

CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 21. MISCELLANEOUS

CHAPTER V. NEW YORK STATE BRIDGE AUTHORITY

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Disclaimer: *The text contained throughout the rules and regulations is accurate as to content however, should not be used for correct and proper legal citation.*

PART 200. GENERAL PROVISIONS

(Statutory authority: Public Authorities Law, § 528[2], 538[1])

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Historical Note

Part (§ § 200.1-200.2) repealed, new filed Oct. 17, 1966; repealed, new (§ § 200.1-200.8) filed May 14, 1984 eff. May 14, 1984.

Section 200.1 Introduction.

The following rules and regulations of the New York State Bridge Authority were promulgated in accordance with the provisions of article 3, title 2 of the Public Authorities Law.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 200.2 Title.

This Chapter may be referred to as the "New York State Bridge Authority Rules and Regulations."

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 200.3 Applicability.

These rules and regulations shall apply to all premises included under the authority facilities as defined in section 200.4 of this Part.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 200.4 Enforcement, law enforcement officials, jurisdiction.

(a) The authority, by resolution, shall from time to time appoint or designate one or more persons for the purpose of enforcing law, order and the observance of these rules and regulations established by the authority. Each person as and when so appointed or designated may, during the term of such appointment or designation, be uniformed and shall be known as a New York State Bridge Authority patrolman and shall be a police officer as defined by paragraph (e) of subdivision 34 of section 1.20 of the Criminal Procedure Law, and shall have, within the limits of the cities, towns and villages within which any part of a bridge, or any other property, operated by the authority shall be located, all the powers of a constable, marshal, police constable or policeman of a city, town or village in the execution of criminal processes; and criminal process issued by any court or magistrate of a county, town, city or village within any part of a bridge or any property operated by the authority shall be located, may be directed to and executed by any such patrolman notwithstanding the provisions of any local or special act, ordinance or regulation.

Historical Note

Sec. filed May 14, 1984; amd. filed Nov. 4, 1991 eff. Nov. 20, 1991. Repealed (b).

Section 200.5 Violations, penalties.

Violations of any of these rules and regulations shall constitute an offense punishable by a fine of not more than \$100; provided, however, that violators of these rules relating to traffic or pedestrian use of a bridge or highway within the jurisdiction of the authority, shall be apprehended and prosecuted in the same manner as provided for the apprehension and prosecution of violators of the Vehicle and Traffic Law, who commit violations thereof upon the public highways. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of those rules of the authority which are defined as offenses shall nevertheless be deemed misdemeanors for the sole purpose of making applicable all procedural provisions of law relating to misdemeanors.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 200.6 Implementation.

In order to carry out the intent and purpose of these rules and regulations, the authority may, through its agents or employees, by means of directives, posted signs or other means, enlarge or make more specific these rules and regulations, provided that such directives, posted signs or other such means are not inconsistent with these rules and regulations.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 200.7 Posting, availability.

In addition to that required by existing statute, regulation or executive order, a copy of these rules and regulations shall be conspicuously posted at each toll plaza of the authority and at its permanent executive offices. Copies of these rules and regulations shall be made available to any member of the public upon written request to Executive Director, New York State Bridge Authority, P.O. Box 590, Poughkeepsie, NY 12602, at a cost of \$2.50.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 200.8 Definitions.

Unless specifically defined otherwise, the following words or phrases shall have the specific meanings as described below:

(a) *New York State Bridge Authority (NYSBA)* shall mean the corporation created by title 2 of article 3 of the Public Authorities Law.

(b) The term *authority* shall mean the New York State Bridge Authority.

(c) The term *board* shall mean the members of the authority.

(d) The term *Mid-Hudson Bridge* shall be deemed to mean the bridge constructed across the Hudson River between the Town of Lloyd and the City of Poughkeepsie.

(e) The term *Rip Van Winkle Bridge* shall be deemed to mean the bridge constructed across the Hudson River north of the Village of Catskill and south of the City of Hudson.

(f) The term *Bear Mountain Bridge* shall be deemed to mean the bridge constructed across the Hudson River at Bear Mountain.

(g) The term *Newburgh-Beacon Bridge* shall be deemed to mean both spans of the bridge constructed across the Hudson River

between the vicinity of the City of Newburgh and the vicinity of the City of Beacon.

(h) The term *Kingston-Rhinecliff Bridge* shall be deemed to mean the bridge constructed across the Hudson River within five miles of the City of Kingston.

(i) The term *bridges* shall be deemed to mean collectively Mid-Hudson Bridge, Rip Van Winkle Bridge, Bear Mountain Bridge, Kingston-Rhinecliff Bridge, both spans of the Newburgh-Beacon Bridge and incidental roads, approaches, structures and facilities.

(j) The term *authority facilities* shall mean all bridges as defined in subdivision (i) of this section and all other areas under jurisdiction of the New York State Bridge Authority.

(k) *Vehicle*. A device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except a baby carriage.

(l) *Motor vehicle*. A vehicle propelled by any power other than muscular power.

(m) *Motorcycle*. A motor-powered vehicle of bicycle or tricycle type.

(n) *Bicycle*. A vehicle with two wheels supported by a frame, propelled by the feet acting upon pedals.

(o) *Bus*. A motor vehicle used for the transportation of 10 or more persons.

(p) *Truck*. A motor vehicle designed, used or maintained primarily for the transportation of property.

(q) *Tractor*. A motor-driven vehicle designed for drawing other vehicles but having no provision for carrying loads independently.

(r) *Trailer and semi-trailer*. A vehicle without motor power drawn by a motor-powered vehicle.

(s) *Snowmobile or snow traveler*. A vehicle designed for travel over snow or ice, supported by skis or runners and propelled by a traction wheel or belt.

(t) *Emergency service vehicle*. A vehicle customarily used for the purpose of towing, pushing, repairing or otherwise servicing disabled vehicles.

(u) *Operator*. A person who pushes, draws, propels, operates or is in charge of a vehicle.

(v) *Agent or employee--police*. The term *agent or employee of the authority* shall include, but not be limited to, a member of the State Police or a member of any other law enforcement agency acting on the authority facilities pursuant to law or pursuant to the request, direction or order of an agent or employee of the authority.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

PART 201. TOLL RULES AND RATES

(Statutory authority: Public Authorities Law, § § 528, 538)

- Section 201.1 Payment of tolls.
- Section 201.2 Bridge tolls.
- Section 201.3 Unusual classifications.
- Section 201.4 Car pool discount.
- Section 201.5 Commuter discount.
- Section 201.6 E-ZPass Program.

Historical Note

Part (§ § 201.1-201.4) repealed, new (§ § 201.1-201.2) filed Oct. 17, 1966; repealed, new (§ § 201.1-201.4) filed: May 14, 1984; June 7, 1989 eff. July 2, 1989.

Section 201.1 Payment of tolls.

All vehicles traveling eastbound shall stop at an operating toll booth and pay the appropriate toll according to these rules and regulations unless otherwise directed by an authority agent or employee. The evasion, nonpayment, payment in other than lawful currency, payment of less than the full amount required, or any other failure to comply with the established tolls of the authority is prohibited.

Historical Note

Sec. repealed, new filed Oct. 17, 1966; amds. filed: Aug. 14, 1970; Sept. 14, 1970; repealed, new filed: May 14, 1984; June 7, 1989; amd. filed Dec. 6, 1999 eff. Feb. 5, 2000.

Section 201.2 Bridge tolls.

(a) The following tolls shall be charged for each vehicle as classified below for each eastbound passage over each of the bridges controlled by the authority:

<i>Vehicle Class</i>	<i>Vehicle Description</i>	<i>Axles</i>	<i>Toll</i>
1.	All vehicles with two or fewer axles and four or fewer tires	2	\$1.00
2.	Two-axle vehicles with more than four tires	2	\$2.50
3.	Three-axle vehicles	3	\$4.50
4.	Four-axle vehicles	4	\$6.00
5.	Five-axle vehicles	5	\$7.50
6.	Six-axle vehicles	6	\$9.00
7.	Each additional axle attached to vehicles in class 1	1	\$.50
8.	Each additional axle on or attached to vehicles in classes 2 through 6	1	\$1.50
9.	Regular commuter discount	2	As described in section 201.5 of this Part
10.	Car pool discount	2	As described in section 201.4 of this Part
11.	Vehicles owned and operated by the authority, by authority employees or contractors, and emergency service vehicles or other vehicles which by law or authority resolution are treated as class 11 vehicles	2	No charge
12.	Each additional axle on or attached to vehicles in class 11	1	No charge

(b) Pedestrians and self-propelled bicycles shall not be subject to tolls on bridges and facilities where such access and/or operation is permitted.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984; June 7, 1989; amd. filed Dec. 6, 1999 eff. Feb. 5, 2000.

Section 201.3 Unusual classifications.

Notwithstanding the above toll schedule, the authority reserves the right to determine whether any vehicle and/or load is of unusual design, weight or construction and to determine the toll including surcharges and permit fees.

Historical Note

Sec. repealed, filed Oct. 17, 1966; new filed: May 14, 1984; June 7, 1989 eff. July 2, 1989.

Section 201.4 Car pool discount.

Notwithstanding the above toll schedule, the authority shall have the right to issue car pool discount books for class 1 vehicles, as described above, subject to the following conditions.

(a) Car pool books shall contain 30 tickets, each good for one eastbound passage of a class 1 vehicle carrying three or more persons, shall be good for passage Monday through Friday only within 90 days of the date of purchase, and shall be sold at a price of \$9.

(b) Car pool books must be presented at the time of each passage and each ticket removed by a member of the authority staff. If not so presented, the full single trip toll shall be charged. Loose and/or detached tickets shall be invalid.

(c) Car pool tickets shall not be valid for passage by any vehicle carrying fewer than three persons.

(d) Car pool tickets shall be valid only for privately registered vehicles and individually owned or leased pick-up trucks.

(e) If a car pool book is presented after the expiration date, or if the book, or any ticket, is erased, defaced or altered, it will be invalid and will be confiscated, and the full single trip toll will be charged.

(f) No refund will be made if any car pool book is lost, stolen, expired, confiscated or for tolls collected upon failure to present the book, or for unused tickets.

(g) Car pool books are not transferable within one mile of the authority facilities.

(h) In addition to or in lieu of the issuance of regular commutation books for class 1 vehicles, the authority may offer discounted commuter tolls through its E-ZPass electronic toll system in accordance with procedures and under terms and conditions as from time to time may be prescribed by the authority. Such procedures, terms and conditions may include minimum deposits, administrative service fees on accounts or equipment, limits on transferability, and E-ZPass account requirements. The E-ZPass discount for regular commutation shall provide for a discounted toll of \$0.40, provided that the E-ZPass account holder agrees to allow their account to be charged for a minimum of 17 tolls per monthly period established by the authority.

Historical Note

Sec. repealed, filed Oct. 17, 1966; new filed: May 14, 1984; June 7, 1989; amds. filed: Aug. 28, 1998; Dec. 6, 1999 eff. Feb. 5, 2000.

Section 201.5 Commuter discount.

(a) Notwithstanding the above toll schedule, the authority may offer discounted commuter tolls for class 1 vehicles through its E-ZPass electronic toll system in accordance with procedures and under terms and conditions as from time to time may be

prescribed by the authority. Such procedures, terms and conditions may include minimum deposits, administrative service fees on accounts or equipment, limits on transferability, and E-ZPass account requirements.

(b) Such commuter discount shall be available only for privately-registered vehicles and individually owned or leased pick-up trucks.

(c) The E-ZPass regular commuter discount shall provide for a maximum discounted toll of \$.50, provided that the E-ZPass account holder agrees to allow their account to be charged for a minimum of 17 tolls per monthly period established by the authority.

Historical Note

Sec. filed Dec. 6, 1999 eff. Feb. 5, 2000.

Section 201.6 E-ZPass Program.

The authority may offer a voluntary program for the payment of tolls for one or more classes of vehicles through its E-ZPass electronic toll system in accordance with procedures and under terms, conditions and agreements as from time to time may be prescribed by the authority. Such terms, conditions and agreements may include minimum deposits, administrative service fees on accounts or equipment, limits on transferability, and E-ZPass account requirements. Use of the E-ZPass system may be conditioned on continued compliance with requirements of other agencies which operate the E-ZPass system. Unauthorized or improper use of an E-ZPass tag or dedicated E-ZPass lane is prohibited and may result in cancellation of E-ZPass account privilege and/or the imposition of administrative fees, costs or penalties.

Historical Note

Sec. filed Dec. 6, 1999 eff. Feb. 5, 2000.

PART 202. PROHIBITED OPERATORS AND VEHICLES

(Statutory authority: Public Authorities Law, § 528[2], 538[1])

Section 202.1 Prohibited operators.
Section 202.2 Unregistered vehicles.
Section 202.3 Dangerous, unsafe vehicles.
Section 202.4 Slow-moving vehicles.
Section 202.5 Determination of permitted vehicles.
Section 202.6 to 202.10 (Repealed)

Historical Note

Part (§ § 202.1-202.10) repealed, new filed Oct. 17, 1966; repealed, new (§ § 202.1-202.5) filed May 14, 1984 eff. May 14, 1984.

Section 202.1 Prohibited operators.

No person shall operate a motor vehicle on any part of the authority facilities unless that person is duly authorized to operate a motor vehicle in the State of New York.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 202.2 Unregistered vehicles.

No motor vehicle shall be permitted on any part of the authority facilities which is not registered or is not properly equipped for operation upon the public highways of the State of New York in accordance with the laws of the State of New York.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 202.3 Dangerous, unsafe vehicles.

Vehicles loaded in such a manner or with such materials or so constructed or equipped as to be likely to endanger persons or property or to render the use of the authority facilities unsafe are not allowed on the authority facilities. Such prohibited unsafe vehicles shall include, but shall not be limited to:

- (a) Vehicles with improperly secured loads including, but not limited to, animals or poultry not confined.
- (b) Vehicles transporting loose materials, unless covered with a tarpaulin or other cover or suitable device capable of preventing the dislodgement and falling of such material or any portion thereof by vehicle movement, or wind or combination thereof.
- (c) Vehicles in such condition that, in the opinion of an agent or employee of the authority, are unsafe for use upon the authority facilities. After inspection of a vehicle and determination by an authority agent or employee that the vehicle is unsafe for use upon the authority facilities, the burden or proof to show the safe operating condition of that vehicle shall be upon the operator of that vehicle.
- (d) Vehicles having flat tires, inadequate brakes, faulty mufflers or any other unsafe or improperly functioning equipment.
- (e) Vehicles with solid or metal tires and vehicles with caterpillar threads.
- (f) Pushcarts, wheelbarrows, velocipedes and similar vehicles.
- (g) Vehicles exceeding 8 1/2 feet (102 inches) in width when operated on:

(1) weekdays between the hours of 6:30 a.m. and 8:30 a.m. and between the hours of 4:00 p.m. and 6:00 p.m. at the Rip Van Winkle, Kingston-Rhinecliff, Newburgh-Beacon and Bear Mountain Bridges; and

(2) weekdays between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 3:00 p.m. and 7:00 p.m. at the Mid-Hudson Bridge.

(h) House trailers or any other type trailer that, in the opinion of an agent or employee of the authority, may be blown over due to wind conditions.

(i) Buses with passengers standing between the driver and the front entrance door or standing in any other location in the bus so as to obstruct the view of the driver of the front, rear or sides.

(j) Vehicles with a person standing on the outside thereof or vehicles with a person any part of whose body extends outside the vehicle. This provision shall not apply to a person making a lawful turn signal.

(k) Vehicles carrying liquids with leaky spigots or any leakage whatsoever.

(l) Vehicles which, in the opinion of agents or employees of the authority, are likely to delay traffic, to damage the roadway or any other part of the authority facilities, to endanger person or property, or to render the use of the authority facilities unsafe for either that vehicle or others using the authority facilities.

(m) Vehicles transporting explosives, inflammable, radioactive, nuclear, or toxic materials or wastes, or other dangerous materials or articles, unless with the express written consent of the executive director of the authority who shall prescribe when, how and where on the authority facilities such materials or articles shall be transported.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984; amd. filed Nov. 4, 1991 eff. Nov. 20, 1991. Amended (g).

Section 202.4 Slow-moving vehicles.

No unusual slow-moving vehicles and no vehicles which, for that or any other reason, are likely to cause undue delay or interference with traffic, are permitted on any part of the authority facilities, except upon the prior approval of the authority and only at such times and under such circumstances that no undue delay in traffic will occur.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 202.5 Determination of permitted vehicles.

The authority shall have the right to inspect any vehicle, before, during or after that vehicle's use of any part of the authority facilities to determine whether that vehicle would be, is, or was in violation of these rules and regulations and to prohibit its use, its continued use of the authority facilities (as the case may be) or to determine that a violation of these rules and regulations has occurred.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 202.6 to 202.10 [Repealed]

Historical Note

Secs. repealed, new filed Oct. 17, 1966; repealed, filed May 14, 1984 eff. May 14, 1984.

PART 203. REGULATION OF TRAFFIC

(Statutory authority: Public Authorities Law, § § 528, 538)

- Section 203.1 Applicability of Vehicle and Traffic Law.
- Section 203.2 Obedience to officers, agents, employees, signs and signals of the authority.
- Section 203.3 Speed limits.
- Section 203.4 Load limits.
- Section 203.5 Unlawful crossings.
- Section 203.6 Traffic lanes.
- Section 203.7 U-turns.
- Section 203.8 Coasting, pushing of vehicles.
- Section 203.9 Stopping, standing or parking.
- Section 203.10 Accidents.
- Section 203.11 Disabled vehicles.
- Section 203.12 Vehicle repairs.
- Section 203.13 Abandoned vehicles.

Historical Note

Part (§ § 203.1-203.5) repealed, new filed Oct. 17, 1966; repealed, new (§ § 203.1-203.13) filed May 14, 1984 eff. May 14, 1984.

Section 203.1 Applicability of Vehicle and Traffic Law.

(a) Except for those provisions which are inconsistent with or modified by these rules and regulations, the provisions of the Vehicle and Traffic Law of the State of New York, chapter 775 of the Laws of 1959 as amended, shall apply to the authority facilities.

(b) The omission of a prohibited act previously referred to or listed in the previous rules and regulations of the authority shall not mean that the authority gives its consent to such an act if such an act is prohibited by the Vehicle and Traffic Law of the State of New York or any other chapter of the laws of the State of New York.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 203.2 Obedience to officers, agents, employees, signs and signals of the authority.

(a) No person shall fail, neglect or refuse to comply with any order or directive of a Bridge Authority patrolman or any other agent or employee of the authority.

(b) No person shall fail, neglect or refuse to comply with any traffic control sign, signal or device erected or displayed by the authority on the authority facilities unless otherwise directed by an agent or employee of the authority.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 203.3 Speed limits.

(a) Subject to posted signs and subject to directions by any employee or agent of the authority, the maximum rate of speed for all vehicles on each of the following bridges shall be as follows:

- (1) Rip Van Winkle Bridge--40 miles per hour.
- (2) Kingston-Rhinecliff Bridge--40 miles per hour.
- (3) Mid-Hudson Bridge--25 miles per hour.

(4) Newburgh-Beacon Bridge--40 miles per hour.

(5) Bear Mountain Bridge--40 miles per hour.

(b) No person shall operate a vehicle on the authority facilities at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Under no conditions shall the speed exceed the limits established in these rules and regulations.

(c) All vehicles shall come to a full stop at an operating toll booth of each bridge when traveling in an eastbound direction, and shall commence slowing down at a distance of not less than 1,000 feet approaching said toll booth in order to come safely to a full stop.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 203.4 Load limits.

(a) No vehicle legally operating on the State highways adjacent to an authority facility shall be refused access to such facility, except that vehicles with a gross maximum vehicle weight in excess of those indicated below or with individual or wheel, axle, tandem axle or multiple axle loads in excess of those identified in subdivisions 5, 6, 7, 8, 9, 10 and 11 of section 385 of the New York State Vehicle and Traffic Law shall require a permit issued by the executive director or his designee, and shall access such facility subject to the conditions identified thereon.

(b) The gross maximum vehicle weights for each authority facility are:

Bear Mountain Bridge	112,000 lb.
Newburgh-Beacon Bridge (south span)	106,000 lb.
Newburgh-Beacon Bridge (north span)	106,000 lb.
Mid-Hudson Bridge	110,000 lb.
Kingston-Rhinecliff Bridge	92,000 lb.
Rip Van Winkle Bridge	126,000 lb.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984; Aug. 15, 1988 eff. Aug. 15, 1988.

Section 203.5 Unlawful crossings.

No vehicle shall cross, or attempt to cross, any bridge without the payment of tolls as prescribed by these rules and regulations.

Historical Note

Sec. repealed, new filed: Oct. 17, 1966; May 14, 1984 eff. May 14, 1984.

Section 203.6 Traffic lanes.

(a) Slow-moving vehicles shall, under all circumstances, remain in the right-hand lane, except when lawfully passing where passing lanes exist.

(b) No vehicle shall at any time cross the dividing line between eastbound and westbound traffic.

(c) No vehicle, other than a passenger automobile, shall be permitted in the extreme left lane of a three-lane roadway on any

bridge.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 203.7 U-turns.

The making of a U-turn at any point on the authority facilities is prohibited unless under the direction of an authority agent or employee.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 203.8 Coasting, pushing of vehicles.

- (a) No vehicle shall coast while operating on the authority's facilities.
- (b) No vehicle may be pushed by another vehicle unless the vehicle being pushed is disabled and it is being done under the supervision and direction of an authority agent or employee.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 203.9 Stopping, standing or parking.

No vehicle shall stop, stand or park on any part of the authority facilities, except:

- (a) on those areas provided for that purpose at toll plaza areas and maintenance areas;
- (b) while paying a toll;
- (c) in emergencies; or
- (d) when under the direction of an authority agent or employee.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 203.10 Accidents.

In addition to the provisions of the Vehicle and Traffic Law, an operator involved in an accident on the authority facilities resulting in injury or death to any person, or damage to any property real or personal, shall immediately stop such vehicle at the scene of the accident, render such assistance as may be needed, and give his name, address, license and registration number to the person injured or to the person sustaining the damage, and report the accident and give such information to an authority agent or employee at the nearest toll plaza.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 203.11 Disabled vehicles.

- (a) When an emergency situation exists, the disabled vehicle shall be immediately moved off the traveled portion of the authority facilities to the right of the traffic lane facing in the direction of travel. Upon moving the disabled vehicle and undertaking the proper safety precautions as prescribed by law, the operator of the disabled vehicle shall immediately inform an agent or employee of the authority at the nearest toll plaza and make arrangements with the authority agent or employee for the removal of the disabled vehicle from the authority facilities, which shall be at the expense of the operator and/or owner of the

disabled vehicle.

(b) Disabled vehicles shall not be unattended unless:

- (1) the operator is in the process of notifying the authority of the situation (which shall include traveling to and from the vehicle);
- (2) a medical or health situation exists where it is not in the best interests of the operator or the passengers to remain with the vehicle; or
- (3) so directed by an authority agent or employee.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 203.12 Vehicle repairs.

No vehicles shall be repaired on authority facilities property unless under the supervision and direction of an authority agent or employee. Such repairs shall include, but not be limited to, the changing of tires.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 203.13 Abandoned vehicles.

(a) Any vehicle which is allowed to stand unattended by an operator upon the authority facilities for more than two hours shall be deemed to have been abandoned by the owner thereof, regardless of who abandoned the vehicle, unless the situation has been reported to the authority, as described in section 203.11 of this Part, and satisfactory arrangements have been made for the repair or the removal of the disabled vehicle from the authority facilities.

(b) Any vehicle so abandoned is hereby declared to be a public nuisance, and the authority may authorize the removal of such abandoned vehicle from the authority system by means of towing by the authority's own employees or agents or by an independent garage or tow-truck operator. The removal of the abandoned vehicle by any means shall be at the expense of the operator and/or owner of the abandoned vehicle.

(c) The authority shall have the right to deal with such abandoned vehicles in accordance with section 1224 of the Vehicle and Traffic Law.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

PART 204. PROHIBITED CONDUCT

(Statutory authority: Public Authorities Law, § § 528[2] 538[1])

Section 204.0 Applicability.
Section 204.1 Pedestrians.
Section 204.2 Hitchhiking; loitering.
Section 204.3 Rowdy, dangerous conduct.
Section 204.4 Animals.
Section 204.5 Littering; polluting.
Section 204.6 Throwing of objects; jumping.
Section 204.7 Damage to authority property.
Section 204.8 Snowmobiles; snow travelers.
Section 204.9 Towing.
Section 204.10 Airplanes; jets; helicopters.
Section 204.11 Picnicking; consumption of food, beverages.
Section 204.12 Liquor; intoxicating beverages; drugs.
Section 204.13 Commercial activity; posting of signs; solicitation of funds.
Section 204.14 Firearms; fireworks.
Section 204.15 Interference with authority operations.
Section 204.16 Banners; flags; signs.
Section 204.17 Interference with lawful passage.
Section 204.18 Waiver of rules.

Historical Note

Part (§ § 204.0-204.16) filed May 14, 1984 eff. May 14, 1984.

Section 204.0 Applicability.

In addition to any prohibited conduct set forth in sections 204.9-204.16 of this Part, the conduct set forth in this Part shall not be permitted on any part of the authority facilities.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.1 Pedestrians.

No pedestrians shall be permitted on the authority facilities, except in designated walkways.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.2 Hitchhiking; loitering.

The solicitation of a ride, commonly known as hitchhiking, or stopping any vehicle for the purpose of picking up or discharging a hitchhiker, on any portion of the authority facilities, including toll plazas, is prohibited. Loitering in or about the toll plazas or any other portion of the authority facilities, for the purpose of hitchhiking or for any other purpose, is prohibited.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.3 Rowdy, dangerous conduct.

No person shall engage in dangerous, boisterous or rowdy conduct, or what is considered horseplay, or in any activity or conduct which is likely to cause damage to any property or injury to any person, anywhere on the authority facilities.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.4 Animals.

No animals shall be led, ridden or driven under any circumstances on any part of the authority facilities.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.5 Littering; polluting.

- (a) No person shall litter or cause littering on any part of the authority facilities.
- (b) No person shall litter, pollute, or cause littering or pollution of the Hudson River.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.6 Throwing of objects; jumping.

No person shall throw objects, jump or attempt to jump:

- (a) from any vehicle on the authority facility;
- (b) from any other location onto the authority facility; or
- (c) from any part of the authority facilities.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.7 Damage to authority property.

- (a) No person shall cut, mutilate or remove any trees, shrubs or plants located on the authority facilities.
- (b) No person shall deface, damage, mutilate or remove any sign, delineator structure, fence, or any other property or equipment of the authority.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.8 Snowmobiles; snow travelers.

No person shall use snowmobiles or snow travelers on any part of the authority facilities unless under the direction of an agent or employee of the authority.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.9 Towing.

- (a) No vehicle may be towed by rope or other nonrigid device unless under the direction of an agent or employee of the authority.
- (b) No vehicle may be towed on any part of the authority facilities unless towed by a properly equipped and operated tow

truck, or other emergency service vehicle, unless under the supervision and direction of an agent or employee of the authority.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.10 Airplanes; jets; helicopters.

No airplanes, jets or helicopters may land or take off from any part of the authority facilities without the prior written consent of the executive director of the authority. Any unauthorized airplane, jet or helicopter may be removed from the authority facilities by the authority at the expense of the operator and/or owner of such unauthorized airplane, jet or helicopter.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.11 Picnicking; consumption of food, beverages.

No person shall picnic or consume food or beverages on any part of the authority system except in designated areas.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.12 Liquor; intoxicating beverages; drugs.

No person shall consume any intoxicating beverage or any illegal or prohibited drug while such person is in a vehicle on the authority facilities or while such person is on the authority facilities.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.13 Commercial activity; posting of signs; solicitation of funds.

No person shall, without the written permission of the authority, on any part of the authority facilities:

- (a) carry on any commercial activity;
- (b) post, distribute or display signs, advertisements, circulars, printed or written matter; or
- (c) solicit funds for any purpose.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.14 Firearms; fireworks.

All persons are prohibited from discharging firearms, fireworks or other explosives on or over any part of the authority facilities.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.15 Interference with authority operations.

No person may act in any way which shall interfere or tend to interfere with the efficient, safe and orderly operation of the authority facilities.

Historical Note

Sec. filed May 14, 1984 eff. May 14, 1984.

Section 204.16 Banners; flags; signs.

No banners, flags, signs or other devices of any kind may be hung from or attached to any portion of any structure or facility under the jurisdiction of the authority, except for appropriate traffic and safety regulation or information devices approved by the executive director or required by law. No flags or banners, other than the official national emblem of the United States, and the official emblem of the State of New York may be flown from any flag pole or flag mounting apparatus at any bridge facility.

Historical Note

Sec. filed May 14, 1984; repealed, new filed Nov. 4, 1991 eff. Nov. 20, 1991.

Section 204.17 Interference with lawful passage.

No fishing, kite flying, model airplane, toy boat, or vehicle operation or other activity that might interfere with the lawful passage of any boat, motor vehicle, aircraft, bicycle or pedestrian on, under or above any authority facility shall be permitted.

Historical Note

Sec. filed Nov. 4, 1991 eff. Nov. 20, 1991.

Section 204.18 Waiver of rules.

Notwithstanding the foregoing provisions of this Part or any other Part of these rules and regulations, the executive director or a designee is authorized, at his or her discretion, to waive any of the provisions of these rules and regulations in order to carry out the efficient, safe and orderly operation of the authority or to protect the health and safety of any person affected by the operation of the authority.

Historical Note

Sec. filed Nov. 4, 1991 eff. Nov. 20, 1991.

PART 205. BICYCLE AND PEDESTRIAN ACCESS

(Statutory authority: Public Authorities Law, § § 528[2], 538[1])

Section 205.1 Roadway deck.
Section 205.2 Exceptions.
Section 205.3 Pedestrians.
Section 205.4 Hours of operation.
Section 205.5 Mopeds.

Historical Note

Part (§ § 205.1-205.3) filed May 14, 1984; repealed, new (§ § 205.1-205.5) filed Nov. 4, 1991 eff. Nov. 20, 1991.

Section 205.1 Roadway deck.

Bicycles may be operated on the roadway deck of any bridge equipped with deck surfaces and railings consistent with the standards currently recommended by the American Society of Highway and Transportation Officials for the design of facilities to accommodate bicycles.

Historical Note

Sec. filed May 14, 1984; repealed, new filed Nov. 4, 1991 eff. Nov. 20, 1991.

Section 205.2 Exceptions.

Bicycles may not be operated on the roadway deck of the Newburgh-Beacon and Mid-Hudson Bridges. Bicycles may be operated on the Walkway/Bikeway paths of the Newburgh-Beacon and Mid-Hudson Bridges subject to the regulations posted prominently thereon.

Historical Note

Sec. filed May 14, 1984; repealed, new filed Nov. 4, 1991 eff. Nov. 20, 1991.

Section 205.3 Pedestrians.

Pedestrian access to authority bridges shall be limited to those walkways posted for pedestrian access.

Historical Note

Sec. filed May 14, 1984; repealed, new filed Nov. 4, 1991 eff. Nov. 20, 1991.

Section 205.4 Hours of operation.

Walkways and bikeways, where provided, shall be open for use each day between dawn and dusk.

Historical Note

Sec. filed Nov. 4, 1991 eff. Nov. 20, 1991.

Section 205.5 Mopeds.

No mopeds or any other motorized vehicles of any type shall be operated on any walkway or bikeway.

Historical Note

Sec. filed Nov. 4, 1991 eff. Nov. 20, 1991.

PART 206. PUBLIC ACCESS TO RECORDS OF THE NEW YORK STATE BRIDGE AUTHORITY PURSUANT TO THE FREEDOM OF INFORMATION LAW

(Statutory authority: Public Authorities Law, § 528[2])

Section 206.1 Definitions.

Section 206.2 Purpose.

Section 206.3 Applications for and the inspection and copying of records.

Section 206.4 Prevention of unwarranted invasions of personal privacy.

Section 206.5 Records not available for public inspection or copying.

Section 206.6 Maintenance of certain records.

Section 206.7 Appeals from denials of access to records.

Section 206.8 Fee for copies.

Historical Note

Part (§ § 206.1-206.8) filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.1 Definitions.

Unless expressly otherwise provided, whenever used in this Part, the following terms shall mean or include:

- (a) *Authority*. The New York State Bridge Authority.
- (b) *Secretary*. The secretary or assistant secretary of the authority, or their delegate, or such other officer or employee as shall be designated by the authority to perform one or more of the duties herein assigned to the secretary and assistant secretary.
- (c) *Chairman*. The chairman of the authority, or his delegate, or such other officer or employee as shall be designated by the authority to perform one or more of the duties herein assigned to the chairman.
- (d) *Rules*. The rules set forth in this Part.
- (e) *Records*. That information, in whatever physical form whatsoever kept, held, filed, produced or reproduced by, with or for the authority, which is required to be made available by the authority for public inspection and/or copying under the terms and conditions of the Freedom of Information Law, (article 6, Public Officers Law, State of New York).

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.2 Purpose.

This Part, governing public access to certain records of the authority, is promulgated solely for the purpose of implementing the provisions of the Freedom of Information Law. Nothing in this Part shall be deemed to require the authority to reduce any information to physical form or prepare any record not possessed or maintained by it, except the records specified in subdivision 3 of section 87 and subdivision 3 of section 88 of the Public Officers Law.

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.3 Applications for and the inspection and copying of records.

An application to inspect or to copy information constituting records under this Part shall be made to the secretary. Such application shall be made in writing on a form provided by the authority and shall reasonably describe the record sought. Such description shall, when possible, include information regarding dates, file designations and such other information that may assist in describing the record sought. Within five business days following receipt of such application, if the secretary determines that the information requested constitutes a record as defined in this Part, such requested records, if found, shall be made available for inspection by the applicant; or the applicant shall be furnished with a written acknowledgment of receipt of

the application, including the approximate date when the requested records will be made available for inspection. Such records shall be made available for inspection during regular office hours on regular working days at the location or locations within the authority's facilities designated by the secretary. If the requested records cannot be found after diligent search, the secretary shall so certify. If the application is denied, the secretary shall so advise the applicant in writing within five business days following receipt of such application, stating the reason therefor and indicating the procedure available for appealing such denial as provided in this Part. The secretary shall provide, if requested, copies of records to the applicant therefore, together with his certification as to the correctness of such copies, upon receipt of payment of the fees prescribed in this Part.

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.4 Prevention of unwarranted invasions of personal privacy.

Notwithstanding anything to the contrary contained in this Part, the authority may, prior to making records available for inspection or copying, delete such identifying details as the authority may deem appropriate to prevent an unwarranted invasion of personal privacy. Without limiting the generality of the preceding sentence, an unwarranted invasion of personal privacy will be deemed to occur by the disclosure of the information, should it constitute a record under this Part enumerated below in this section, unless the person to whom the record pertains consents in writing to disclosure of such information or unless such information pertains to the person requesting same and such person presents reasonable proof of identity:

- (a) such personal matters as may have been reported in confidence to the authority and which are not relevant to the ordinary work of the authority;
- (b) employment, medical or credit histories or personal references of applicants for employment;
- (c) items involving the medical or personal records of a client or patient in a medical facility;
- (d) items of a personal nature, when disclosure would result in economic or personal hardship to the subject party, and such records are not relevant to the work of the agency requesting or maintaining it; and
- (e) lists of names and addresses, if such lists would be used for commercial or fund-raising purposes.

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.5 Records not available for public inspection or copying.

Notwithstanding anything to the contrary contained in this Part, the following items of information, should they otherwise be deemed records, shall not be available for public inspection or copying;

- (a) information that is specifically exempted from disclosure by State or Federal statute;
- (b) information which, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations;
- (c) trade secrets or other records maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise;
- (d) information which is part of investigatory files compiled for law enforcement purposes which, if disclosed, would interfere with law enforcement investigations or judicial proceedings; would deprive a person of a right to a fair trial or impartial adjudication; would identify a confidential source or disclose confidential information relating to a criminal investigation; or would reveal criminal investigative techniques or procedures; except routine techniques and procedures;
- (e) information which, if disclosed, would endanger the life or safety of any person;
- (f) communications between or among the authority and other agencies (as the word *agency* is defined in the Freedom of Information Law) and intra-authority materials which are not:

- (1) statistical or factual tabulations or data;
 - (2) instructions to staff that affect the public; or
 - (3) final authority policy or determinations; and
- (g) examination questions or answers which are requested prior to the final administration of such questions.

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.6 Maintenance of certain records.

The authority shall maintain and make available for public inspection and copying, in accordance with this Part:

- (a) a record of the final vote of each member of the authority in every authority proceeding in which the member votes;
- (b) a record setting forth the name, public office address, title and salary of every officer and employee of the authority; and
- (c) a reasonably detailed list, by subject matter, of all records in the possession of the authority, whether or not available under the Freedom of Information Law.

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.7 Appeals from denials of access to records.

Any party denied access to a record or records of the authority may appeal such denial to the chairman of the authority. Such appeal shall be made in writing and shall be accompanied by such party's written application for such records. The chairman shall determine such appeal and if he denies such access, his reasons therefor shall be explained fully in writing within seven business days following receipt of notice of such appeal.

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

Section 206.8 Fee for copies.

The fee for copies of records is hereby fixed at 25 cents for each page or portion of a page measuring up to 9 inches by 14 inches.

Historical Note

Sec. filed Oct. 5, 1989 eff. Oct. 25, 1989.

PART 207. PROMPT PAYMENT POLICY

(Statutory authority: Public Authorities Law, § § 528[2], 2880)

Section 207.1 Statement of purpose.
Section 207.2 Definition of terms.
Section 207.3 Rules and regulations.
Section 207.4 Reports.
Section 207.5 Miscellaneous provisions.

Historical Note

Part (§ § 207.1-207.5) filed July 10, 1990 eff. July 25, 1990.

Section 207.1 Statement of purpose.

This policy statement is adopted pursuant to § 2880 of the Public Authorities Law.

Historical Note

Sec. filed July 10, 1990 eff. July 25, 1990.

Section 207.2 Definition of terms.

For the purpose of this policy statement, the following terms shall have the following meanings unless the context shall clearly indicate otherwise:

- (a) *Authority* shall mean the New York State Bridge authority.
- (b) *Contract* shall mean an enforceable agreement entered into by the authority and a contractor, including purchase orders.
- (c) *Contractor* shall mean any persons or organizations providing goods, property or services to the authority pursuant to a contract.
- (d) *Designated payment department* shall mean that department within the authority to which a proper invoice is to be submitted by a contractor.
- (e) *Prompt payment* shall mean payment of a debt due and owing to the authority before interest accrues thereon pursuant to the specifications herein.
- (f) *Proper invoice* shall mean a written request for contract payment setting forth the description, price and quantity of goods, property or services provided by a contractor in such form, and supported by such other substantiating documentation, as the authority may reasonably require.
- (g) *Receipt of an invoice* shall mean either (1) the date on which a proper invoice is received by the designated payment department, or (2) the date on which the authority receives the purchased goods, property or services covered by the proper invoice, whichever is later.
- (h) *Set-off* shall mean the reduction by the authority of a payment due to a contractor by an amount equal to the amount of an unpaid legally enforceable debt owed by the contractor to the authority.

Historical Note

Sec. filed July 10, 1990 eff. July 25, 1990.

Section 207.3 Rules and regulations.

(a) *Payment request procedure.* A proper invoice shall be sent to the attention of the director of administration, the designated payment department of the authority. The director of administration will enter or cause to be entered the date on which a proper

invoice is received by the designation payment department.

(b) Schedule for prompt payment. Except as set forth in subdivisions (e) and (f) of this section, the authority will make payment in accordance with the following schedule:

(1) For proper invoices received on or after January 1, 1990, payment will be made within 30 calendar days, excluding legal holidays, after receipt.

(2) Where payment date(s) are specified by the terms of a contract, payment will be made on such predetermined payment date(s).

(c) *Date of payment.* Payment of a proper invoice by the authority shall be deemed to have been made on the second business day after the date on which the authority's check for such invoice was issued.

(d) *Interest penalty.* If the authority fails to make payment in accordance with the prompt payment schedule set forth herein, the authority shall be liable for the payment of interest at a rate equal to that set by the State Tax Commission for corporate taxes pursuant to paragraph one of subsection (e) of section 1096 of the Tax Law. Interest shall be computed on the basis of a 365-day year, including the first day and excluding the last day of the period for which the computation is made. If the authority must process payments through some other entity not under the authority's control, the authority shall not be liable for interest due to the process time taken by such entity.

(e) *Funds available to pay interest penalties.* The authority will pay penalties with monies from (1) proceeds received by or on behalf of the authority under the terms of bond resolutions of the authority, which proceeds are not otherwise pledged to secure the payment of bonds and (2) proceeds received by or on behalf of the authority under the terms of Public Authorities Law, section 2425 *et seq.*, which proceeds are not otherwise restricted by the provisions of such statute.

(f) *Situations which justify extension of payment time for proper invoices.* The following circumstances constitute exceptions to the prompt payment schedule set forth in subdivision (b) of this section:

(1) Statutory of contract provisions requiring an inspection or an audit prior to payment.

(2) A requirement for state appropriation to authorize payment.

(3) A requirement for Federal government examination of a proper invoice prior to payment.

(g) *Reasons which justify the tolling of payment time for proper invoices.* The following circumstances shall toll the prompt payment schedule set forth in subdivision (b) of this section:

(1) the existence of defects in the goods, property or services delivered;

(2) the existence of defects in the invoice;

(3) suspected improprieties of any kind;

(4) failure by a contractor to submit such documents as may be reasonably required by the authority; or

(5) a dispute concerning whether a proper invoice is due and owing.

(h) *Tolling regulations.* In order to toll the prompt payment schedule without penalty, the authority must notify a contractor of any circumstances set forth in paragraphs (f)(1)-(5) of this section, within 15 days after receipt of an invoice. If the authority fails to give notice within 15 days, the payment period of such corrected proper invoice shall be reduced by the number of days between the 15th day and the date of notification. If the authority fails to provide reasonable grounds for its contentions, the date by which contract payment shall be made is calculated from the date of receipt of an invoice.

Historical Note

Sec. filed July 10, 1990 eff. July 25, 1990.

Section 207.4 Reports.

(a) *Statement filing.* Within 30 days of the adoption of this Statement, and of any amendments hereto, the authority shall file copies with the State Comptroller, the State Director of the Budget, the Chairman of the Senate Finance Committee, and the Chairman of the Assembly Ways and Means Committee.

(b) *Annual report.* Within 90 days after the end of each fiscal year, commencing with the current fiscal year the authority shall prepare an annual report on the scope and implementation of this prompt payment policy, including, but not limited to:

- (1) a listing of the type or categories of contracts which the authority entered into during the 12-month period of the report with an indication whether each such contract was subject to the prompt payment requirements, and if not, why not;
- (2) the number and amount of interest payments made for contracts, arranged according to each such type or category;
- (3) the number of interest chargeable days, and the total number of days taken to process each late contract payment; and
- (4) a summary of the principal reasons why such late payments had to be made.

Copies of this report shall be filed with the State Comptroller, the State Director of the Budget, the Chairman of the Senate Finance Committee and the Chairman of the Assembly Ways and Means Committee.

Historical Note

Sec. filed July 10, 1990 eff. July 25, 1990.

Section 207.5 Miscellaneous provisions.

(a) *Statement amendment.* The authority shall have the power to amend this policy statement by promulgating amended rules and regulations at any time.

(b) *Contract incorporation.* The policy statement in effect at the time of the creation of a Contract is hereby incorporated into and made a part of that Contract.

(c) *Public access.* The authority shall make copies of this policy statement, as well as the annual report, available to the public upon reasonable request at the authority's main office. In addition, the authority shall make a copy of this policy statement available to each contractor.

(d) *Inapplicability of statute.* The statute authorizing this statement is not applicable to the authority's contracts with other governmental agencies, to interest on judgments rendered by a court against the authority pursuant to any other statute, or in situations where the authority exercises a legally authorized set-off against all or part of a payment due a contractor.

(e) *Legal processes.* The authority is under no liability to pay interest pursuant to the statute after a contractor has filed a claim or given notice of an intention to file a claim or commenced legal action for payment of interest.

Historical Note

Sec. filed July 10, 1990 eff. July 25, 1990.

PART 208. ACCOMMODATION PLAN FOR THE LONGITUDINAL USE OF BRIDGE AUTHORITY
RIGHT-OF-WAY BY UTILITIES

(Statutory authority: Executive Law, § 102; Public Authorities Law, § 528[9])

Section 208.1 General policy
Section 208.2 Leases
Section 208.3 Procedure.
Section 208.4 Lease award.
Section 208.5 Contract provisions.

Historical Note

Part (§ § 208.1-208.5) filed Sept. 30, 1991 eff. Oct. 16, 1991.

Section 208.1 General policy

(a) With the exception of fiber optic signal transmission equipment, owned by transportation corporations defined in article 3 of the Transportation Corporation Law that are designated as public utilities by the Public Service Commission, the longitudinal use of bridges and highway rights-of-way under the jurisdiction of the New York State Bridge Authority by other than vehicle and pedestrian passage shall not be allowed.

(b) Subject to the provisions of this Part, New York State law, and the terms and conditions of any agreements entered into between the authority and such transportation corporations, the authority will make available the rights-of-way and structures under its jurisdiction to such transportation corporations for the longitudinal installation of fiber optic transmission equipment where they can be installed, operated and maintained safely and without negative impact on the primary use of the facilities of the authority by motorists, bicyclists and pedestrians.

Historical Note

Sec. filed Sept. 30, 1991 eff. Oct. 16, 1991.

Section 208.2 Leases

(a) Leases for the right to construct and/or maintain and operate fiber optic equipment may be granted under the authority of section 528(9) of the Public Authorities Law and shall be limited to a period of no more than 10 years from the date on which they are made.

(b) The authority shall seek separate proposals for each of its Hudson River facilities, except that the Newburgh-Beacon Bridge and the parallel Newburgh-Beacon Bridge may be deemed to be a single facility for the purposes of this Part. Proposers seeking access to more than one bridge may reply with a single proposal containing separate technical details rather than a separate proposal for each facility. Nothing herein shall be construed to prohibit any transportation corporation from being awarded leases to use more than one facility.

(c) Unless engineering, bridge maintenance or maintenance of traffic considerations require otherwise, the authority will not award an exclusive lease for sole access to any bridge by any lessee. In order to avoid interference with its regular operations, however, the authority does reserve the right to refrain, after the award of any lease or leases for access to any bridge, from the award of additional leases for access to the same bridge up to but not exceeding a period of 10 years.

(d) The authority may also accept proposals from and award leases to two or more transportation corporations acting as a joint venture.

Historical Note

Sec. filed Sept. 30, 1991 eff. Oct. 16, 1991.

Section 208.3 Procedure.

The award of a lease to use an authority facility under this Part shall be by open competitive process. Prior to the award of any lease, the authority shall advertise the availability of the opportunity to acquire such lease in the *New York State Contract Reporter* and evaluate all proposals received from qualified transportation corporations. The authority shall allow potential lease holders reasonable time and opportunity to inspect the authority's facilities and to develop a responsive proposal. The authority shall also, however, administer the proposal, evaluation and award process in a prompt and business-like manner.

(a) *Proposals*. Each proposal will be required to include:

- (1) a plan and schedule for initial installation, including a traffic control plan in conformance with the New York State Department of Transportation's Manual of Uniform Traffic Control Devices (MUTCD);
- (2) a plan for access to the fiber optic facilities for operation and maintenance including traffic control plans in conformity with the MUTCD;
- (3) the capacity of the equipment proposed to be provided, an analysis of projected demand and a plan to serve that demand by the proposed installed capacity;
- (4) a statement of the process by which requests for private cable access to the leasee's excess conduit capacity may be made by other users and the terms and conditions of such use;
- (5) the proposed payment to be made for occupancy of the authority's structures and right-of-way;
- (6) the method of removal or abandonment of the equipment to be implemented at the end of the lease term; and
- (7) any other information the authority may deem material in respect to a specific authority facility or site.

Such other information as may be material and helpful in the evaluation of the proposals may be included in a concise form.

(b) *Review and evaluation*. Review and evaluation of the proposals will be by the executive director, the chief engineer and general counsel with such staff and/or outside assistance as they shall deem appropriate and necessary. The authority may consult with other governmental agencies in the course of its review, but, under the provisions of the Public Authorities Law, sole responsibility for the determination of the award shall rest with the authority. The authority shall require the favorable recommendation of the chief engineer as a precondition to any award. The criteria for evaluation will include:

(1) The relative degree of disruption of the right-of-way anticipated during installation and maintenance and the extent to which such disruption may affect traffic flow and safety, landscaping, and protected resources, as well as the equipment's appearance, its structural and controlled access integrity and its ability to be maintained, widened, and otherwise modified. To minimize disruption all proposals should be in accordance with the following guidelines:

(i) Except where the use of an authority structure is necessary, all fiber optic equipment should be installed in underground ducts located as far as practical from any roadway or graded shoulder and no part of the fiber optic equipment should be visible above ground.

(ii) The initial installation should include all appurtenances necessary or incidental to the operation of the equipment, and should include all manholes and other duct access points at appropriate spacings to permit the pulling of additional cables into the duct system without further excavation or construction.

(iii) Where the equipment is to be installed on a structure, the location shall be subject to the approval of the chief engineer and shall be such that it will not interfere with the regular maintenance and operation of the facility. Installation on structures shall not be visible to motorists or pedestrians using the facility and shall not significantly alter the appearance of the bridge in any way.

(iv) All methods and details of the installation and subsequent maintenance shall be subject to the review and approval of the authority. Access to authority facilities will normally be limited to weekday hours between 9 a.m. and 3 p.m.

(v) Upon completion of the installation and any subsequent maintenance activities, all disturbed areas shall be returned to their original condition unless agreed to in writing by the authority.

(vi) The installation should be along the longitudinal right-of-way only, connecting a single entry point to a single exit point. Service connections to and from the authority's right-of-way should not be proposed.

(vii) Proposals should take into account planned or likely improvements or alterations in the authority's facilities.

(viii) The safety of the public and the structural integrity and maintainability of the authority's facilities are of primary importance to the authority. In no case will any installation be permitted that will adversely impact either.

(2) Measures proposed for access to the fiber optic transmission equipment from outside the right-of-way, which should be consistent with the following requirements:

(i) Access shall be subject to the approval of the authority and shall be by existing authority pedestrian or vehicular access route unless otherwise agreed to in writing and shall be generally limited to weekdays between the hours of 9 a.m. and 3 p.m.

(ii) The authority may impose conditions for policing and other controls as are necessary to assure the safety of the public and to avoid or minimize interference with facility use. During installation, operation and maintenance barriers and/or signs and/or warning devices conforming to the MUTCD shall be installed as required to alert and protect facility users to activities within or adjacent to the right-of-way.

(iii) Where signs conforming to the MUTCD are placed in the vicinity of the roadway, shoulder, or adjacent clear recovery area, they shall be collapsible upon impact from a vehicle.

(iv) At no time will the parking, stopping or placement of vehicles, equipment or materials be allowed on the roadway, shoulders or adjacent clearway without the expressed permission of the authority.

(3) The total capacity being installed. Installation of fiber optics equipment shall be of a character and capacity to preclude the programmed need for any additional disruption. Absent compelling circumstances, the authority will not permit installation of additional ducts or conduits during the term of the lease. The authority will, however, allow installation of additional cable and/or replacement of existing cable within a previously installed duct or conduit to the extent it can be accomplished with minimal direct or indirect interference with the maintenance and operation of the facility.

(4) The degree to which the equipment, such as duct space, will be available for use by others and the proposed terms and conditions of such use. There is a presumption that it is in the public interest for the competing transportation corporations to provide service within the available corridors. In order to protect and encourage such competition and ensure minimum future intrusion into the right-of-way and to avoid disturbance to traffic by installation of additional fiber optic equipment, the proposer is required to provide a description of the facilities, such as duct space, which will be available to others and how others will be provided fair access to the equipment proposed to be installed. An outline of the terms and conditions under which the proposer would make such equipment available to other services shall be provided.

(5) Proposed payment or payments to be made for use and occupancy of the authority facility. The authority expects to charge an assessment for the privilege of permitting installation and operation of fiber optic transmission equipment on its facilities.

Historical Note

Sec. filed Sept. 30, 1991 eff. Oct. 16, 1991.

Section 208.4 Lease award.

Award of a lease to a selected proposer in accordance with the general terms outlined in the proposal will usually be made within 90 days of the deadline for receipt of a complete proposal by the authority. Awards are subject to the negotiation of an acceptable contract and approval by the authority.

Historical Note

Sec. filed Sept. 30, 1991 eff. Oct. 16, 1991.

Section 208.5 Contract provisions.

Contracts may vary but will generally include the following provisions:

(a) The authority reserves the right to restrict the use of its facilities. Such restrictions may include but not be limited to: number and types of fiber optics facilities allowed; physical space occupied by the fiber optics facilities or by equipment used for installation, operation and maintenance; time restrictions on installation, operation or maintenance; provisions of a traffic control plan for the maintenance and protection of traffic; system expansion, etc. The selected proposer may be required to make installations concurrent with others, so as to limit such work to one installation operation.

(b) Any relocation of any fiber optics facility allowed to be on a facility, made necessary as a result of construction or maintenance operations, or changes in authority policy or design standards, shall be made promptly and at the expense of the selected proposer.

(c) No lease to allow installation of a fiber optics facility on freeway right-of-way will be issued nor will work commence until a contract is awarded to a selected proposer.

(d) The leasee shall be responsible for obtaining all necessary permits, approvals, etc. required by any Federal agency or other State agency and shall furnish to the authority copies of such permits and approvals.

(e) The selected proposer shall install along with any buried conduits or ducts a system of continuous plastic ribbon or marking tape. Such marker shall be installed at a level no less than 12 inches below the surface of the ground. The marker shall include a metal thread or other system capable of reliably emitting a signal readable by locator equipment operated on the surface. The selected proposer also shall install adequate permanent buried cable markers, showing the approximate horizontal and vertical location of its underground fiber optics facility. Such post markers shall not interfere with highway operations or maintenance and shall be offset from the actual location of the fiber optics facility where necessary to avoid such interference. The selected proposer shall also maintain records that describe the fiber optics facility, its location, depth, size, and other relevant data, which shall be available upon request to the authority and to other interested agencies. Within 120 days following the completion of the installation of the fiber optic equipment, the selected proposer shall file with the authority one complete set of "as built" plans showing the locations of all parts of the fiber optics facility. The selected proposer also shall file with the authority at that time one complete set of said plans on microfiche or other form of information storage system as determined by the authority.

(f) Except where the contract or subsequent written agreement calls for different procedures, the selected proposers shall comply with the construction standards, location standards, and special marking techniques established by the most recent publication of title 23, *Code of Federal Regulations*, part 645.

(g) The authority shall have authority to place inspectors on site to monitor and observe the selected proposer's activities, and/or to request the presence of state or local police to assure the safety of travelers using authority facilities, at such times and for such periods as the authority deems appropriate. All costs thereof shall be borne by the selected proposer.

(h) Acceptance of a lease by the selected proposer shall constitute an agreement by the selected proposer, notwithstanding any other provision of law, to assume all responsibility for any loss, expense, liability, claim, cost, damage, or harm arising out of or relating to the installation, operation or maintenance, of the fiber optic equipment or the presence of the fiber optic equipment at the authority's facility. Further, the contract shall constitute an agreement by the selected proposer to indemnify and hold harmless the authority, its officers, agents, and employees from all loss, expense, liability, claim, cost, damage, and harm, including attorney's fees, arising out of or relating to the foregoing. Such indemnification agreement shall apply regardless of any negligence or fault on the part of the authority, its officers, agents, and employees.

(i) *Insurance.* The leasee shall procure and maintain at its own expense and without expense to the authority during the term of the lease insurance for liability for damages imposed by law, of the kinds and in the amounts hereinafter provided, in insurance companies authorized to do such business in the State of New York covering all operations under the contract whether

performed by it or by subcontractors. Before commencing the installation, the lessee shall furnish to the authority a completed copy of the certificate of insurance provided herein showing that he has complied with this subdivision; this certification requires that the policies shall not be changed or cancelled until 30 days written notice has been given to the authority. The types and limits of insurance are as follows:

(1) Workers' compensation insurance. A policy covering the obligations of the selected proposer in accordance with the provisions of chapter 41 of the Laws of 1914, as amended, known as the Workers' Compensation Law, covering all operations under the contract, whether performed by him or by his subcontractor, and also under article 9 of the Workers' Compensation Law, known as the Disability Benefits Law (chapter 600 of the Laws of 1949) and amendments thereto. The contract shall be void and of no effect unless the person or corporation making or executing same shall secure compensation and disability benefits coverage for the benefit of, and keep insured during the life of said contract, such employees in compliance with the provisions of the Workers' Compensation Law (State Finance Law 142).

(2) Liability and property damage insurance. Unless otherwise specifically required by special specifications, each policy with limits of not less than:

Bodily Injury Liability:

Each Person-- \$500,000

Each Occurrence-- \$1,000,000

Property Damage Liability:

Each Occurrence-- \$500,000

Aggregate-- \$1,000,000

For all damages arising during the policy period, shall be furnished in the types specified, viz:

(i) Protective liability insurance issued to and covering the liability for damages imposed by law upon the authority, its board members, officers and employees, and design engineers, and the assigned project engineer, both officially and personally, as an additional interest in said liability insurance policy, with respect to all operations under the contract by the lessee or by his subcontractors, including omissions and supervisory acts of the authority;

(ii) Owners', landlords' and tenants' liability insurance issued to and covering the liability for damages imposed by law upon the authority, its board members, officers and employees, both officially and personally, as an additional interest in said liability insurance policy, with respect to temporarily opening to vehicular traffic any portion of the bridges and highways under the contract, until the construction or reconstruction pursuant to the contract has been accepted by the authority.

(iii) Automotive liability insurance issued to and covering the liability for damages imposed by law upon the lessee with respect to all work under the contract.

(3) Excess liability or umbrella insurance. A policy in the amount of \$10,000,000.

Historical Note

Sec. filed Sept. 30, 1991 eff. Oct. 16, 1991.