



Bridge Authority

As outlined in the August 10, 2022 issue of the New York State Register, an amendment of the rule outlined in section 205.4 of Title 21 NYCRR is proposed.

The new rule is intended to give the New York State Bridge Authority Board of Commissioners greater flexibility in setting the hours of operation at the Authority's pedestrian and bicycling facilities on the Bear Mountain, Newburgh-Beacon, Mid-Hudson, Kingston-Rhinecliff, and Rip Van Winkle bridges. If the new rule is approved, hours of operation will be set by resolution by the Authority's Board of Commissioners, in consultation with Authority staff. The current operating hours of dawn to dusk will continue to be maintained, aside from certain disruptions like snow storms and maintenance activities.

Proposed rule text and any required statements and analyses may be obtained from: Patricia J. Desnoyers, Thruway Authority, 200 Southern Blvd., Albany, NY 12201-0189
Phone: (518) 471-4237, Email: patricia.desnoyers@thruway.ny.gov

The public is welcome to submit written comments, via mail or email, to the address outlined above by close of business on Tuesday, October 11, 2022.

Please see below for additional information.

Current Rule Language

21 CRR-NY 205.4NY-CRR
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE
OF NEW YORK
TITLE 21. MISCELLANEOUS
CHAPTER V. NEW YORK STATE BRIDGE AUTHORITY
PART 205. BICYCLE AND PEDESTRIAN ACCESS
21 CRR-NY 205.4

205.4 Hours of operation.

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

Proposed Rule Language

Note: [Bracketed material indicates deletions] Underlined material indicates insertions.

205.4 Hours of operation.

Walkways and bikeways, where provided, shall be open for use each day at a minimum between dawn and dusk, aside from any disruptions caused by weather, safety concerns, or maintenance-related activity. The Authority shall set by board resolution specific hours of operation at each bridge's walkway and/or bikeway based on the particular needs of each facility.

RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

New York State Bridge Authority

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amend the Authority's Rules in Relation to the Hours of Operation for Bridge Walkways and/or Bikeways

I.D. No. SBA-32-22-00020-P

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

Proposed Action: Amendment of section 205.4 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 528(2), 538(1); Vehicle and Traffic Law, section 1630

Subject: Amend the Authority's rules in relation to the hours of operation for bridge walkways and/or bikeways.

Purpose: To regulate certain Authority activities on bridge walkways and/or bikeways.

Text of proposed rule: Walkways and bikeways, where provided, shall be open for use each day at a minimum between dawn and dusk, *aside from any disruptions caused by weather, safety concerns, or maintenance-related activity. The Authority shall set by board resolution specific hours of operation at each bridge's walkway and/or bikeway based on the particular needs of each facility.*

Text of proposed rule and any required statements and analyses may be obtained from: Patricia J. Desnoyers, Thruway Authority, 200 Southern Blvd., Albany, NY 12201-0189, (518) 471-4237, email: patricia.desnoyers@thruway.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:

Public Authorities Law (PAL) section 538 subdivision 1 authorizes the New York State Bridge Authority (Authority) to make rules and regulations for the preservation and use of bridges under its jurisdiction. PAL section 528 subdivision 2 authorizes the Authority to make by-laws for the management and regulation of its affairs. Section 1630 of the Vehicle and Traffic Law authorizes the Authority to make rules and regulations to regulate traffic on any highway under its jurisdiction with respect to charging tolls, taxes, fees, licenses or permits for the use of the highway or any property under the Authority's jurisdiction.

2. Legislative objectives:

The proposed rule will amend the Authority's regulations relating to the hours of operation for bridge walkways and/or bikeways. Currently, the Authority's regulations allow bridge walkways and/or bikeways, where provided, to be open for use each day between dawn and dusk. The proposed regulation will allow the Authority to expand and set specific hours of operation at each bridge's walkway and/or bikeway based on the unique needs of each facility.

3. Needs and benefits:

The modifications are necessary to ensure the desired use of bridge walkways and/or bikeways for mobility and recreational purposes. The amendment will allow the Authority to expand the hours of operation to accommodate pedestrian and cyclist needs at each facility without sacrificing the current needs the public has come to expect.

4. Costs:

a. Costs to regulated parties: The proposed rule will have no financial impact upon regulated parties.

b. Costs to the State, the Authority and local governments: This proposed rule will impose no costs on local governments.

5. Local government mandates:

The proposed rule will not affect local governments.

6. Paperwork:

Not applicable because the proposed rule is consistent with current practices.

7. Duplication:

This proposed regulation does not duplicate or conflict with any State or Federal rule.

8. Alternatives:

There were no significant alternatives to consider and a no action alternative was not considered.

9. Federal Standards:

This rule does not exceed any Federal standards.

10. Compliance schedule:

Anticipate immediate compliance will be readily achievable.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Flexibility Analysis for Small Business and Local Governments, a Rural Area Flexibility Analysis and a Job Impact Statement are not required for this rulemaking proposal because it will not adversely affect small business, local governments, rural areas or jobs.

This proposed rulemaking will ensure the desired use of bridge walkways and/or bikeways for mobility and recreational purposes. It will allow the Authority to expand and set specific hours of operation at each bridge's walkway and/or bikeway based on the unique needs of each facility.

Due to its narrow focus, this rule will not impose an adverse economic impact or reporting, record-keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.