

pointment of employees and leave of absence for employees in the professional service.

2. Legislative objectives: The present measure makes amendments to the State University of New York regulations regarding appointment of employees and leave of absence of employees in the professional service.

3. Needs and benefits: The amendments are necessary to revise provisions of the University's regulations to comport with provisions of the collective bargaining agreement between the State and United University Professions members of the professional services negotiating unit.

4. Costs: None.

5. Local government mandates: None.

6. Paperwork: None.

7. Duplication: None.

8. Alternatives: There are no viable alternatives.

9. Federal standards: There are no related Federal standards.

10. Compliance schedule: Compliance should be immediate.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because this proposal does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments. The proposal addresses appointment of employees and leave of absence of employees in the professional service at the State University of New York.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because this proposal will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The proposal addresses appointment of employees and leave of absence of employees in the professional service at the State University of New York.

Job Impact Statement

No job impact statement is submitted with this notice because this proposal does not impose any adverse economic impact on existing jobs or employment opportunities. The proposal addresses appointment of employees and leave of absence of employees in the professional service at the State University of New York.

Department of Transportation

NOTICE OF ADOPTION

Child Safety Zones

I.D. No. TRN-27-23-00001-A

Filing No. 799

Filing Date: 2023-09-19

Effective Date: 2023-10-04

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 191.1, 191.2, 191.3, 191.4 and 191.8 of Title 17 NYCRR.

Statutory authority: Transportation Law, section 14(30); Education law, section 3635-b

Subject: Child Safety Zones.

Purpose: To add violent crime statistics and the density of vacant buildings to the formula for creating a child safety zone.

Text or summary was published in the July 5, 2023 issue of the Register, I.D. No. TRN-27-23-00001-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Louis DelGiaccio, Department of Transportation, 50 Wolf Road, Albany, New York 12232, (518) 457-7074, email: Louis.Delgiaccio@dot.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Towing Contracts on Special Parkways

I.D. No. TRN-40-23-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 182.3(m) and 182.37(a)-(d); repeal of Parts 185 and 190 of Title 17 NYCRR.

Statutory authority: Highway Law, sections 10, 14, 15; Transportation Law, sections 14, 70, 71; Vehicle and Traffic Law, sections 1621 and 1630

Subject: Towing contracts on special parkways.

Purpose: To repeal regulations requiring competitively bid roadside assistance contracts on the State's special parkways.

Text of proposed rule: Subdivision (m) of 17 NYCRR Section 182.31 is amended to read as follows:

(m) trucks, *except emergency service or towing vehicles operated in compliance with section 182.37 of this Part.*

17 NYCRR 182.37 is repealed and replaced with:

Towing. Emergency service and towing vehicles are allowed to enter upon and operate within the parkway system in direct response to calls for assistance. When responding to a service call, such vehicles shall enter the parkway system at the entrance nearest to the disabled vehicle and shall leave at the nearest exit.

17 NYCRR Part 185 is repealed.

17 NYCRR Part 190 is repealed.

Text of proposed rule and any required statements and analyses may be obtained from: Louis DelGiaccio, Department of Transportation, 50 Wolf Road, Albany, New York 12232, (518) 457-7074, email: louis.delgiaccio@dot.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority

The New York State Department of Transportation (NYSDOT) is promulgating this amendment of subdivision (m) of 17 NYCRR Section 182.31, the repeal and replacement of 17 NYCRR Section 182.37, and the repeal of 17 NYCRR Parts 185 and 190 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York, pursuant to authority granted in sections 14, 70, and 71 of the Transportation Law. Transportation Law Section 14(18) states: "The department, by or through the commissioner or his duly authorized officer or employee, shall have the following general functions, powers and duties: To make and prescribe rules and regulations in relation to the discharge of the commissioner's functions, powers and duties and those of the department of transportation." Transportation Law Section 70(1) states: "The department shall be responsible for and shall have jurisdiction for the purposes of construction, reconstruction, improvement and maintenance of the special parkways as designated in this article, and for expediting the construction, reconstruction and improvement of said special parkways to safe, modern standards." Section 71 of the Transportation Law gives the Commissioner the authority to "make rules and regulations governing the use and safety standards of the special parkway facilities, including the power to lease property, regulate the use and operation of gasoline stations, restaurants and other facilities for the public on or along the special parkways."

2. Legislative objectives

The proposed changes are consistent with the above statutory authority and the Legislature has granted the Commissioner of Transportation broad oversight powers over New York's special parkways. Transportation Law section 10 states that "It is hereby declared to be the policy of the state of New York that adequate, safe and efficient transportation facilities and services at reasonable cost to the people are essential to the economic growth of the state and the well-being of its people and that the planning and development of such facilities and services shall be coordinated by a state department of transportation with overall responsibility for balanced transportation policy and planning."

3. Needs and benefits

The current regulations governing parkway towing require NYSDOT to enter into contracts with private entities via the procurement process. This process limits public access to roadside assistance and artificially constrains market competition. The proposed changes to the regulations would ensure the State can enforce its standards and restrictions on commercial vehicles operating on parkways while expanding the opportunity to perform roadside assistance on state parkways to a greater number of

towing entities. Changes to the regulations would also benefit motorists by increasing the pool of companies available to provide roadside assistance on parkways. Currently, this pool is exclusively limited to entities contracted with NYSDOT. Motorists who subscribe to roadside assistance coverage through their vehicle manufacturer, automobile insurance company, or a member automobile service organization are prevented from using a provider of their choice due to the constraints imposed by the existing regulations. The proposed changes to the regulations would also reduce administrative burdens upon NYSDOT and expand opportunity to small businesses by streamlining the process for private entities to be permitted to provide roadside assistance on parkways.

4. Costs

a. Costs to State government: The amendments do not impose any costs on State government.

b. Costs to local government: The amendments do not impose any costs on local government.

c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: there are no additional costs to NYSDOT.

5. Local government mandates

The proposed changes do not impose any program service, duty, responsibility, or other mandate upon local governments.

6. Paperwork

The proposed changes to the regulations impose no new reporting or other paperwork required beyond those already imposed by statute.

7. Duplication

There is no duplication, overlap, or conflict associated with the rule.

8. Alternatives

After careful consideration, there were no significant alternatives identified that would achieve the objectives of this proposed regulatory change.

9. Federal standards

There are no applicable federal standards directly related to these proposed regulatory changes.

10. Compliance schedule

Compliance will be after final adoption of the regulatory changes.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required for the proposed repeal/amendment of these regulations because the proposed regulatory changes would neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon small businesses or local governments. The purpose of the proposed regulatory changes is merely to repeal contractual requirements and restrictions imposed on towing companies that wish to operate on New York's special parkways. As it was evident from the proposed regulatory changes that they would not have an adverse impact or impose reporting, recordkeeping, or other compliance requirements, no further measures were needed to ascertain those facts and, consequently, none were taken.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required for the proposed regulatory repeal/amendments because the proposed regulatory amendments would neither have an adverse impact upon, nor impose reporting, recordkeeping or other compliance requirements upon public or private entities in rural areas. The purpose of the proposed regulatory amendments is merely to repeal contractual requirements and restrictions imposed on towing companies that wish to operate on special parkways. As it was evident from the proposed regulatory amendments that they would not have an adverse impact upon or impose reporting, recordkeeping, or other compliance requirements upon public or private entities in rural areas, no further measures were needed to ascertain those facts and, consequently, none were taken.

Job Impact Statement

The Department has determined that a Job Impact Statement is not required for the proposed regulatory amendments because the proposed regulatory amendments would not have a substantial adverse impact on jobs and employment opportunities in the public or private sectors of the State and would not impose any new annual costs or administrative burdens upon employers. The purpose of the proposed regulatory amendments is merely to repeal regulations that limit which companies may operate towing operations on the State's special parkways. Accordingly, a full job impact statement is not required pursuant to State Administrative Procedure Action Section 201-(a)(2)(a).