

NEW YORK

Department of Transportation, Albany, NY. 212-645-5550.

S 380-a. Certain vehicles engaged in the transportation of loose cargo.

1. It shall be unlawful to operate on any public highway any open truck or trailer being utilized for the transportation of any loose substances, unless said truck or trailer has a cover, tarpaulin or other device of a type and specification approved by the commissioner of transportation which completely closes in the opening on the said truck or trailer while said truck or trailer shall be so operated, so as to prevent the falling of any such substances therefrom. However, if the load is arranged so that no loose substance can fall from or blow out of such truck, the covering is not necessary.
2. The commissioner of transportation is authorized to make necessary rules and regulations to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods and practices to effectuate such provisions.
3. The provisions of this section shall not apply to motor vehicles, trailers and semi trailers conveying "farm products" as defined in section two of the agriculture and markets law

STATUTORY AUTHORITY AND REGULATIONS

Sections 14f, 140(2), 211 and 212(a) of the State Transportation Law and Article 19-B of the State Vehicle and Traffic Law provides the statutory authority for the Commissioner of the Department of Transportation to promulgate regulations that apply to the operation of commercial vehicles on the public highways of the state. In general, these regulations have adopted the Federal Motor Carrier Safety Regulations found in Title 49 of the Code of Federal Regulations (49 CFR), Parts 390, 391, 392, 393, 396, and 397 and the Hazardous Materials Transportation Regulations found in 49 CFR, Parts 100 through 199 as they apply to interstate highway transportation.

There are specific exceptions to some of these regulations for vehicles operated strictly in intrastate commerce. Some of those exceptions are discussed in the following pages. Refer to the Title 17, New York State Code of Rules and Regulations (NYCRR17) Parts 819, 820, 821, 822, 824 and 507 for specific requirements.

SAFETY INSPECTIONS ARE CONDUCTED BY NYSDOT AND THE NEW YORK STATE POLICE AT ROADSIDE SITES

The New York State Department of Transportation (NYSDOT) is the Motor Carrier Safety Assistance Program (MCSAP) lead agency. The New York State Police is the

primary participating police agency. A number of local police agencies also participate on a periodic basis.

When a vehicle has been selected for a safety inspection, the driver must help by staying behind the wheel and following the inspector's instructions. Inspectors will follow an inspection procedure established by the Commercial Vehicle Safety Alliance (CVSA) to inspect the driver and vehicle. These procedures are used throughout North America. Please follow the instructions of the inspector so that no unnecessary delays will be experienced. After the inspection, the inspector will explain the defects, if any, and provide the driver with a copy of the safety inspection report.