413 / S.7897 – Stewart-Cousins: Relates to vehicles passing bicycles

Ch. 434 / S.5722A – Valesky: Excludes idling reduction devices from the calculation of the weight of certain vehicles

Ch. 454 / S.396A – Breslin: Authorizes the city of Albany to provide for a residential parking permit system

Ch. 465 / S.5593A – Aubertine: Allows fire vehicles to display a combination of red, white and/or blue lights for rear projection only

Ch. 538 / S.5634 – Savino: Removes restrictions on designation of officers or employees of subsidiary corporations of the MTA as public officers or public employees

Transportation Bills Vetoed

2009:

None.

2010:

S.5388A – Squadron: Relates to the conduct of public hearings by the metropolitan transportation authority – **Veto Message 6809**

S.6466A – Oppenheimer: Authorizes approval of certain transportation contracts of the Port Chester-Rye Union Free School District – **Veto Message 6792**

S.7701 – Foley: Authorizes and directs the department of transportation to prepare a report on noise abatement procedures at certain heliports and airports in the county of Suffolk – **Veto Message 6753**

S.7458 – Foley: Requires the MTA to hold hearings in each county that is allocated a voting member of the MTA before proposed changes in services or fares can take effect – **Veto Message 6809**

**Nominations moved through Transportation
and confirmed by the New York
State Senate**

2009:

Capital District Transportation Authority

Lynch, Georgeanna – Member, Confirmed: 5/12/2009

Central New York Regional Transportation Authority

Davis, Mary O. – Member, Confirmed: 5/12/2009

Hawthorne, David H. – Member, Confirmed: 5/12/2009

Metropolitan Transportation Authority

Greenberg, Esq., Ira – Non-voting Member, Confirmed: 6/3/2009

Walder, Jay H. – Chairman and Chief Executive Officer, Confirmed: 9/10/2009

New York State Bridge Authority:

Lashua, Carl Vane – Member, Confirmed: 5/12/2009

Ramaglia, Joseph – Member, Confirmed: 5/12/2009

Vecellio, Francis N. – Member, Confirmed: 5/12/2009

New York State Thruway Authority

Simberg, Richard – Member, Confirmed: 6/3/2009

Niagara Frontier Transportation Authority

Croce, Mark D. – Member, Confirmed: 5/12/2009

Ogdensburg Bridge & Port Authority

Barlow, Stephen J. – Member, Confirmed: 6/3/2009

Breen, Ramona A. – Member, Confirmed: 5/12/2009

Port of Oswego Authority

Torba, Kathryn E. – Member, Confirmed: 5/12/2009

Rochester-Genesee Regional Transportation Authority

Falzone, Francis J. – Member, Confirmed: 5/12/2009

Jones, Barbara J. – Member, Confirmed: 5/12/2009

Stewart Airport Commission

Decker, Jon P. – Member, Confirmed: 6/3/2009

2010:

Capital District Transportation Authority

Ballout, Lisa A. – Member, Confirmed: 2/23/2010

Gerling, Mark G. – Non-Voting Union Member, Confirmed: 1/26/2010

Central New York Regional Transportation Authority

Cuculich, Robert F. – Member, Confirmed: 2/23/2010

Williams, Louella – Member, Confirmed: 1/26/2010

Metropolitan Transportation Authority

Cappelli, Esq., Allen P. – Member, Confirmed: 3/16/2010

Foye, Patrick J. – Member, Confirmed: 5/25/2010

Moerdler, Charles G. – Member, Confirmed: 12/7/2010

New York State Bridge Authority:

Higgins, Roger P. – Member, Confirmed: 3/02/2010

New York State Thruway Authority

Holguin-Veras, Jose – Member, Confirmed: 5/18/2010

Rice, Jr., James Donald – Member, Confirmed: 5/18/2010

Ogdensburg Bridge & Port Authority

Hooper, Donald J. – Member, Confirmed: 6/03/2010

Port Authority of New York & New Jersey

Holmes III, H. Sidney – Commissioner, Confirmed 11/29/2010

Port of Oswego Authority

Brown, Gerald H. – Member, Confirmed: 4/13/2010

Schermerhorn, Walter David – Member, Confirmed 5/11/2010

Smith, John K. – Member, Confirmed 4/13/2010

Republic Airport Commission

Barbera, Stella M. – Member, Confirmed: 2/23/2010

Bodenmiller, Robert W. – Member, Confirmed: 4/13/2010

Rochester-Genesee Regional Transportation Authority

Adair, Scott M. – Member, Confirmed: 11/29/2010

Vitagliano Jr., Frank – Member, Confirmed: 3/02/2010

Stewart Airport Commission

DeVitt, F. Edward – Member, Confirmed: 6/03/2010

White, Christopher A. – Member, Confirmed: 3/02/2010

**Nominations moved through Senate Transportation
awaiting Senate Finance approval**

2010:

Central New York Regional Transportation Authority

Lattimore, Darlene DeRosa – Member

Metropolitan Transportation Authority

Bickford, Robert C. – Member

Frasca, Doreen M. – Member

Niagara Frontier Transportation Authority

Boniello, David G. – Member

Egan, James J. – Member

Granto, Carmen, A. – Member

Zemsky, Howard, A. – Chairman & Member

Ogdensburg Bridge & Port Authority

Hooper, Donald J. – Member

Port of Oswego Authority

Hoefler, Daniel – Member

Republic Airport Commission

Leeds, Michael – Member

Rochester-Genesee Regional Transportation Authority

Doyle Jr., John G. – Member

Stewart Airport Commission

Kinsella, Kathleen – Member

Significant Actions Taken by the New York State Transportation Committee

MTA Revenue Package and Reform

Ch. 25 / S.5451 – Dilan: Relates to implementing various supplemental fees and taxes for the metropolitan commuter transportation district; repealer

Passed Senate: May 6, 2009

Chaptered: May 7, 2009

In 2008 the committee recognized the need for action with regard to a looming Metropolitan Transportation Authority budget deficit of nearly \$2 billion. Recent events had exacerbated the issue: Congestion pricing failed to gain approval by the New York State Legislature and the MTA progressed with plans to drastically reduce service while increasing fares.

The need for affordable, reliable, accessible, and safe transit is critical to all New Yorkers, including the nearly 8 million riders per day within the MTA region. Likewise the pending “Draconian” cuts – as identified by media outlets, transportation advocates, and riders alike – those who work, live, and visit the 12-county MTA service region would have faced substantive hardships in everyday life.

As such, it became evident that the Legislature would have to provide a remedy for the MTA’s revenue shortfalls and to protect a critical social and economic interest to the State of New York. To this end, the committee hosted public hearings to vet the package of suggestions proposed by Lieutenant Governor Richard Ravitch. The hearings allowed all sides the opportunity to express their unique perspective and to put forth, as anticipated, differing solutions to the MTA’s budget deficit. Ultimately, these hearings provided a foundation as we worked with our counterparts in the Assembly and the Governor’s office to craft what became S.5451.

This legislation centered on two major goals. First and foremost, alleviating the budget deficit of the MTA and secondly, restructuring and reforming the organization to bring greater accountability and transparency to an authority wrought with historically poor management and little accountability.

In order to adequately provide for the MTA’s operating costs and current and future capital needs, it was necessary to implement a revenue package that could supplement the once adequate, but now poorly performing revenue streams. The enacted legislation directed new revenue, projected at \$2.9 billion in the first 2 years, and provided a schedule by which the MTA could modestly raise fares in the coming years.

This revenue, would be collected from a variety of users of transit modes within the MTA region. This concept of “shared burden” was a byproduct of the Ravitch proposal and from the idea that society as a whole benefits from the availability of mass transit although they may not regularly ride a train or a bus. Societal benefits include reduced impact upon the environment, including air quality, lowered reliance on limited fossil fuels and less congestion on city streets.

The package included revenue from five sources including: increases in fees on new licenses and vehicle registrations; a taxi surcharge of \$.50 per fare; a 5 percent fee imposed upon all rental cars; and the enactment of the Metropolitan Commuter Transportation Mobility Tax. Each of these fees apply only within the Metropolitan Commuter Transportation District, which includes the following twelve counties:

- Bronx
- Brooklyn
- Dutchess
- Nassau
- New York (Manhattan)
- Orange
- Putnam
- Queens
- Richmond (Staten Island)
- Rockland
- Suffolk
- Westchester

In order to achieve the goals of greater transparency and accountability in the MTA, S.5451 included several new provisions. First were significant changes in the structure of the authority’s governance, purporting the Chairman as the Chief Executive Officer and creating a MTA Office of Legislative and Community Input. This office is tasked with facilitating the flow of comments and concerns to both the Legislature and the MTA Citizens Advisory Committee.

Additionally, the legislation mandates the dissemination of a 5-year capital plan to the Capital Plan Review Board at the same time it is distributed to the board members. In relation to transparency, a well known area of contention and distrust between the MTA and the Legislature, S.5451 requires accounting to be based on Generally Accepted Accounting Principles. It also mandates public notice of the authority’s mission statement, and requires that the MTA provide annual assessments of internal controls and procedures, authority and subsidiary descriptions, employee numbers, organizational charts, charter and by-laws, the extent of MWBE in contracts and services, and any alterations of material changes or internal operations.

The committee worked to produce legislation that recognized the importance of mass transit in New York, by securing resources to close a \$2 billion deficit while mitigating severe service cuts and drastic fare increases. Concurrently, efforts were made and language was incorporated, to protect the substantive investment of taxpayers’ money to an entity that has proven to be deceptive, wasteful and ineffectual in the past.

Graduated License Restructuring and Driving While Operating a Portable Electronic Device ban

Ch. 403 / S.3619A – Dilan: Relates to the graduated licensing program; repeals section 503-a of the vehicle and traffic law

Passed Senate: July 16, 2009

Chaptered: August 26, 2009

The committee's greatest priority and responsibility is to advance legislation that will provide those who travel within New York the safest roads as possible. S.3619A, enacted in 2009, addresses general road and traffic safety with two differing but effective approaches.

First, the legislation targets the high incidence of traffic accidents involving the State's youngest drivers by instituting higher standards for those trying to earn a drivers license, and by establishing provisions for inexperienced drivers. These new standards were at the suggestion of the New York State Department of Motor Vehicles and were in response to eye-opening statistics relating to accident rates including:

- Junior drivers are twice as likely as adult drivers to be in a fatal crash.
- 16-year-old drivers have crash rates that are nearly three times greater than 17-year-old drivers.
- 16-year-old drivers have crash rates that are five times greater than 18-year-old drivers.

In response to these statistics, the legislation enacts the following provisions to mitigate a lack of driving experience, inadequate driving skills, inexperienced night driving and risk taking behavior respectively:

- Increases the number of required driving hours an applicant's parent or guardian must certify in writing from 20 to 50 hours.
- Requires that 15 of the practice driving hours be done after sunset.
- Limits the number of non-family passengers under the age of 21 from two to one for those operating a vehicle with a drivers permit or a junior license.

Each of these parameters is aimed at improving young people's driving abilities and concurrently making our roads safer for all users. By mandating increased practice hours before a young driver can earn his or her license and limiting distractions in the vehicle by reducing the number of non-family passengers, we hope to limit the common causes of accidents – inexperience and distraction.

Secondly, the committee wanted to address growing concern over distracted driving by prohibiting the use of portable electronic devices. Early on, New York State recognized the

dangers of talking on a phone while driving and continues to be conscientious of the newest technological innovations that pose a similar, if not a more profound risk, to those on the road.

As such, S.3619A restricts the use of portable electronic devices by the driver while the vehicle is in motion. This includes the use of cell phones, for texting; emailing, gaming, etc., and the interaction with other electronic devices: mp3 players, GPS devices, laptops, portable gaming devices, etc.

This measure will better prepare our State's newest drivers and educate drivers about and deter them from the unsafe action of using electronic devices while on the road – evidenced by a unanimous vote of support in the Assembly and overwhelming bipartisan support in the Senate. Experience and attentiveness will hopefully reduce the number of tragic accidents that occur throughout New York.

The Child Passenger Protection Act or “Leandra’s Law”

Ch. 496 / S.66008 – Dilan: Relates to operating a motor vehicle while under the influence of alcohol or drugs with a child passenger

Passed Senate: November 18, 2009

Chaptered: November 18, 2009

One of the most serious issues that falls within the purview of the New York State Senate Transportation Committee is the repugnant practice of driving under the influence of drugs or alcohol. Although New York has ardently established laws punishing those who recklessly choose to drive while under the influence and continually raises public awareness to the personal and social detriment of drunk driving, the problem and practice persists.

In 2009, according to New York State Department of Criminal Justice, there were a total of 5,616 felony and 45,400 misdemeanor adult arrests for DWI throughout New York.¹ Although the State’s law enforcement agencies continue to work diligently to apprehend all drunk drivers, and by doing so deter others from making a similar mistake, statistics show that further action should be taken.

Additionally, in the Summer and Fall of 2009, two tragic incidents focused the attention of the committee, the media, and the public to the need for action relating to those drivers who make the unconscionable decision to drive under the influence with children in the car.

On July 26, 2009, news of a tragic accident on the Taconic Parkway spread throughout the Hudson Valley Region and subsequently the State. The cause of the accident was unknown for some time as many questions remained unanswered, but the result of the accident was truly horrific. Eight people were killed when a minivan collided with another vehicle after entering and traveling the wrong direction on the 55 mph parkway.

The minivan, driven by a 36-year-old mother, carried her 2-year-old daughter, her 5-year-old son, and her three nieces – ages eight, seven, and five – on their way home from a Summer camping trip. After the collision the vehicle was thrown upon an embankment where it caught fire. Only the young boy survived. The other vehicle, unable to avoid the approaching minivan, carried three men who each tragically lost their life.

The cause of the accident was unknown until an autopsy was completed on the driver of the minivan. The mother of two, and the aunt of three was intoxicated. Examiners indicated a

¹ New York, Department of Criminal Justice, “Adult Arrests by County and Region: 2009” 1/27/2010, 12/10/10 <<http://criminaljustice.state.ny.us/crimnet/ojsa/stats.htm>>

blood-alcohol level content of .19 percent, more than three times the legal limit of .08 percent. Additionally, the autopsy revealed that the mother was also under the influence of marijuana.

Only a few short months later, another tragedy struck as 11-year-old Leandra Rosada lost her life while en route to a slumber party. The driver, mother to one of the other six young girls packed into a Mercury Sable, lost control of the vehicle on the Henry Hudson Parkway. It was later determined that she was driving under the influence of alcohol and was charged with vehicular manslaughter and drunken driving. In August of 2010, she plead guilty to manslaughter and was subsequently sentenced to serve 4 – 12 years in prison.

These two events, combined with a continuing prevalence of drunken driving, created further incentive for action by the committee and eventually the Legislature. In the Summer of 2009, meetings were held to discuss the provisions that would make up what has now become Leandra's Law.

The provisions of this legislation presented two strategies to mitigate the occurrences of similar senseless acts and incidences of driving under the influence of alcohol and/or drugs. Additionally, one could argue that the continued media attention of this legislation provided for a third resource in deterring those who would drive drunk.

In an effort to provide an ample deterrent to those who would drive while intoxicated with a passenger under the age of sixteen, the committee worked to craft legislation that could charge even first time offenders with serious offenses. For those reckless enough to place a child into a car after consuming alcohol is an unacceptable and condemnable offense. These young persons have little or no recourse against the decisions of those who are entrusted with their care.

The following are the new standards enacted under Leandra's law for those offenders charged with driving while intoxicated or under the influence of drugs with a child in the car:

- An offender driving while intoxicated (.08 or higher) with a child in the vehicle under the age of sixteen may be charged with aggravated driving while intoxicated – a class E Felony. This offense is punishable by probation, a fine from \$1,000 - \$5,000, jail up to 1 year and a state prison term of 1 – 4 years.
- An offender driving while intoxicated (.08 or higher) who causes serious physical injury to a child passenger under the age of sixteen may be charged with vehicular assault in the first degree – a Class D Felony. This offense is punishable by a fine, probation, jail up to 1 year and state prison term of 1 – 7 years.
- An offender driving recklessly while intoxicated (.08 or higher) who causes serious physical injury to a child passenger under the age of sixteen may be charged with aggravated vehicular assault – a Class C Felony. This offense is punishable by probation, jail up to 1 year, and state prison term of 1 – 15 years.
- An offender driving while intoxicated (.08 or higher) who causes the death of a child passenger under the age of sixteen may be charged with vehicular manslaughter in the first degree – a Class C Felony. This offense is punishable by probation, jail up to 1 year, and State prison term of 1 – 15 years.
- An offender driving recklessly while intoxicated (.08 or higher) who causes the death of a child passenger under the age of sixteen may be charged with aggravated vehicular

homicide – a Class B Felony. This offense is punishable by a State prison term of 1 – 25 years.

Each of these newly established offenses creates serious consequences for endangering a child passenger’s welfare and represents a reiteration of New York’s understanding of the vulnerability of our children. Each provision highlights our dedication and our continued efforts to foster responsible actions by the State’s more than 11,000,000 licensed drivers.²

It is important to note that the committee recognizes the severity of the punishment and that the implementation of this level of punishment may adversely affect the lives of those related to the offenders themselves. While determining what punishment will provide a substantial deterrent we recognize that the offender has proven a disregard for the welfare of the child or children and that protecting our State’s most vulnerable residents is paramount.

In addition to provisions establishing stricter punishments, the enactment of Leandra’s Law mandates that all drunk drivers install and maintain an ignition interlock device. Along with the mandatory imposition of interlock devices, provisions were established to criminalize attempts to tamper with the device or to assist in the circumvention of the device.

Interlock devices have proven successful at lowering the instances of repeat offenders when the ignition interlocks are installed in offenders’ vehicles. New York has become the tenth state to enact legislation requiring first time DWI offenders to install an interlock device. The committee believed it is important to mandate that all offenders install one of these devices as we look to protect the State’s communities. The idea that an individual who is arrested for a first offense of driving while intoxicated has never previously engaged in this practice is naïve. The installation of interlock devices for first time offenders is necessary as 78.4 percent of all offenses in 2009 were first time.³ It would be negligent to exclude that number of persons considering the effective nature of the devices.

To be clear, the incorporation of ignition interlock devices in New York’s efforts against drunk driving is not meant to achieve an abstention to the consumption of alcoholic beverages by offenders. Instead the primary purpose is to prevent drivers who have shown a disregard for their own and other’s welfare from repeating their mistakes over a substantial period of time. An interlock device serves as a daily reminder to the offender of the choices they made and the repercussions of those actions. Additionally, these devices may provide a realization to the offender that he/she may have a larger issue with alcohol.

The data recording aspect of the interlock device – including the number of BAC locked out starts – will provide qualitative examples that may be useful in a treatment setting. For example, an individual who has had an interlock for several months can be confronted with data from

² United States, Research and Innovative Technology Administration Bureau of Transportation Statistics, “Licensed Drivers: 2004.” 12/10/10
<http://www.bts.gov/publications/state_transportation_statistics/state_transportation_statistics_2005/html/table_04_02.html>

³ The Rockefeller College of Public Affairs & Policy, Institute for Traffic Safety Management and Research, “New York State Fact Sheet on DWI Recidivism.” November 2010, 12/13/10
<<http://www.itsmr.org/pdf/Fact%20Sheet%20Recidivism.pdf>>

his/her device, depicting patterns of their drinking. A treatment official can state that in a one week period the offender had 5 lockouts due to unacceptable BAC levels. The offender is forced to acknowledge this data and may begin to accept that alcohol is negatively impacting his/her life.

Leandra's Law also considered the financial burden of installation and maintenance for the interlock device. For each occurrence financial burden is to be borne by the offender unless the offender is determined to be indigent. Should this be the case, the device will be provided free of charge by the approved manufacturer. Furthermore, Senator Dilan introduced legislation in 2010, prior to the effective date of the interlock provisions, in hopes of alleviating the cost of monitoring this new program for New York State's counties. This legislation will be discussed later in the report.

The last important caveat of Leandra's Law is the provision that provides for the screening and assessment for alcohol or substance abuse and dependency upon a charge of aggravated driving while intoxicated with a child in the second and first degrees. The committee recognizes that one of the greatest preventative tools to repeat offenses is treatment.

The necessity of this legislation was reinforced soon after the child passenger provisions went into effect. The Child Passenger Protection provisions went into effect on December 18, 2009 and the very next day arrests were made and persons were charged under Leandra's Law. A report published by the Division of Criminal Justice Services notes that there have been 311 arrests under Leandra's Law as of July 10, 2010.⁴

The committee would like to recognize the hard work of all of those involved in the crafting and adoption of this law. Specifically, we would like to note our continued sympathies and respect to Mr. Lenny Rosado as a champion of his daughter's memory. Senator Charles J. Fuschillo must be recognized. As the ranking member of the Transportation Committee, Senator Fuschillo continually advocated for the enhanced DWI policy and his hard work for Leandra's Law is commendable. Additionally, thanks must be given to members of the Majority Counsel and Program Public Protection team. Both Ken Dow, Legislative Analyst and Alejandra Paulino, Team Counsel must be recognized for their tireless efforts with respect to this important legislation.

In the coming legislative session the committee will continue to monitor the progress of Leandra's Law, - as this too is a provision of Leandra's Law, focusing on the implementation of and the use of ignition interlock devices.

⁴ New York State, Division of Criminal Justice Services, "Child Passenger Protection Act/Ignition Provision Interlock Fact Sheet." 7/20/2010, 10/2010 < http://www.criminaljustice.state.ny.us/pio/press_releases/2010-7-20_pressrelease.html>

Complete Streets

S.5711B – Dilan: Enables safe access to public roads for all users

Passed Senate: June 17, 2010

Died in Assembly Ways and Means Committee

In keeping with the Chairman's goals of incorporating the concerns and needs of all users in the development of our State's infrastructure, Senator Dilan introduced legislation in 2009 to this end. The language of S.5711B amends the highway law with the goal of designing more complete streets that enable safe access for all users including: bicyclists, public transportation vehicles and passengers, motorists, and pedestrians of all ages and physical abilities.

This important legislation requires that bicycle and pedestrian access be included in the planning and development of state, county and local transportation facilities, plans and programs. All transportation improvements shall improve the safety, access and mobility for all travelers in New York and recognize the population and social trends relating to the multimodal usage of our roadways.

The concept and the potential implementation of complete streets legislation has also been discussed at the federal level. This represents a potential shift in policy as access to future federal aid may hinge upon complete streets requirements. Although this development has yet to be seen, as long-term federal transportation funding has been tabled in favor of short-term stop gaps and the nation faces a continued economic downturn, the committee believes that the safety of those who use our streets deserve substantive consideration in the formation of our communities moving forward. Furthermore, it is important that New York acts as a leader in safety, innovation and planning.

The recognition of the importance of this legislation and ultimately the necessity for action with regard to complete streets is evidenced by the strong support the legislation has received. The following organizations and groups have expressed their support in varied means throughout the legislative process.

- The American Cancer Society
- The American Heart Association
- AARP
- Balcony Business and Labor Coalition of New York
- Catholic Family Center
- Citizens Campaign for the Environment
- Clinton County Health Department
- Empire State Future
- International Brotherhood of Electrical Workers
- Jonathan Rose Companies
- Natural Resource Defense Council

- NeighborWorks
- New York Academy of Medicine
- New York Association on Independent Living
- New York Bicycle Coalition
- New York League of Conservation Voters
- New York State Public Health Association
- NYPIRG Straphangers Campaign
- NYSHEPA
- Parks & Trails New York
- Regional Plan Association
- Scenic Hudson, Inc.
- Transportation Alternatives
- Tri-State Transportation Campaign
- Vision Long Island

These organizations have played differing roles in the advancement of this legislation through the drafting and submission of memos of support, the dissemination of pertinent information and rallying of additional groups or individuals, and through attendance of press conferences and committee meetings.

During the advancement of the legislation some concerns were raised with relation to how the proposal may affect localities. The greatest concern centered on the cost to provide sufficient consideration to complete streets with limited resources – including capital, staff and access to engineers – and to what extent the policy would be required in some of the State’s rural communities. Specifically, the NYS Association of Counties and the New York State Association of Town Superintendents of Highways, Inc expressed their concerns, and early in the process, an opposition to the legislation.

This opposition was highlighted by discourse within the Transportation Committee meeting held on April 27, 2010. The legislation was before the committee and several members of the minority expressed and supported the concerns of the aforementioned groups. The Chairman and committee staff contended that there was in fact ample leeway incorporated into the language of the bill to mitigate undue burden on smaller or rural communities and provide a process to avoid additional costs associated with complete streets provisions.

The Chairman expressed his willingness to work with all interested parties and stated that he intended to meet with those opposed to the legislation to produce collectively amenable legislation before action would be taken on the Senate floor. Ultimately, the votes of some of the committee members reflected the concerns of the groups as the legislation was reported from the committee with 12 AYE votes; (Addabbo, Aubertine, Diaz, Dilan, Foley, Fuschillo, Lanza, Perkins, Savino, Stavisky, Squadron, Valesky), five AWR votes; (Johnson, O., Larkin, Libous, Nozzolio, and Robach), and two NAY votes; (Volker and Young).

Soon thereafter, the committee met with those groups who were concerned and worked to alleviate the issues at hand. Out of these meetings the Complete Streets legislation was amended to its current form. Although it still faces opposition from the NYS Association of Counties, the legislation passed the Senate with substantial bipartisan support, (57 – 4). Each member of the

Transportation Committee supported the legislation including Senators Volker and Young who had initially voted against the legislation in committee.

The streets of our cities and towns are a critical component to the livability and sustainability of our communities. Our streets should be designed for everyone, whether young or old, motorist or bicyclist, walker or wheelchair user, or mass transit rider. Recent changes in social patterns and economic circumstances have depicted the necessity of an altered, more holistic approach to street planning and construction. New Yorkers have reconsidered the way in which they get about and we need to address these shifts.

Funding for Leandra's Law Ignition Interlock Provisions

S.7951 – Dilan: Relates to the distribution of certain mandatory surcharges imposed for alcohol-related traffic convictions

Passed Senate: June 25, 2010

Died in Assembly Transportation Committee

Chapter 496 of the Laws of 2009, also known as Leandra's Law, requires that the sentence for all persons convicted of driving while intoxicated include a period of probation or conditional discharge, a condition of which shall include the installation of an ignition interlock device on all vehicles owned or operated by such person, for the period of probation (at least 3 years) or conditional discharge, but not less than six months. This provision took effect on August 15, 2010 and as a result of this law, an estimated 25,000 people annually will be sentenced pursuant to this requirement.

Section four of Leandra's Law requires that the Department of Probation and Correctional Alternatives put forth regulations for the monitoring of compliance by persons who are ordered to install and maintain an ignition interlock device, and shall provide counties with options on how to do such monitoring. In seeking to implement this law, the Division of Probation and Correctional Alternatives has promulgated an emergency rule that essentially orders the counties to develop a program to implement the massive and recurring requirements associated with compliance, tracking and monitoring those subject to conditional discharge. However, it provides no funding for either of these tasks, nor for the more than 12,000 new probationers likely to be added as a result of this statute.

Thus, the counties are currently faced with a combination of an unfunded mandate and the requirement that they develop an entirely new program pursuant to the new rule.

This measure resolves both of the issues created from the implementation of Leandra's Law, as well as aiding another worthwhile program by redirecting alcohol related offense surcharges. Over the years, the State has added the mandatory surcharges to alcohol related offenses strictly for budget relief, in total ignorance of sound criminal justice policy and to the immediate financial detriment of county STOP-DWI Programs. These successful programs rely exclusively upon the fines imposed for alcohol-related offenses.

This bill would address all three issues. First, it utilizes the county STOP-DWI program and its existing statutory funding mechanism to fully realize the ignition interlock program rather than force counties to develop an entirely new and unfunded process. Second, it establishes a recurring revenue stream to provide counties with the necessary funding to implement the expansive new ignition interlock program and maintain it going forward. It does so by redirecting the surcharges collected under VTL sections 1809-c(\$25) and 1809-e(\$170) from the General Fund to the local STOP-DWI Program. Third, it helps reinforce the local option STOP-DWI Programs that collectively have made New York a national model for addressing the

challenges presented by drunk drivers, but have recently seen their revenue streams reduced in favor of quick-fix State budget relief.

In order for the interlock program to work there must be confidence in the ability for counties to implement and maintain it. The unintended consequences of inaction can surely undermine the Legislature's intent and render the program completely ineffective. At least twenty-five counties have already asked for a two-year moratorium on the new law until a funding stream has been established. Furthermore, it is obvious that negative externalities can arise from the suddenly overwhelmed local courts. For instance, thousands of new offenders sent to an already overburdened probation system or, thousands of persons who could be convicted of DWI, could be allowed to plead to the traffic offense of DWAI for the purposes of expediency. That is not consistent with the legislators' intent to demonstrate New York's commitment to eradicate drunk driving. This bill presents an opportunity to have the new law implemented in a manner that accurately reflects the Legislature's intent.

As mentioned in the summation of Leandra's Law, the Chairman recognized the strain that critically important aspects of Leandra's Law would place upon localities. This legislation aims to alleviate the burden of implementation, maintenance, and enforcement while bolstering local STOP-DWI programs.

Red Light Camera Use Expansion

Ch. 20 / S.3745 – Stewart-Cousins: Relates to owners liability for failure of operator to comply with traffic control indications, Yonkers

Passed Senate: April 7, 2009

Chaptered: April 28, 2009

Ch. 22 / S.3746 – Thompson: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Rochester

Passed Senate: April 7, 2009

Chaptered: April 28, 2009

Ch. 21 / S.3747 – Thompson: Authorizes city of Buffalo to establish a demonstration program imposing monetary liability on vehicle owners who fail to comply with traffic control indicators

Passed Senate: April 7, 2009

Chaptered: April 28, 2009

Ch. 23 / S.3748 – Foley: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Suffolk County

Passed Senate: April 7, 2009

Chaptered: April 28, 2009

Ch. 19 / S.3749 – Johnson, C.: Relates to adjudications and owner liability for a violation of traffic-control signal indications in Nassau County

Passed Senate: April 7, 2009

Chaptered: April 28, 2009

Ch. 18 / S.3750 – Dilan: Relates to certain traffic-control indications in the city of New York

Passed Senate: April 7, 2009

Chaptered: April 28, 2009

Ch. 383 / S.3812A – Valesky: Relates to owner liability for failure of operator to comply with traffic control indications in the city of Syracuse

Passed Senate: July 16, 2009

Chaptered: August 26, 2009

In the Spring of 2009 several bills expanding the use of red-light cameras (RLC) in New York, were advanced through the New York State Transportation Committee, through both houses of the Legislature and subsequently signed into law. These measures were largely modeled after legislation that permitted New York City to institute a pilot program in 1988 that installed red light cameras at various intersections.

The expansion of the original program to municipalities and counties outside of the five-boroughs and authorizing additional cameras within New York City was enacted to meet two goals. First and foremost, the implementation of RLC programs, beyond the New York City pilot, was aimed at reducing the frequency of crashes following the running of a red-light.

Secondly, fines for those who violate the law and receive a notice of liability will provide much needed revenues to the respective jurisdictions where infractions occurred.

According to a Federal Highway Administration's report, the running of red-lights, "...results in more than 95,000 crashes and approximately 1,000 deaths per year."⁵ The committee recognizes that the frequency of this type of accident represents a substantial risk to all those who drive or ride within a motor vehicle. As the committee looks to improve traffic safety across the State, the expansion of red-light camera programs provided an effective course of action for the reduction of accidents and instances of red-light violations.

Following conflicting and limited reports evaluating both domestic and foreign RLC programs, the U.S. Department of Transportation's Federal Highway Administration embarked upon a comprehensive study to research the effects of RLC program implementation. Several questions were outlined to focus the scope of the research; one of which was red-light camera's effects on intersection safety. The study, released in 2005, concluded that, "Right-angle crashes decrease significantly and rear end crashes increase." Additionally, results indicate "a 24.6 percent reduction in total right angle crashes and a 15.7 percent reduction in right-angle (definite) injury crashes."⁶ Although, the study concludes the frequency of rear-end accidents slightly increases at red light camera intersections, the mitigation of high risk, side impact accidents is paramount.

For instance, the study noted the severity level distributions for both right angle and rear end crashes at the considered red light camera sites. The percentages depict a trend, supporting the assertion that side impact crashes represent a greater risk of injury than rear end crashes. Raw data was compiled from law enforcement accident records within the KABCO format. KABCO is widely used by law enforcement to track injuries at vehicle crashes. Each letter represents a differing level of injury as follows: K represents a fatality, A represents an incapacitating injury, B represents a non-incapacitating injury, C represents a possible injury (such as whiplash) and O represents no injury.

The statistics show greater percentages of the most severe incidences (K, A, B) for vehicles involved in side impact crashes when compared to rear end accidents. This trend was apparent prior to and after the installation of red light cameras while the frequency of incidence of right angle crashes was greatly reduced. Within each of the most severe categories, side impact crashes had higher rates of incidence. It is also important to note that the statistics showed slight increases in the frequency of injuries in side impact crashes following the installation of RLC. This issue should receive attention moving forward to reverse this trend.

For instance, the percentage of right angle crashes that resulted with incapacitating injuries (A) is 8.5 percent after RLC installation. The percentage within the same category for rear end crashes resulted in 2.7 percent. Additionally, 83.8 percent of all rear end crashes fall within the possible

⁵ United States Department of Transportation, Federal Highway Authority. *Safety Evaluation of Red-light Cameras*. By Forrest M. Council, Kimberly Eccles, Craig Lyon, Michael S. Griffith, and Bhagwant Persaud. April 2005. 10/2010 < <http://www.fhwa.dot.gov/publications/research/safety/05048/05048.pdf>>

⁶ IBID, p. 73

injury category (C), while 53.3 percent of side impact crashes fall within the same category.⁷ This means that in 83.8 percent of rear end crashes there were no outwardly noticeable injuries.

The Federal Highway Authority study also incorporated an economic analysis of the accidents incurred at the studied red light camera sites by factoring costs associated with accidents,. This component of the study included both rear end and right angle accidents to weigh the positive reduction in right angle crashes against the negative increase in rear end crashes. The complex methodology determined, "... a modest to moderate economic benefit between \$39,000 and \$50,000 per treated site year."⁸

RLC legislation allowed New York City to expand its existing RLC program and afforded several other areas the opportunity to incorporate this safety initiative. The aforementioned red light camera measures were enacted after home rule messages were received. Additionally, each passed the Senate with wide bipartisan support.

In the past, rear-end or head-on collisions caused higher numbers of serious injuries and fatalities. As discussed earlier, side impact crashes have proven more traumatic. This shift can be explained by the recent standardization of technologies in vehicles, i.e., driver and passenger air bags and overall improvement of car design to mitigate frontal and rear impacts. Additionally, increased usage of safety restraints has played a role. As new technologies reduce accident results RLC programs will reduce the frequency of the most severe accidents.

⁷ IBID, p. 68

⁸ IBID, p. 76

Budget Efforts

The 2009 -2010 State budgets represented numerous challenges for all interests throughout the State. In the midst of a national economic recession difficult decisions were necessary in order to balance substantial budget deficits.

The chairman, knowing the value of the State's infrastructure to the economic viability of the State and to the general quality of life for those who work, live, and travel in New York, advocated for minimal, if any, cuts to programs related to transportation aid. Additionally, the chairman worked within the political and economic landscape consistently stressing the critical importance of fully funding the 5-year capital programs of both the New York State Department of Transportation and the Metropolitan Transportation Authority.

Within the 2010 budget, the chairman worked to incorporate language expanding the powers of the existing Legislative Commission on Critical Transportation Choices. The Commission will now be authorized to examine, study, and make recommendation regarding the financing of future transportation infrastructure projects.

As the federal government began to recognize a new transportation dynamic, not only in the evolving federal reauthorization statutes, but most recently with the efforts to coordinate the Federal Highway Authority, the Environmental Protection Agency and the Department of Housing and Urban Development, it is reasonable to partake in a similar evaluation on a state level. As such, New York should be prepared to incorporate and administer a similar dynamic. This commission will be tasked with assessing current practices and assess opportunities to alter antiquated methods in hopes of maximizing both economic and natural resources.

In addition, the Commission will conduct an evaluation of the new transportation dynamic recognized by the federal government during the TEA era reauthorizations and most recently within organizing USDOT, EPA and HUD into the Partnerships for Sustainable Communities. This dynamic was also raised throughout the State during the chairman's 5-year New York State Department of Transportation capital plan hearings. This Commission would assess current practices and look for opportunities to alter antiquated methods to maximize economic and environmental resources and improve upon the State's competitive position.

The commission will focus attention towards the means to finance our capital needs and the procurement of projects. One such area where attention is warranted is the Dedicated Highway and Bridge Trust Fund. Additionally, serious consideration must be given to establish alternative means to the delivery of capital projects in search of efficiencies and the expediting of projects. The commission should explore opportunities for efficiency within governmental organizational structures. Including state and local organizational entities involved with transportation, housing and the environment. The evaluation of the structural and functional organization of these entities, while considering roles, responsibilities and relationships there within, will allow for a greater understanding and a refocusing of policy moving forward. This may include models for restructuring of government agencies to address shortcomings or to meet future goals.

An example of the type of governmental restructuring that the Commission will be asked to seek out can be found within the 2010 budget. Language was included transferring the maintenance of I-84 from the New York State Thruway Authority to the New York State Department of Transportation. This transfer of liability represents a reduction of costs for the Thruway Authority of nearly \$3 million. This cannot be considered a reduction of overall costs as the New York State Department of Transportation must now assume the inherent costs of maintenance. However, with New York State Department of Transportation's access to equipment and resources, it is believed a reduction in overall costs for maintenance will be realized.

Additionally, the 2010 Budget included the authorization of limited bus lane camera use within New York City. This legislation will allow the City to incorporate cameras, similar to the red light camera program, in the enforcement of bus lane traffic infractions. Additionally, language was included to increase the amount of select bus service lanes. In doing such, bus services along this corridor will be expedited. Ultimately, a possible expansion of select bus lanes and the future development of true Bus Rapid Transit will increase bus ridership while reducing vehicle traffic, energy consumption and air pollution.

Public Hearings Hosted by the New York State Transportation Committee

Ravitch Plan Hearings

In conjunction with the New York State Committee on Corporations, Authorities and Commissions, chaired by Senator Bill Perkins, the Transportation Committee hosted two hearings in early 2009 relating to the proposed financial plan put forth by the Metropolitan Transportation Authority Financing Commission. The hearings provided a forum to examine recommendations and to receive testimony relative to the MTA fiscal crisis including: proposed fare increases; reductions in service; additional savings measures and revenue proposals.

The hearings were held on consecutive days, February 18-19, 2009, in Brooklyn and Manhattan respectively. Testimony was heard from the 13-member Metropolitan Transportation Authority Financing Commission, public officials, community members and other stakeholders. A partial list of those who testified is provided below.

At the time of the hearings the MTA faced a substantial budget deficit. In response, the MTA board approved a package of actions that would ameliorate the looming fiscal disparities. This package included drastic fare and toll increases of 23 percent, reduction and/or elimination of some services, consolidation of staff, and substantial layoffs. Immediately following the release of this proposal widespread disapproval was expressed and the plan was deemed “draconian” in nature and crippling to those who rely on transit within the MTA region.

Prior to the hearings, in June of 2008, Governor Paterson formed a commission and tasked it with assessing the Metropolitan Transportation Authority’s finances in light of a growing operational deficit. This commission was headed by Richard Ravitch, a former Chairman of the MTA. In December of 2008, the commission released a report outlining its findings and suggesting a course of action. The report included discussions of the following topics: “1) a review of the MTA’s operating budget and capital needs, 2) fare policy, 3) new approaches and funding sources to meet the MTA’s needs, 4) additional regional mass transit needs, 5) governance changes, and 6) transparency and accountability.”⁹

The commission’s findings centered on two themes. First and foremost, that action must be taken to offset the budget deficit. Inaction or acceptance of the MTA Board’s proposal was not an acceptable path and would in fact be a step backwards for the transit system, the region and New York State as a whole. Secondly, the idea of shared burden to offset the operating deficit and secure capital improvements for years to come was reiterated throughout the report.

⁹ New York, Commission on Metropolitan Transportation Authority Finances. *Report to Governor David A. Paterson*. By Laura L. Anglin, Bernard Beal, Kevin Burke, Robert Catell, Douglas Durst, Peter Goldmark, Denis Hughes, Father Joseph McShane, Mysore Nagaraja, Mark Page, Steven Polan, Richard Ravitch, Elliot G. Sander and Kim Vaccari. 12/2/08, 11/2010 <http://www.state.ny.us/governor/press/pdf/press_1204082.pdf>

A few examples of this theme are as follows:

“... the Commission is unified in its belief that straphangers and commuters must bear an equitable burden of the costs of operation of the transit system...”¹⁰

“Among the many revenue options considered, the Commission views a regional Mobility Tax as the fairest feasible way to spread the burden of financing the capital needs of our regional transit services to those businesses and organizations that most directly benefit from it.”¹¹

“The Commission also considered feasible means for motorists to share in the burden of financing the MTA.”¹²

The commission’s suggestion for shared burden depicts an important recognition of equality and of the societal benefit the MTA provides within the region. This idea was inevitably incorporated into what became MTA Revenue Package and Reform legislation. All of those who benefit from the transit system, directly or indirectly, within the MTA region should share in supporting the system.

The urgency of action and the idea of shared burden, along with other aspects of the report, were discussed during the hearings. As expected, vested interests noted the importance of maintenance of services, limiting fare increases, if any, and continuation of capital investments. Agreement upon how to achieve these goals however, within the confines of the public hearings or in the walls of the State Capitol, was not easily found.

The hearings proved beneficial, allowing many groups and individuals the opportunity to be heard and to espouse their expertise and experiences relating to the Metropolitan Transportation Authority. Additionally, the hearings represented another arena for evaluation and open dialogue to formulate ideas and discuss concerns.

The following witnesses appeared before or provided written testimony for the hearings:

William C. Thompson – Comptroller of the City of New York
Richard Ravitch – Chairman of the Commission on Metropolitan Transportation Authority Financing
Eliot “Lee” Sander – Executive Director and CEO of the MTA
Mary Barber – Managing Director of the Environmental Defense Fund
Felice Farber – Government Relations Advisor for the General Contractors of New York
Kate Slevin – Executive Director of the Tri-State Transportation Campaign
Elena Conte – Organizer with COMMUTE! Communities United for Transportation Equity
Kathryn Wylde – President and CEO of the Partnership for New York City
Dick Dadey – Executive Director of Citizens Union of the City of New York
Richard T. Anderson – President of the New York Building Congress
Robert Yaro – President of the Regional Plan Association
Deena Patel – Representing Charles Komanoff of Nurture New York’s Nature

¹⁰ Ibid, p.6

¹¹ Ibid, p.9

¹² Ibid, p.10

Jay Walder Vetting

In conjunction with the New York State Committee on Corporations, Authorities and Commissions, chaired by Senator Bill Perkins, the committee hosted two hearings to discuss the nomination of Jay Walder as Chairman and CEO of the Metropolitan Transportation Authority. The hearings were held in Mineola, NY on September 3, 2009 and in Manhattan on September 8, 2009.

The hearings provided a venue, for those interested in the filling of the MTA's top position, to gain insight into the candidate's qualifications and conversely provided an opportunity for Jay Walder to introduce himself to the nearly eight million daily riders and members of the State Senate who will consider his appointment. Additionally, Mr. Walder was afforded the opportunity to begin articulating how he plans to improve upon services while managing an aging and complex transit system unlike any other in the world.

New York State DOT 5-Year Capital Plan

Throughout the Fall of 2009, following the New York State Department of Transportation's release of its proposed 5-Year capital plan, the committee hosted a series of hearings to solicit input from vested parties. Hearings were held in six locations: Syracuse on Oct. 29, Buffalo on Oct. 30, New York City on Nov. 19, Greenburgh (Lower Hudson Valley) on Nov. 20, Albany on Nov. 23, and Farmingdale (Long Island) on Dec. 4.

DOT Regional Directors testified at each of the hearings with Acting Commissioner Stanley Gee testifying in Albany. The Committee also heard from more than 80 individuals, representing state and local governments, transportation advocacy groups, industry groups, railroad interests and concerned citizens over the course of the six hearings. A list of those who appeared before or provided written testimony at these hearings is provided below. Additionally, a transcript of each hearing is available online at the following web address:

<http://www.nysenate.gov/report/full-testimonies-senate-transportation-committee-nysdot-five-year-capital-plan>

These hearings were held as the state and nation faced daunting economic challenges. In addition, the State's infrastructure continued to show its age, with many roads and bridges beyond their useful life. The gravity of bridge conditions was highlighted in the Fall when the New York State Department of Transportation announced that the Champlain Bridge in Crown Point, NY must be closed to all traffic following an annual inspection.

The inspection revealed that concrete footing erosion had increased substantially and ultimately rendered the bridge unsafe for traffic – even under the current limited use. The condition of the

bridge deteriorated at a rate well beyond previous years' rates and was subsequently scheduled for demolition. On December 29, 2009, Senator Dilan traveled to the bridge site witnessing the demolition from the Western shore of Lake Champlain.

Testimony throughout the series of hearings reinforced the idea that a shift in strategy to develop and maintain our State's infrastructure was necessary to meet the public's needs and societal goals. As policy moves forward, we must implement a course of action that will examine issues more closely in a time with limited resources and substantive need. As such, the issues most frequently repeated in the committee's hearing testimonies included:

- Status and reform of the Dedicated Highway and Bridge Trust Fund
- Revenue generation for transportation needs
- Maintenance of New York's bridges and local infrastructure
- Land Use and Transportation: The Federal, State and Local Government Relationship
- High Speed Rail and the Modal Mix

Addressing our aging infrastructure cannot be addressed by a magic bullet. Funding and/or additional revenues are not the end all solution. Longstanding societal norms must be altered as we approach a crossroads of transportation policy and current practice. A recognition of new opportunities and new ideas, an acceptance and investment in transit when/where applicable and the incorporation of sustainable, complete initiatives will prove beneficial to the welfare of our environment and society as a whole.

The following witnesses appeared before or provided written testimony to the Transportation Committee:

SYRACUSE HEARING, Oct. 29

Mike Shamma: Regional Director, NYSDOT Region 2

NYSDOT Region 2 encompasses the counties of Hamilton, Herkimer, Fulton, Madison, Montgomery and Oneida and includes the cities of Rome and Utica.

Carl Ford: Regional Director, NYSDOT Region 3

NYSDOT Region 3 encompasses the counties of Cayuga, Cortland, Onondaga, Oswego, Seneca, and Tompkins and includes the cities of Cortland and Syracuse.

Norman R. Schneider: Executive Director, Railroads of New York (RONY)

RONY represents the freight railroad industry in New York, including the four Class I Railroads -- CSX, CN, CP and NS -- and about 30 short line and regional railroads. RONY members carry more than 99 percent of goods moved by rail in the State. Mr. Schneider was appointed as RONY's first executive director in 2003. Mr. Schneider had previously served in a number of transportation policy-related positions, including the NYS-DOT and DMV.

<http://www.railroadsofny.com/>

Michael Smith: President, Finger Lakes Railway (also RONY member)

Finger Lakes Railway operates freight rail lines serving the Finger Lakes Region (Cayuga, Onondaga, Ontario, Seneca, Schuyler and Yates counties) in addition to a "heritage" or tourist

line for passengers. Freight shipped on its 140 miles of track include: paper, salt, industrial sand, canned goods, plastics, steel, fertilizer, aggregates, corn syrup and grain. The railway employs about 50 people in New York.

<http://www.fglkrail.com/> and http://railroadsofny.com/finger_lakes.htm

Jerry Vest: Executive Vice President, Genesee & Wyoming Railroad (also RONY member)
Genesee & Wyoming Railroad serves Livingston County in New York, carrying mainly coal and coke, minerals, auto parts and lumber products on its 53 miles of track. Its major facilities are located at the South Buffalo Rail Yard, Car & Locomotive Shop and it has interchanges at CN, CPR, CSX, NS, BPRR and BSOR.

<http://railroadsofny.com/genesee.htm>

Sandi Saracen: Vice President and General Manager, Ontario Midland Railroad (also RONY member)

Ontario Midland Railroad services Wayne and Monroe Counties in New York and operates about 50 miles of track. Its main freight cargo includes: soybean oil, chemicals, cheese, frozen fruit and vegetables and tomato paste.

http://railroadsofny.com/ontario_midland.htm

Orrin MacMurray: Chairman, C&S Companies

C&S Companies is a design firm that provides a wide variety of services, including: architecture, planning, engineering, construction management, and general/specialty contracting. It has clients in both the public and private sectors. New initiatives are ongoing in: energy and green technologies, web-based GIS, construction management, contract operations and network and emergency communications. Mr. MacMurray joined the organization in 1972 after serving as an officer in the United States Army Corps of Engineers. He served as C&S's president from 1994 to 2008.

<http://www.cscos.com/>

Frank Kobliski: Executive Director, Central New York Regional Transportation Authority

The Central New York Regional Transportation Authority (CNYRTA) provides transit services within its current membership including the counties of Onondaga, Oneida, Cayuga, and Oswego. Provides services to nearly 42,000 passengers daily and 15.3 million annually while covering nearly 7.75 million miles each year.

<http://www.centro.org/aboutus.aspx>

Deborah Warner: Vice President for Public Policy and Government Relations, Greater Syracuse Chamber of Commerce and member of High Speed Rail New York Coalition

The chamber is the largest business organization in Central New York, representing more than 2,200 businesses in the Syracuse area. It is involved in government relations and lobbying to create economic growth in the region.

http://www.syracusechamber.com/chamber_info/about_the_chamber/about.cfm

The coalition represents Upstate New York's interest to obtain competitive high-speed rail service. Its comprised of mayors, chambers of commerce, and economic development organizations from the major metropolitan areas across Upstate New York. It represents 13,000 businesses.

<http://nyhighspeedrail.ning.com/>

Jason Clark: Executive Director, Business Development Corporation for a Greater Massena

The BDC provides economic development assistance to businesses and seeks to advance economic development objectives in the Massena area.

<http://www.massenaworks.com/bdc/>

Brian Renna: Director of Corporate Relations, Suit-Kote Corporation and member of the Liquid Asphalt Distributors Association of New York

Suit-Kote serves asphalt and pavement needs. Services provided include: highway construction, and blacktop and asphalt removal, and recycling.

<http://www.suit-kote.com/home.htm> and <http://www.ladany.org/>

Jeff Hanlon: President, Slate Hill Constructors

Based in Warners, New York, Slate Hill Constructors work on road and bridge projects from the North Country to the Southern Tier. Mr. Hanlon also sits on the Board of Directors of the New York Chapter of the Associated General Contractors of America as the first vice chairman.

Bruce Trexler: Member, American Society of Highway Engineers (ASHE)

ASHE is divided into 10 geographic segments and governed by a national board of directors who represent contractors, consulting engineers, government agencies, material suppliers, utility companies, and other highway-related agencies. Mr. Trexler is a former commissioner of transportation for Onondaga County and a past president of the New York State County Highway Superintendent's Association.

<http://www.highwayengineers.org/>

Frank Gerace: Member, American Society of Highway Engineers (ASHE)

(See above description for ASHE.) Mr. Gerace is a Consulting Engineer for Transportation Infrastructure Management for the city of Utica. He previously worked at the NYS-DOT for about 40 years, serving as a regional director, deputy commissioner and chief engineer.

<http://www.highwayengineers.org/>

Van B. Robinson: President, Syracuse Common Council

The common council consists of a president and nine members who govern the city of Syracuse. Mr. Robinson was an at-large common council member at the time of this hearing, but is now serving as president as of January 2010. His special interests include comprehensive and long-term city planning.

http://www.syracuse.ny.us/Common_Council_President.aspx?ekmense1=9050e624_52_67_742

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Jonathan Daniels: Executive Director, Port Authority of Oswego

The port is a multimodal connector between New York's interstate system, the marine highway and on-dock rail. As of 2007. Mr. Daniels is responsible for the administrative functions and development of the port. He served prior as the President and CEO of the Eastern Maine Development Corporation, where he oversaw operations, regional development efforts and economic development in six Maine counties.

<http://www.portoswego.com/>

BUFFALO HEARING, Oct. 30

Al Taylor: Regional Director, NYSDOT Region 5

NYSDOT Region 5 represents Western New York, including Buffalo.

Douglas E. May: Chairman, FAIR Committee and President of Oakgrove Construction

The FAIR (Fair Appointment of Infrastructure Revenue) Committee is a Western New York group that represents about 5,000 members. Its comprised of labor unions, businesses, members of the tourism industry, local governments, trucking industry and others interested in economic development. Oakgrove is a Western New York-based general contractor specializing in heavy and highway construction with an emphasis on bridge replacement and reconstruction. Mr. May has worked at Oakgrove for more than 20 years and is a former president of the New York State Associated General Contractors Association.

<http://www.oakgroveconst.com/>

David Monte Verde: President, Genesee Valley Transportation System and Secretary of RONY

The Genesee Valley Transportation Company is headquartered in Batavia, New York and operates five regional railroads, four of which are in New York. They are: Mohawk, Adirondack & Northern; Falls Road; Lowville & Beaver River; and Depew, Lancaster & Western. They carry freight to several counties in Western and Northwestern New York.

<http://www.gvtrail.com/>

Kevin O’Gorman: CEO, South Buffalo Railroad (also RONY member)

South Buffalo Railroad operates 75 miles of track in New York, serving Erie County. Its main freight includes: metals, coal and coke, and lumber and wood products. Its parent company is Genesee & Wyoming, Inc.

http://railroadsofny.com/south_buffalo.htm

Robert O. Dingman, Jr.: President, New York and Lake Erie Railroad (also RONY member)

With 29 miles of track, the New York and Lake Erie Railroad serves Cattaraugus and Chautauqua counties, carrying freight including: feed grains, scrap iron and steel.

<http://www.nylerr.com/NYLE.php> and http://railroadsofny.com/ny_erie.htm

Hon. Paul Dyster: Mayor, City of Niagara Falls

Serving in office since January 2008, supports economic development in Buffalo-Niagara region.

<http://www.dyster.com/> and <http://www.niagarafallsusa.org/Mayor.cfm>

Craig Turner: Senior Director of Public Policy, The Buffalo Niagara Partnership

The partnership is a network of about 2,500 businesses that advocate and work together for economic growth and regional development on behalf of Buffalo and Niagara counties. Mr. Turner oversees the Buffalo-Niagara’s regional chamber of commerce’s target industry sector business development efforts. He is also a policy analyst and member of the partnership’s

government relations/lobbying team and is responsible for implementing the business community's advocacy strategy in federal, state and local government.

<http://www.thepartnership.org/>

Virginia Oehler: Advisory Board Chairperson, Center for Transportation Excellence

The center manages non-emergency medical transportation for county governments, managed care organizations (organizations that try to reduce the cost of providing health benefits to improve the quality of care, i.e. HMOs) and health and human services agencies serving older adults, disabled persons, etc. It operates in Western New York.

<http://www.cteny.com/>

Steven B. Gayle: Executive Director, Binghamton Metropolitan Study

The Binghamton Metropolitan Study is a Metropolitan Planning Organization (MPO) and regional transportation planning agency; it spans from urban Binghamton, Johnson City and Endicott to suburban Owego, Conklin and Kirkwood. Mr. Gayle specializes in long-range transportation plans and policies, administration and public outreach.

<http://bmtsonline.com/bmts/>

Deborah Leous: Chief Financial Officer, Niagara Frontier Transportation Authority (NFTA)

NFTA is a quasi-public regional transportation authority. It is the local provider of transportation management for Erie and Niagara counties. NFTA oversees the Metro Bus and Rail System, the Greater Buffalo Niagara International Airport, the Niagara Falls International Airport, and NFTA Small Boat Harbor.

<http://nfta.com/>

Kristen Allen, representing Gladys Gifford: President, Citizens Regional Transit Corporation (CRTC)

CRTC advocates for improved and expanded bus and rail transit for Western New York. It coordinates citizen involvement with educational events, informational outreach efforts, etc.

<http://www.citizenstransit.org/>

Niraj Verma: Chair and Professor, University at Buffalo School of Architecture and Planning, Urban and Regional Planning Department

Prof. Verma has a master's degree in infrastructure planning and a Ph.D. from Berkeley in design theories and methods. He has written extensively on how pragmatism can be applied to sustainable development; he applied this theory during his work on freight transportation in Long Beach and Los Angeles and transit planning in Buffalo.

<http://www.ap.buffalo.edu/planning/people/verma.asp>

Hal Morse: Greater Buffalo-Niagara Regional Transportation Council (GBNRTC), Executive Director

GBNRTC is the MPO for Erie and Niagara counties; it deals with regional planning.

<http://www.gbnrtc.org/about-us/>

Richard T. Jurasek: Medaille College, President

Medaille is a private, co-ed, four-year liberal arts college, with its main campus located in Buffalo. It is the third-largest private college in the Buffalo area, with an undergraduate and graduate student body totaling 2,870 in 2009; branch campuses are located in Amherst and Rochester. Mr. Jurasek became president in 2007. He coordinated the college's strategic plan that dictates the growth and operation of the campuses through 2011.

<http://www.medaille.edu/president/>

Bruce B. Becker: Empire State Passengers Association

The Empire State Passengers Association is a citizen-based, grassroots advocacy organization that works with government, business, railroad management, unions, consumers and other civic groups to improve passenger rail service, support interconnectivity between public transportation modes and promote policy that encourages balanced transportation systems.

<http://www.esparail.org/>

Mark A. Lewandowski: President, Central Terminal Restoration Corporation, Inc.

The corporation owns the Buffalo Central Terminal, located 2.5 miles from downtown Buffalo. CTRC is a registered nonprofit that works to oversee the stabilization and restoration of the terminal, including trying to make it a center for high-speed rail.

<http://buffalocentralterminal.org/>

Alfred Coppola: Former New York State Senator

Mr. Coppola, a Democrat, represented Buffalo in the state senate and is a former Buffalo Common Council member.

Thomas Reifsteck: President, New York State Association of Town Superintendents of Highways, Inc.

NYSAOTSOH is a nonprofit that oversees the conduct of highway construction and maintenance in New York towns; it also coordinates member town superintendents' efforts to investigate, study and discuss improvements and advance their agenda.

<http://www.nystownhwys.org/>

Richard Perrin (written only): Executive Director, Genesee Transportation Council (GTC)

GTC is the designated MPO responsible for transportation policy, planning, and investment decision-making in the Genesee-Finger Lakes Region. Mr. Perrin is responsible for managing and directing activities related to federally-funded transportation planning, policy, and investments. He served prior as the Genesee-Finger Lakes Regional Planning Council's regional planner.

<http://www.gtcmpo.org/>

NYC PUBLIC HEARING, Nov. 19

Phillip Eng: Regional Director, NYSDOT Region 11

NYSDOT Region 11 represents New York City.

Paul Victor: President, New York & Atlantic Railway (RONY member)

New York & Atlantic Railway privately operates freight trains on lines owned by the Long Island Rail Road. Such freight includes: lumber, paper, building materials, plastic, aggregates,

food products, and recyclables. Mr. Victor previously managed railroads in Latin America and Africa. He directed the first major privatization of freight service in Argentina, was one of the founders of Iowa Interstate Railroad and directed operational planning for Illinois Central.
<http://www.anacostia.com/about/mngmnt.html> and <http://www.anacostia.com/nyar/nyar.html>

Denise Richardson: Managing Director, General Contractors Association of New York

The association lobbies on behalf of the heavy construction industry in New York State and the city of New York. It negotiates and interprets collective bargaining agreements for its member contractors, provides information about labor law, union jurisdictions and contract compliance requirements, and assists its members in resolving their bidding and contracting concerns with governmental agencies and private owners.

<http://www.gcany.com/aboutus.aspx>

Kate Slevin: Executive Director, Tri-State Transportation Campaign

The Tri-State Transportation Campaign is a nonprofit dedicated to reducing car dependency in New York, New Jersey and Connecticut. Several environmental and planning organizations formed the campaign in the early 1990s as a response to economic and environmental costs of automobile and truck dependence. Ms. Slevin has been in her position since 2007. She is the editor of the blog “Mobilizing the Region,” that tracks regional transportation news and opinion.

<http://www.tstc.org/staff.html>

Richard T. Anderson: President, New York Building Congress (NYBC)

NYBC lobbies on behalf of the construction industry in the New York City area, focusing on economic and infrastructure investment, job creation and professional exchange. Its 400 constituents represent more than 250,000 tradesman including: contractors, architects, engineers, unions, real estate managers, developers and owners. The firm works with public policy, promotes productive capital spending, encourages public-private partnerships and evaluates the implementation of major government projects.

<http://www.buildingcongress.com/code/about.htm>

GREENBURGH PUBLIC HEARING, Nov. 20

Joan Dupont: Regional Director, NYSDOT Region 8

NYSDOT Region 8 is located in the Hudson Valley. It is responsible for 5,963 miles of state highways and 1,143 bridges. Region 8 includes Westchester, Ulster, Rockland, Putnam, Orange, Dutchess, and Columbia counties.

<https://www.nysdot.gov/regional-offices/region8/general-info>

Ralph Butler: Commissioner of Public Works, Westchester County

The Department of Public Works designs and constructs Westchester County’s infrastructure. The department also provides oversight on many capital projects and maintains 160 miles of roads and 86 bridges.

<http://publicworks.westchestergov.com/>

Michael Fesen: Vice President of Government Relations, Norfolk Southern Railway and Member of RONY Executive Committee

Norfolk employs 425 people and operates 21,500 miles of track serving 21 New York counties (Allegany, Broome, Cattaraugus, Chataqua, Chemung, Delaware, Erie, Genesee, Livingston, Ontario, Orange, Rockland, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Wayne, Wyoming and Yates). It carries mixed freight, including coal and iron.

<http://railroadsofny.com/norfolk.htm>

Nathan Fenno: President, Delaware Otsego Corp. (Operates the NYS&W and Central NY Railroads)

New York Susquehanna and Western Railroad Corp., employs 120 people and operates 500 miles of track. It serves six counties (Broome, Chenango, Cortland, Madison, Onondaga, Oneida). Major goods carried include: autos, construction materials, chemicals, grain and lumber. Central NY Railroad has 1,500 miles of track, serves Broome, Delaware, Sullivan and Orange Counties and carries grain, food, chemicals and lumber.

http://railroadsofny.com/ny_susquehanna.htm and http://railroadsofny.com/central_ny.htm

Ross Pepe: President, Construction Industry Council (CIC)

Headquartered in Tarrytown, NY, the CIC advocates on behalf of heavy and highway industries in the Lower Hudson Valley region. It represents a wide range of clients including: contractors, suppliers, professionals, consultants, and municipal and state officials.

<http://www.cicnys.org/membership.asp>

John A. Corlett: Legislative Committee Chairman, AAA New York State

(AAA New York State) has five clubs and provides services in travel and travel planning, including air, hotel and car.

www.aaanys.com/

Murray Bodin

Mr. Bodin is a constituent in Senator Andrea Stewart-Cousins' district and is an advocate for Concerned Grandparents.

Thomas Madden: Commissioner, Department of Community Development and Conservation for the Town of Greenburgh

The Department of Community Development and Conservation encompasses five divisions: zoning, planning, conservation, community development and urban renewal. The department advises the town council on policies to guide growth and change in the Greenburgh area.

<http://www.greenburghny.com/Cit-e-Access/webpage.cfm?TID=10&TPID=1549>

ALBANY HEARING, Nov. 23

Stanley Gee: Acting Commissioner, NYSDOT

Mr. Gee was appointed by Governor Paterson effective May 8, 2009. Prior to assuming that position he served as the Executive Deputy Commissioner of NYSDOT.

<https://www.nysdot.gov/commissioner>

Stephen Fisk: President, Railroads of New York (RONY)

Fisk is the RONY representative for the Canadian Pacific Railway. CPR has more than 13,800 track miles in 17 New York counties (Albany, Broome, Chenango, Clinton, Delaware, Erie,

Essex, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington, Bronx, Kings, Queens). It transports mainly: grain, coal, fertilizers, and forest, industrial and automotive products.

http://railroadsofny.com/canadian_pacific.htm & <http://www8.cpr.ca/cms/English/default.htm?1>

John McCreavy: Director Business Development, SMS Rail Lines

SMS serves Albany County, operates 500 miles of track and transports mainly: chemicals, lumber, grain and food products.

<http://railroadsofny.com/sms.htm> and <http://www.smsrail.com/index.html>

William Taber: President and CEO, Batten Kill Railroad

Batten Kill services Washington and Rensselaer Counties, operates 34 miles of track and transports mainly: grain, fertilizer, logs, and wood pulp.

<http://railroadsofny.com/battenkill.htm>

Mary Anne Michaels: Chief Financial Officer, Vermont Rail System (VRS)

VRS runs five railroads: Clarendon and Pittsford Railroad, Green Mountain Railroad, New York & Ogdensburg Railway, Vermont Railway and Washington County Railway. VRS operates 230 miles of track and carries both freight and passengers.

http://railroadsofny.com/ny_ogdensburg.htm and <http://www.vermontrailway.com/>

Marc Herbst: Board Member, New York Roadway Improvement Coalition (NYRIC)

NYRIC is a broad-based organization of highway users, statewide contractors, contracting associations, engineering consultants, organized labor and civic business groups that lobbies to secure adequate and reliable long-term funding for New York's transportation infrastructure. Mr. Herbst is also the executive director of the Long Island Contractors' Association.

John Poorman: Director, Capital District Transportation Committee

CDTC is the designated MPO for the Albany-Schenectady-Troy metropolitan area. The regional organization is responsible for coordinating mass transit, bus routes and road planning.

<http://www.cdcmpo.org/index.html>

David Roefaro: Mayor, City of Utica

Mr. Roefaro was elected the 75th Mayor of the city of Utica in 2007 and is the first Democrat in that office in more than 30 years. He was previously an at-large member of the city of Utica Common Council.

<http://www.cityofutica.com/Home>

Bob O'Connell: Executive Council Member, AARP New York State

AARP is a non-governmental organization and interest group that lobbies on behalf of the 50-year and older population.

<http://www.aarp.org/states/ny/>

Peter Fleischer: Executive Director, Empire State Future

Empire State Future is a statewide coalition of 30 member organizations - planning, business and environment groups - dedicated to improving New York's civic and economic potential. It builds

legislative strategy, monitors smart growth, and initiates statewide communication efforts and public outreach.

<http://www.empirestatefuture.org/>

Steve Stallmer: Vice President of Government & Public Affairs, Associated General Contractors of America (AGC) New York

AGC New York advocates on behalf of the construction industry, representing contractors and related companies in the state.

<http://www.agcnys.org/>

Edward Lucas: Executive Board Member, Public Employees Federation (PEF)

PEF is a union representing 59,000 professional, scientific, and technical New York State employees.

<http://www.pef.org/>

Carm Basile: President, New York Public Transit Association (NYPTA)

NYPTA is a nonprofit association of public transportation service providers, private sector manufacturers and consultants, and state government agencies; it has 110 members. NYPTA is devoted to public transportation development and representing the mass transportation needs of the riding public. Mr. Basile is also the executive director of the Capital District Transportation Authority (CDTA).

<http://www.nytransit.org/>

Donald Higgins: President, NYS County Highway Superintendents Association

NYSCHSA is an organization dedicated to meeting the needs of County Highway Superintendents and Commissioners of Public Works in New York State. The group informs the State Legislature of county positions on proposed legislation involving highways and public works and proposes its own desired legislation.

<http://www.countyhwys.org/>

Jay Simson: President, American Council of Engineering Companies (ACEC) New York

ACEC New York lobbies on behalf of the State's consulting engineering companies and tries to enhance the image and business practices of professional engineering companies. Its membership includes 270 firms.

<http://www.acecnyc.org/>

Kendra Adams: Executive Director, New York State Motor Truck Association (NYSMTA)

NYSMTA is a nonprofit trade association representing the interests of the motor truck industry. It has more than 800 member companies and is the New York affiliate of the American Trucking Associations.

<http://www.nytrucks.org/aboutus.aspx>

Garry Douglas: President and CEO, Plattsburgh North Country Chamber of Commerce

This regional chamber serves Clinton, Essex, Franklin and northern Warren counties in New York State and southern Quebec. With more than 3,200 members, it is the largest business and economic development alliance in northern New York. Its services include: economic

development, small business support, government affairs, tourism promotion and development and industrial support services.

<http://www.northcountrychamber.com/>

Joel Russell: President, New York Aviation Management Association (NYAMA)

NYAMA is a nonprofit association of airport management officials with members from related state government agencies, planning boards, consultants and equipment manufacturers. NYAMA promotes airport development, advocates for the preservation and enhancement of the safety and capacity of New York's airports and airways, and represents the needs of the aviation industry.

<http://www.nyama.com/>

LONG ISLAND PUBLIC HEARING, Dec. 4

Subi Chakraborti: Regional Director, NYSDOT Region 10

NYSDOT's Region 10 encompasses all of Long Island.

<https://www.nysdot.gov/regional-offices/region10/contacts>

Wayne Ugolik: Director of Planning & Program Management, NYSDOT Region 10

Mr. Ugolik works on long-range plans, capital program issues, CHIPS funding and municipal agreements for NYSDOT Region 10 in the Long Island area.

<https://www.nysdot.gov/regional-offices/region10/contacts>

Gilbert Anderson: Commissioner, Suffolk County Department of Public Works

The department constructs, maintains and operates county properties and designs. It also constructs and maintains county roads, sewerage systems, buildings and other facilities, such as waterways, bridges, docks and marinas.

<http://www.co.suffolk.ny.us/departments/publicworks.aspx>

Robert Freudenberg: Senior Planner, Regional Plan Association (RPA)

RPA is an independent, nonprofit regional planning organization that operates in the 31-county New York-New Jersey-Connecticut region through research, planning, and advocacy. Mr. Freudenberg's primary focus involves sustainability planning in and around Long Island.

<http://www.rpa.org/> and <http://www.rpa.org/staff/robert-freudenberg.html>

James J. Pratt, III: Chairman, Long Island Contractors' Association (LICA)

LICA lobbies on behalf of Nassau and Suffolk general contractors, subcontractors, suppliers and other industry supporters. LICA also monitors state and local regulatory actions and advocates for increased funding of public infrastructure projects. Mr. Pratt sits on LICA's board of directors and was the last president of the Associated General Contractors' New York Chapter.

<http://www.licanys.org/>

Donald Leslie, Jr.: President, Johnson Electrical Construction Corporation

Johnson Electrical Construction Corp. is a family-owned and operated Long Island-based electrical firm. Mr. Leslie is also a member and past president of the National Electrical Contractors Association and currently serves as the governor of its Long Island chapter. His business is a member of LICA and employs between 50 and 60 employees.

Patrick Ahern: President & CEO, Edward Ehrbar Inc.

Edward Ehrbar is family-owned firm that distributes construction equipment. It is based in Yonkers in Westchester County and in Holbrook on Long Island. Mr. Ahern is a board member of LICA and a member of the General Contractors of New York City, the Westchester Construction Industry Council and the Association of Equipment Distributors.

<http://www.ehrbar.com/index2.html>

Stephen Antaki: Partner, Albrecht, Viggiano, Zureck & Company

Albrecht, Viggiano, Zureck & Co. is one of the largest certified public accounting firms on Long Island. It provides a wide range of financial, accounting, auditing, tax and consulting services to a variety of businesses and industries, including the heavy construction industry and local governments.

<http://www.avz.com/>

Ann O'Neill: President, Island Pavement Cutting Company

Island Pavement Cutting is a Long Island-based MWBE that provides specialty services to general contractors, such as saw cutting, sealing and waterproofing.

Tawaun Weber: Director of Special Projects, Vision Long Island

Vision is a nonprofit that educates, advocates, plans, designs, and provides technical assistance on smart growth projects. It attempts to integrate best practices of community design with the ideas of experts, stakeholders, and decision-makers to advance quality growth and preservation on Long Island.

<http://www.visionlongisland.org/>

Eugene Daly: President, American Council of Engineering Companies (ACEC) New York, Long Island Chapter

ACEC advocates on behalf of engineering companies in New York and has 270 member firms. Environmental issues are a primary concern for the Long Island region.

<http://www.acecny.org/longisland.html>

Michael White: Executive Director, Long Island Regional Planning Council

The council does regional planning for Nassau and Suffolk Counties; it was formerly called the Long Island Regional Planning Board.

<http://www.nassaucountyny.gov/agencies/Planning/lirpb.html>

Roger Clayman: Executive Director, Long Island Federation of Labor

The federation is a subsidiary of the AFL-CIO. It represents 250,000 unionized workers on Long Island.

<http://www.longislandfed.org/>

David Wolkoff: Vice President, Heartland Town Square

The Wolkoff family develops real estate on Long Island, including a large business park in Hauppauge. Its latest project is the Heartland Town Square in Brentwood, a residential and recreational multi-housing style complex in Suffolk County, planned to be developed where the Long Island Expressway meets the Sagtikos Parkway.

<http://www.heartlandbusinesscenter.com/about.htm>

Bruce Lieberman: Chair, New York & Atlantic Railway (also RONY member)

New York & Atlantic is a short line railroad formed in 1997 to provide freight service over the tracks of the Long Island Rail Road. Mr. Lieberman is the former president of Railroads of New York.

<http://www.anacostia.com/nyar/nyar.html>

The Need for a New Approach

New York will continue to face transportation challenges beyond the foreseeable future.

An aging infrastructure, coupled with projected increases in usage, threatens the viability of New York State's transportation infrastructure. Likewise, the increasing cost of maintenance and the continued investment in *traditional* infrastructure projects are proving cumbersome, especially at a time when costs continue to escalate and dedicated revenues continually fall short.

The committee's focus moving forward must revolve around establishing a new policy model for the continued investment in New York's infrastructure. This transition will not be simple. There is no magic bullet.

Any successful shift in transportation strategy will involve numerous factors. This new strategy will require evaluation of the current entrenched system, on an institution-by-institution basis. We must reassess federal, state and local government relationships and roles. It will also require the cooperative exchange of ideas and careful consideration of 21st Century infrastructure concepts and issues. Currently these issues encompass various topics and are under the purview of many different government agencies.

It is apparent that the transportation system has previously unaccounted for costs in terms of congestion, air quality, energy and quality of life. It's also apparent that the current system is not sustainable and that state DOT's nationwide have been a party to the system - building for decades to accommodate more cars at higher rates of speed. Despite several decades of environmental policy, the outcome remains largely unchanged, a result of over-standardization and the lack of a holistic view.

Now more than ever, transportation policy does not account for all modes of transportation. Policy has long-favored an automobile-centric model. Under it, the average annual transportation cost per household has risen to nearly \$9,000, second only to housing costs.¹³ Nationally, this model accounted for \$44.2 billion in highway program funding in 2008. It is expected to cost approximately \$35 billion annually throughout most of the next six years. At the other end of the spectrum, investment in public transit is expected to be approximately \$10 billion annually through 2010, and drop to \$6 billion from 2011 to 2015.¹⁴

New York State's future transportation policies will affect everyone who resides, works or visits in so many ways. It is difficult to determine what initiatives could have a greater or such a wide varying influence upon the people of this state. Transportation policy works hand-in-hand with economic development and job growth. Our decisions will also have impacts upon our environment and the general health of generations of New Yorkers. Whether it is the air we breathe, or an investment in healthy, walkable and bikable communities, it is critical for the committee to act as an intermediary to those agencies and vested groups to establish and facilitate sound policy, that carefully considers all the issues facing New York's infrastructure and those that make use of it.

¹³ <http://www.visualeconomics.com/how-the-average-us-consumer-spends-their-paycheck/>

¹⁴ Beyond the Gas Tax – Symposium Proceedings, Syracuse, New York, October 7, 2008, Astrid Glynn, Commissioner



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