

Route 9D Corridor Management Plan

Review of U.S. Code

A review of the United States Code and Code of Federal Regulations, relating to State and local authority to restrict trucks from Federal-aid Primary System highways and reasonable access between Federal-aid Primary System highways, is as follows:

Per Title 49 Transportation, Subtitle VI, Part B, Chapter 311, Subchapter II, Section 31114 (a) and Section 31114 (b):

Section 31114 (a) Prohibition on Denying Access: *“A State may not enact or enforce a law denying to a commercial motor vehicle subject to this subchapter or subchapter I of this chapter reasonable access between....(1) qualifying Federal-aid Primary System highways...(2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carriers of passengers, or any truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in Section 31111(c) of this title.”*

Section 31114 (b) Exception: *“This section does not prevent a State or local government from imposing reasonable restrictions, based on safety considerations, on a truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111 (c) of this title.”*

Section 31114 (a & b) summary:

- **A State can not deny reasonable truck access along or between Federal-aid Primary Highway systems.**
- **A State can not restrict trucks from making trips to access facilities for food, fuel, repair or rest.**
- **A State can not restrict trucks from making local deliveries.**
- **A State or local authority may restrict truck access, but only on the basis of safety and engineering analysis.**

Review of NYS Vehicle and Traffic Law

A review of the New York State Vehicle & Traffic Law, relating to NYSDOT and Town’s authority to restrict trucks from State highways, is as follows:

Per Section 1621(a) [paragraph 9 and paragraph 22] and Section 1621(d):

Section 1621(a): *“The department of transportation with respect to state highways maintained by the state, the intersection of any highway with a state highway maintained by the state, and any highway intersecting or meeting a state highway maintained by the state for a distance not exceeding one hundred feet from such state highway maintained by the state, may by order, rule or regulation:”*

Paragraph 9:

9. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations from highways specified by the commissioner. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded.

Paragraph 22:

22. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations in excess of any designated weight.

designated length, designated height, or eight feet in width , from highways or set limits on hours of operation of such vehicles on particular state highways or segments of such highways. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles or combinations are otherwise excluded.

Section 1621(d):

(d) The department of transportation may by order, rule or regulation temporarily exclude from any portion of any state highway and any highway and bridge constructed or to be constructed by the state on any Indian reservation any vehicle with a gross weight of over four or more tons or any vehicle with a gross weight in excess of any designated weight on any wheel, axle, any number of axles, or per inch width of tire when in its opinion such highway would be materially injured by the operation of any such vehicle thereon. Such exclusion shall take effect upon the erection of signs on the section of highway from which vehicles are excluded, and a notice that such vehicles are excluded shall be published in a newspaper in the county where the highway is situated. The exclusion shall remain in effect until the removal of the signs is directed by the department of transportation.

Section 1621(a & d) summary:

- **NYSDOT has the authority to restrict trucks on a state highway maintained by the state (for a certain time period, by weight, by height, by width or to prevent damage to the highway system)**
- **Local deliveries cannot be restricted by NYSDOT along state highways.**

Per Article 41, which refers to regulation of traffic by towns, Section 1660 "Traffic regulation in all towns." states the following:

Section 1660. Traffic regulation in all towns (a): "The town board of any town with respect to highways outside of villages in any such town, but not including state highways maintained by the state except with respect to subdivisions six, eight, nine and ten, subject to the limitations imposed by section sixteen hundred eighty-four may by ordinance, order, rule or regulation:"

Paragraph 10 goes on to state:

"Establish a system of truck routes upon which all trucks, tractors, and tractor-trailer combinations having a total gross weight in excess of ten thousand pounds are permitted to travel and operate and excluding such vehicles and combinations from all highways except those which constitute such truck route system. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded. Any such system of truck routes shall provide suitable connection with all state routes entering or leaving such town."

However, Section 1684 "State highways maintained by the state." states the following:

Section 1684. State highways maintained by the state. No local authority shall place or maintain any traffic-control device on any state highway maintained by the state, or at any location so as to prohibit, restrict or limit the movement of traffic proceeding along, entering or crossing such highway, nor shall any ordinance, rule or regulation affecting traffic or stopping, standing or parking on state highways maintained by the state be effective unless or until approval in writing has been obtained from the department of transportation, and the department of transportation may at any time rescind or modify such approval.

Section 1660 and 1688 summary:

- **The Town may exclude trucks over 10,000lbs, if they have established a system of truck routes with a "suitable connection with all state routes entering and leaving the town".**
- **Local deliveries cannot be restricted.**
- **However, Section 1684 of the VTL states that any traffic control device placed by the town on a state highway must be approved by the Department in writing.**