

Thruway Regulations

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PART 100: DEFINITIONS

Historical Note: Part (§§100.1-100.21) repealed, new filed Aug. 23, 1974; repealed, new (§§100.1-100.12) filed Oct. 21, 1983 eff. Nov. 1, 1983

§ 100.1 Thruway Authority

The corporation created by title 9 of article 2 of the Public Authorities Law.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.2 Thruway system

All areas under the jurisdiction of the Thruway Authority.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.3 Controlled system

That part of the Thruway system extending from, and including, the toll barrier at Woodbury to, and including, the toll barrier at Williamsville, and that portion of the Thruway system identified as the Berkshire section from its intersection with the main line between Coxsackie and Selkirk to, and including, the toll barrier at Canaan, and that portion of the Thruway system extending from, and including, the toll barrier at Lackawanna, to, and including, the toll barrier at Ripley.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.4 Bus

Any motor vehicle used for the transportation of 10 or more persons.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.5 Emergency service vehicle

A vehicle customarily used for the purpose of towing, pushing, repairing or otherwise servicing disabled vehicles.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.6 Tandem trailer combination

A combination of vehicles consisting of a truck tractor, first semitrailer, dolly, and second semitrailer, or a truck, dolly, and semitrailer which exceeds the limitations of section 385 of the Vehicle and Traffic Law.

Historical Note: Sec. repealed, new filed Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.7 Special hauling permit

Authorization issued by the Thruway Authority on payment of a prescribed fee permitting a single trip by a specific vehicle or normal combination of vehicles which could not otherwise use the Thruway system because of excess dimensions or weight.

Historical Note: Sec. repealed, new filed Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.8 Tandem trailer combination special hauling permit

Authorization issued by the Thruway Authority permitting the operation on the Thruway system for an appropriate term of tandem trailer combinations which exceed the limitations of section 385 of the Vehicle and Traffic Law.

Historical Note: Sec. repealed, new filed Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.9 Overwidth bus special hauling permit

Authorization issued by the Thruway Authority permitting the operation of 102-inch wide buses on the Thruway system for an appropriate term.

Historical Note: Sec. amd. filed Aug. 10, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.10 Saddle-mounted vehicles

In an operation in which not more than two motor vehicles constitute the commodity being transported, the combination of one such transported vehicle and the transporting vehicle, and two such transported vehicles and the transporting vehicle, shall be considered a single and double saddle-mount respectively; provided, however, that:

- (a) the wheels of no more than one axle or set of tandem axles of each transported vehicle is on the roadway during the course of transportation;
- (b) no such transported vehicle furnishes any motive power; and
- (c) each such transported vehicle is mounted upon a device designed and constructed so

as to be readily dismountable and which performs the function of a conventional fifth wheel.

Historical Note: Sec. repealed, new filed: Aug. 21, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.11 Medial strip

The area of the Thruway system which separates traffic moving in opposite directions.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 100.12 Road service permit

Authorization issued by the Thruway Authority on payment of a prescribed fee permitting a vehicle to enter the Thruway system to make repairs to a parked disabled vehicle or to reenter the Thruway system after having exited for repairs and to obtain parts for repairs to a parked disabled vehicle.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

PART 101. VEHICLE CLASSIFICATIONS, TOLL SCHEDULES AND RELATED TOLL RULES

Historical Note: Part repealed, new filed: Dec. 19, 1969; Aug. 23, 1974; repealed, new (§§101.1-101.3) filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 101.1 Vehicle classifications

For purposes of determining tolls payable for the use of the Thruway system, the following vehicle classifications shall apply for the controlled system, and for the bridge and barrier stations at New Rochelle, Yonkers, the Tappan Zee Bridge, Spring Valley, Harriman, Buffalo City Line, Buffalo Black Rock, and the Grand Island Bridges (such stations hereinafter referred to as the "bridge and barrier stations"):

(a) Class 2L: Class 2L (Two-Low) vehicles are those with two axles and a height of less than 7'6".

(b) Class 3L: Class 3L (Three-Low) vehicles or vehicle combinations are those with three axles and a height of less than 7'6".

(c) Class 4L: Class 4L (Four-Low) vehicles or vehicle combinations are those with four or more axles and a height of less than 7'6".

(d) Class 2H: Class 2H (Two-High) vehicles are those with two axles and a height of 7'6" or more.

(e) Class 3H: Class 3H (Three-High) vehicles or vehicle combinations are those with three axles and a height of 7'6" or more.

(f) Class 4H: Class 4H (Four-High) vehicles or vehicle combinations are those with four axles and a height of 7'6" or more.

(g) Class 5H: Class 5H (Five-High) vehicles or vehicle combinations are those with five axles and a height of 7'6" or more.

(h) Class 6H: Class 6H (Six-High) vehicles or vehicle combinations are those with six axles and a height of 7'6" or more.

(i) Class 7H: Class 7H (Seven-High) vehicles or vehicle combinations are those with seven or more axles and a height of 7'6" or more.

Secs. amds. filed: Nov. 2, 1966; May 22, 1967; Oct. 3, 1967; April 15, 1968; repealed, new filed Dec. 19, 1969; amds. filed: Feb. 18, 1970; Oct. 23, 1970; Nov. 25, 1970; June 8, 1971; May 11, 1972; Feb. 26, 1974; repealed, new filed Aug. 23, 1974; amds. filed: June 19, 1975; Feb. 27, 1976; July 22, 1980; repealed, new filed Oct. 21, 1983; amds. filed: July 27, 1990 as emergency measure, expired 90 days after filing; Nov. 5, 1990; March 14, 1991 as emergency measure; June 11, 1991 as emergency measure; July 16, 1991 as emergency measure; July 16, 1991; Dec. 28, 1995; May 1, 2000; April 26, 2005 eff. May 15, 2005.

§ 101.2 Toll schedules and fees

The following toll schedules and fees shall apply for the use of the Thruway system:

(a) For that portion of the controlled system extending from, and including, the toll barrier at Woodbury, to, and including, the toll barrier at Williamsville, including the Berkshire section, and extending from, and including, the toll barrier at Lackawanna, to and including, the toll barrier at Ripley:

(1) the cash tolls shall be as set forth on the detailed toll schedules, each of which is designated "New York State Thruway Toll Schedule" and each of which is appended hereto in Appendix A-1, (see section 101.4 of this Part) and made a part hereof. Effective January 4, 2009 such cash tolls shall be as set forth on the detailed toll schedules, each of which is designated "New York State Thruway Toll Schedule 2009" and each of which is appended hereto in Appendix A-2, (see section 101.4 of this Part) and made a part hereof. Effective January 3, 2010 such cash tolls shall be as set forth on the detailed toll schedules, each of which is designated "New York State Thruway Toll Schedule 2010" and each of which is appended hereto in Appendix A-3, (see section 101.4 of this Part) and made a part hereof.

(2) in the Authority's sole discretion and as set by the Authority, certain classes of vehicles or vehicle types may be eligible for an E-ZPass discount from the toll schedules listed in paragraph (a)(1) and certain vehicles that meet fuel efficiency and emission standards, as determined by the Authority, may also be eligible for an additional E-ZPass discount.

(3) Notwithstanding any E-ZPass discounts, the minimum tolls shall be as follows:

Class	Minimum Toll
2L	\$.15
3L	\$.20
4L	\$.25
2H	\$.25
3H	\$.40
4H	\$.45
5H	\$.60
6H	\$.75
7H	\$.90

(b) Annual permit plan.

(1) Class 2L vehicles with authorized E-ZPass tags are eligible for the annual permit plan on the controlled system only if such vehicles are held in the name of or leased to:

(i) an individual or two individuals not constituting a business entity; or

(ii) a nonprofit, religious, charitable or educational organization.

Class 2L vehicles owned by or leased to partnerships, corporations or other business entities (including rental companies) are not eligible for the annual permit plan. To participate in the annual permit plan, a customer must comply with all of the terms and conditions of the E-ZPass Customer Agreement.

(2) All customers using E-ZPass tags who apply and qualify for the annual permit plan shall be entitled to use one designated E-ZPass tag, which is transferable to vehicles listed in paragraph (1) of this subdivision that are on the customer's E-ZPass account, that will provide an unlimited number of trips of 30 miles or less on the controlled system without payment of additional tolls, except that a surcharge shall be charged for all trips across the Castleton-on-Hudson Bridge, which will be charged to the annual permit plan customer's account at the time of exit from the controlled system. The fee for the annual permit plan shall be as set by the Authority from time to time in its sole discretion. Under the annual permit plan, for each trip over 30 miles, the amount of the toll charged shall be discounted by the amount of the toll for the first 30 miles of that trip in accordance with the detailed toll schedule, which is designated "New York State Thruway Toll Schedule - Permits" which is appended hereto in Appendix A-4, (see section 101.4 of this Part) and

made a part hereof. Effective January 1, 2009, for each trip over 30 miles, the amount of the toll charged shall be discounted by the amount of the toll for the first 30 miles of that trip in accordance with the detailed toll schedule, which is designated "New York State Thruway Toll Schedule -- Permits 2009" which is appended hereto in Appendix A-5, (see section 101.4 of this Part) and made a part hereof. Effective January 1, 2010, for each trip over 30 miles, the amount of the toll charged shall be discounted by the amount of the toll for the first 30 miles of that trip in accordance with the detailed toll schedule, which is designated "New York State Thruway Toll Schedule -- Permits 2010" which is appended hereto in Appendix A-6, (see section 101.4 of this Part) and made a part hereof. The annual permit plan shall become effective on the date of issuance of such permit and shall be valid for a term of one year. Customers may purchase the annual permit plan for each E-ZPass tag issued to their accounts for vehicles listed in paragraph (1) of this subdivision.

(c) Commercial charge accounts. Commercial charge account customers with authorized E-ZPass tags shall be allowed a volume discount on such terms as may be set by the Authority from time to time, provided that their operators or operating companies apply, qualify, establish and maintain a formal commercial charge account with the Authority. Registered omnibuses that maintain a formal charge account with the Authority shall be allowed a special discount, in addition to a volume discount, if any, providing that their operators or operating companies file with the Authority's department of finance and accounts a formal certification that the operator or operating company operates buses on the Thruway system.

(d) Bridge and barrier stations. (1) The tolls for bridge and barrier stations are as follows:

	Grand Island Bridges	Harriman	Yonkers	New Rochelle*	Spring Valley**	Tappan Zee Bridge**
2L	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.50	\$ 0.00	\$ 4.50
3L	\$ 1.25	\$ 1.25	\$ 1.25	\$ 2.25	\$ 2.75	\$ 10.50
4L	\$ 1.50	\$ 1.50	\$ 1.50	\$ 2.75	\$ 4.25	\$ 12.50
2H	\$ 1.75	\$ 1.75	\$ 1.75	\$ 3.25	\$ 4.75	\$ 13.50
3H	\$ 2.00	\$ 2.50	\$ 2.00	\$ 4.00	\$ 7.50	\$ 18.75
4H	\$ 2.50	\$ 2.75	\$ 2.50	\$ 4.75	\$ 7.50	\$ 22.50
5H	\$ 4.00	\$ 4.00	\$ 4.00	\$ 7.50	\$ 12.25	\$ 29.75
6H	\$ 4.25	\$ 4.75	\$ 4.25	\$ 8.25	\$ 13.50	\$ 37.25
7H	\$ 4.75	\$ 5.25	\$ 4.75	\$ 9.25	\$ 15.00	\$ 44.75

* Toll collected one way only.

** Toll collected one way only and the tolls indicated for classes 3L through 7H represent the maximum amounts to be charged. The tolls for classes 3L through 7H may be reduced during certain hours, on a graduated scale or otherwise, for E-ZPass customers within such classes, and upon such terms and conditions as the Authority may determine from time to time.

The E-ZPass tolls for bridge and barrier stations are as indicated above, except that in the Authority's sole discretion, and as set by the Authority, certain classes of vehicles or vehicle types may be eligible for an E-ZPass discount from the toll schedules listed above and certain vehicles that meet fuel efficiency and emission standards, as determined by the Authority, may also be eligible for an additional E-ZPass discount.

Effective January 4, 2009 the tolls for bridge and barrier stations are as follows:

	Grand Island Bridges	Harriman	Yonkers	New Rochelle*	Spring Valley**	Tappan Zee Bridge**
2L	\$ 1.00	\$ 1.25	\$ 1.25	\$ 1.75	\$ 0.00	\$ 5.00
3L	\$ 1.50	\$ 1.50	\$ 1.50	\$ 2.50	\$ 3.00	\$ 11.25
4L	\$ 1.75	\$ 1.75	\$ 1.75	\$ 3.00	\$ 4.50	\$ 13.25
2H	\$ 2.00	\$ 2.00	\$ 2.00	\$ 3.50	\$ 5.00	\$ 14.25
3H	\$ 2.25	\$ 2.75	\$ 2.25	\$ 4.25	\$ 8.00	\$ 19.75
4H	\$ 2.75	\$ 3.00	\$ 2.75	\$ 5.00	\$ 8.00	\$ 23.75
5H	\$ 4.25	\$ 4.25	\$ 4.25	\$ 8.00	\$ 13.00	\$ 31.25
6H	\$ 4.50	\$ 5.00	\$ 4.50	\$ 8.75	\$ 14.25	\$ 39.25
7H	\$ 5.00	\$ 5.75	\$ 5.00	\$ 9.75	\$ 15.75	\$ 47.00

* Toll collected one way only.

** Toll collected one way only and the tolls indicated for classes 3L through 7H represent the maximum amounts to be charged. The tolls for classes 3L through 7H may be reduced during certain hours, on a graduated scale or otherwise, for E-ZPass customers within such classes, and upon such terms and conditions as the Authority may determine from time to time.

The E-ZPass tolls for bridge and barrier stations are as indicated above, except that in the Authority's sole discretion, and as set by the Authority, certain classes of vehicles or vehicle types may be eligible for an E-ZPass discount from the toll schedules listed above and certain vehicles that meet fuel efficiency and emission standards, as determined by the Authority, may also be eligible for an additional E-ZPass discount.

Effective January 3, 2010 the tolls for bridge and barrier stations are as follows:

	Grand Island Bridges	Harriman	Yonkers	New Rochelle*	Spring Valley**	Tappan Zee Bridge**
2L	\$ 1.00	\$ 1.25	\$ 1.25	\$ 1.75	\$ 0.00	\$ 5.00
3L	\$ 1.50	\$ 1.50	\$ 1.50	\$ 2.50	\$ 3.00	\$ 11.50
4L	\$ 1.75	\$ 1.75	\$ 1.75	\$ 3.00	\$ 4.50	\$ 13.75
2H	\$ 2.00	\$ 2.00	\$ 2.00	\$ 3.50	\$ 5.25	\$ 14.75
3H	\$ 2.25	\$ 2.75	\$ 2.25	\$ 4.25	\$ 8.25	\$ 20.75

4H	\$ 2.75	\$ 3.00	\$ 2.75	\$ 5.00	\$ 8.25	\$ 24.75
5H	\$ 4.25	\$ 4.25	\$ 4.25	\$ 8.00	\$ 13.50	\$ 32.75
6H	\$ 4.50	\$ 5.00	\$ 4.50	\$ 8.75	\$ 14.75	\$ 41.00
7H	\$ 5.00	\$ 5.75	\$ 5.00	\$ 9.75	\$ 16.50	\$ 49.25

*Toll collected one way only.

**Toll collected one way only and the tolls indicated for classes 3L through 7H represent the maximum amounts to be charged. The tolls for classes 3L through 7H may be reduced during certain hours, on a graduated scale or otherwise, for E-ZPass customers within such classes, and upon such terms and conditions as the Authority may determine from time to time.

The E-ZPass tolls for bridge and barrier stations are as indicated above, except that in the Authority's sole discretion, and as set by the Authority, certain classes of vehicles or vehicle types may be eligible for an E-ZPass discount from the toll schedules listed above and certain vehicles that meet fuel efficiency and emission standards, as determined by the Authority, may also be eligible for an additional E-ZPass discount.

(2) Discounts at bridge and barrier stations. Toll discounts will be provided in accordance with procedures and under such terms and conditions as from time to time may be prescribed by the Authority. Such procedures and terms may prescribe and require minimum trip usage, minimum purchase, minimum deposits and/or administrative service fees on accounts or equipment. To receive a discount, a customer must enroll in an authorized E-ZPass account and comply with the terms and conditions of the E-ZPass Customer Agreement.

(i) Commuter and residential discount plan. The Authority may, in its sole discretion, establish commuter and residential discount plans. Commuter and residential discounts apply to eligible Class 2L vehicles equipped with E-ZPass tags that are issued to customers who apply, qualify and enroll in one or more of the discount plans as from time to time may be established by the Authority. Eligible Class 2L vehicles are Class 2L vehicles that are held in the name of or leased to: an individual or two individuals not constituting a business entity; or a nonprofit, religious, charitable or educational organization. Class 2L vehicles owned by or leased to partnerships, corporations or other business entities (including rental companies) are not eligible for the commuter or residential discount plans.

(ii) Commercial charge accounts. Commercial charge account customers with authorized E-ZPass tags shall be allowed a volume discount on such terms as may be set by the Authority from time to time, provided that their operators or operating companies apply, qualify, establish and maintain a formal commercial charge account with the Authority. Registered omnibuses that maintain a formal commercial charge account with the Authority shall be allowed a special discount upon such terms as may be set by the Authority from time to time and may, at the Authority's discretion, include free passage during certain hours of peak congestion at the Tappan Zee Bridge and the Spring Valley

toll barrier, in addition to a volume discount, if any, provided that their operators or operating companies file with the Authority's department of finance and accounts a formal certification that the operator or operating company operates buses on the Thruway system. Volume and special discounts shall be applied to the total toll after incorporating any applicable adjustments.

Historical Note: Sec. amds. filed: Nov. 2, 1966; Oct. 3, 1967; April 15, 1968; repealed, new filed Dec. 19, 1969; amds. filed: Feb. 18, 1970; Aug. 10, 1970; Nov. 24, 1970; April 27, 1971; June 8, 1971; June 30, 1972; Feb. 7, 1973; Feb. 26, 1974; April 1, 1974; July 23, 1974; repealed, new filed Aug. 23, 1974; amds. filed: May 16, 1975; June 19, 1975; July 22, 1980; repealed, new filed: Oct. 21, 1983; April 14, 1988; amds. filed: Feb. 17, 1989; July 27, 1990 as emergency measure, expired 90 days after filing; Nov. 5, 1990; Nov. 26, 1990; March 14, 1991 as emergency measure; June 11, 1991 as emergency measure; July 16, 1991; Aug. 31, 1993; June 10, 1997; April 17, 2001; repealed, new filed April 26, 2005; amds. filed: July 27, 2006; July 17, 2007; repealed, new filed April 25, 2008 eff. June 29, 2008.

§ 101.3 Related toll rules

(a) Evasion or nonpayment of tolls.

(1) The evasion, nonpayment, payment in other than lawful currency, payment of less than the full amount required or other failure to comply with the published toll rates or tolls for any reason along the Thruway system is prohibited.

(i) The owner of any vehicle which violates toll collection regulations without paying the charge prescribed by the Authority shall be liable to the Authority for an administrative fee, known as the toll violation fee: (a) for any cashless tolling facility, in the amount of \$100.00 for each such toll violation unless a fee of less than \$100.00 is set by the Authority in its sole discretion; (b) for all other facilities, in the amount of \$50.00 for each such toll violation unless a fee of less than \$50.00 is set by the Authority in its sole discretion,

The toll violation fee shall be in addition to the applicable toll charge and any fines and penalties otherwise prescribed by law or by agreement.

(2) Entering or leaving the controlled system except through the regular toll booth lanes (except in emergency cases and then only under the control and supervision of the State Police or toll collectors), is prohibited.

(3) Passage through a toll booth lane on the controlled system or at a bridge or barrier station without making a full stop is prohibited except in a dedicated E-ZPass lane.

(b) Loss of toll ticket. The driver of a vehicle required to have a toll ticket on the controlled system extending from, and including, the toll barrier at Woodbury, to and including the toll barrier at Williamsville, including the Berkshire section, and extending from, and including, the toll barrier at Lackawanna, to and including the toll barrier at

Ripley, who, for any reason, does not have a toll ticket upon reaching an exit toll station, shall be charged the toll for the appropriate vehicle classification from the most distant toll station on such portion of the controlled system; provided, however, that if the operator presents satisfactory proof of the station of entry, the toll collector, with the approval of the toll plaza manager, may accept the toll from such station.

(c) Exit of vehicle at point of entry. The driver of a vehicle on the controlled system extending from, and including, the toll barrier at Woodbury, to and including the toll barrier at Williamsville, including the Berkshire section, and extending from, and including, the toll barrier at Lackawanna, to and including the toll barrier at Ripley, who presents a toll ticket for payment to a collector at the same toll station at which such toll ticket was issued shall be charged the toll for the appropriate vehicle classification from the most distant toll station of the controlled system. Disabled vehicles permissibly in tow (which shall include vehicles being pushed) by an emergency service vehicle on the controlled system (see Part 102 of this Chapter) and emergency service vehicles providing such towing, shall not be charged a toll if it is necessary under this Chapter for the particular vehicle to leave the Thruway at the same toll station at which it entered.

Historical Note: Sec. repealed, new filed Dec. 19, 1969; amds. filed: July 5, 1972; Feb. 26, 1974; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983; amds. filed: Dec. 28, 1995; April 26, 2005 eff. May 15, 2005. Amended (a)-(c). amds filed: Jan. 4, 2017; eff Jan. 18, 2017. Amended 101.3 (a) (1) (i).

§101.4 Toll Schedules

(Please see separate document)

Historical Note: Sec. filed April 26, 2005; repealed, new filed April 25, 2008 eff. June 29, 2008.

PART 102. LIMITATIONS ON USE OF THRUWAY SYSTEM

Historical Note: Part (§§102.1-102.10) repealed, new filed Aug. 23, 1974; repealed, new (§§102.1-102.8) filed Aug. 21, 1983 eff. Nov. 1, 1983.

§ 102.1 Prohibited uses of the Thruway

(a) Use of the Thruway system by the following is prohibited at all times, with the noted exceptions:

(1) Pedestrians, except on the Grand Island Bridges.

(2) Bicycles with or without motors, limited use motorcycles and limited use vehicles, except on the Grand Island Bridges.

(3) Vehicles drawn by animals, except on the Grand Island Bridges.

- (4) Animals led, ridden or driven on the hoof, except on the Grand Island Bridges.
- (5) Vehicles with metal tires or solid tires worn to metal, and vehicles with caterpillar treads.
- (6) Farm implements and farm machinery, when self-propelled or towed.
- (7) Vehicles loaded with animals or poultry not properly confined.
- (8) Vehicles with deflated pneumatic tires; also vehicles with tires in such condition that they are, in the judgment of the employees of the Thruway Authority or State Police, unsafe for use upon the Thruway system.
- (9) Vehicles in such condition that they are, in the judgment of the employees of the Thruway Authority or State Police, unsafe for use upon the Thruway system. The burden of proof of the safe condition of such vehicles shall be upon the operators of such vehicles.
- (10) Vehicles with improperly secured loads.
- (11) Vehicles transporting loose materials, unless covered with a tarpaulin or other cover or suitable device capable of preventing the dislodgment and falling of such materials or any portion thereof by vehicle movement, or wind or combination thereof; provided that this paragraph shall not apply to Thruway Authority-owned vehicles.
- (12) Vehicles, including any load thereon, exceeding the maximum allowable limitations of section 385 of the Vehicle and Traffic Law. Compliance with the limitations of this paragraph and paragraph (13) of this subdivision shall constitute a license to vehicles to use the Thruway system without the necessity of undergoing investigations designed to protect Thruway traffic and facilities. Special hauling permits for other vehicles, including tandem trailers exceeding the maximum allowable limitations of section 385 of the Vehicle and Traffic Law, issued by the Thruway Authority for appropriate terms and only after investigation, shall similarly constitute a license to use the Thruway system, subject to compliance with special equipment and operating requirements, and such other conditions as have been or may hereafter be established by the Thruway Authority.
- (13) Vehicles for which special hauling permits have not been issued by the Thruway Authority, and which exceed the maximum allowable limitations of section 385 of the Vehicle and Traffic law.
- (14) Vehicles in tow by rope or other nonrigid connection.
- (15) In addition to all other provisions of this Chapter, no disabled vehicle may be serviced or repaired on the Tappan Zee Bridge between mileposts 13.15 and 16.18, except with special permission of the Thruway Authority or the State Police. In the

absence of such permission, disabled vehicles will be immediately removed from the said bridge by Thruway Authority forces to designated parking areas.

(16) Disabled vehicles in tow, except for saddle-mounted vehicles, or disabled vehicles being pushed, except under the following conditions:

(i) Vehicles which become disabled and must be removed by towing or pushing, shall be so removed to the nearest exit (or another exit, if authorized by the Thruway Authority or the State Police) by an emergency service vehicle from an authorized emergency service garage; provided, however, that trucking and bus company vehicles which become disabled and must be removed by towing or pushing may also be so removed to the nearest exit by a properly equipped towing vehicle from a company-owned and operated service unit, or an agency operating under contract with the subject company whose vehicle is disabled; provided, however, that a vehicle disabled on the Tappan Zee Bridge between mileposts 13.15 and 16.18 shall be removed only by Thruway Authority forces and such other forces as shall be specifically requested by the Thruway Authority.

(ii) The provisions of this subparagraph shall not apply to any properly equipped vehicle with a disabled intact passenger vehicle, tractor, straight truck or bus in tow, provided that the towed vehicle is fastened to the towing vehicle with a rigid connection, and is considered safe for travel on the Thruway, as required by paragraph (9) of this subdivision, and provided further, that the operator of the towing vehicle obtains a road service permit before entry.

(17) Vehicles carrying explosives found in division 1.1-1.3 as defined in United States Department of Transportation regulations title 49, Code of Federal Regulations section 175.53 as amended December 21, 1990, except under such procedures as may be adopted by the Thruway Authority board, and as thereafter amended, from time to time, by the Thruway Authority's department of operations with the approval of the chairman. Department of Transportation regulations shall mean those safety regulations of the United States Department of Transportation which are included in parts 100-185 and parts 390-397 of title 49, amended August 28, 2001, Code of Federal Regulations, and sections 5101-5127 of title 49 U.S.C. chapter 51, amended October 31, 1994, which deal with motor carrier safety and the transportation of explosives and other dangerous articles by motor carriers by highway.

(18) Vehicles carrying radioactive materials except when authorized through the Thruway Authority's department of operations.

(19) Saddle-mounted vehicles, except those which comply in all respects, including the equipment and operation thereof, with the provisions of part 193 of title 49 of the Code of Federal Regulations, including, but not limited to, sections 193.17 and 193.71 thereof, as it may from time to time be amended, which part is hereby incorporated herein and made a part hereof with the same force and effect as if fully set forth herein.

(20)(i) No plane shall be allowed to take off in flight from any portion of the Thruway

system except under special permit issued in advance by the Thruway Authority's director of operations on payment of a fee of \$ 300. Such permit shall be issued only after a careful review of field conditions, including, but not limited to, weather, road conditions, traffic densities and geographical configuration, indicates that such takeoff can be made safely. Applicant shall furnish evidence of adequate insurance to fully protect the Thruway Authority and shall hold the Thruway Authority harmless from any and all claims that may arise from this operation.

(ii) Where the plane is to be removed from the Thruway system by means other than takeoff in flight, such operation shall be permitted only after investigation and subject to compliance with any special equipment or operating requirements and such other conditions as have been or may hereafter be established by the Thruway Authority. Such permission will be subject to the payment of a \$ 100 charge.

(iii) The landing of planes on the Thruway system shall be governed by the provisions of sections 245 and 246 of the General Business Law.

(iv) As used in this paragraph, the term planes means any contrivance, now or hereafter invented, for flight in the air, except a parachute or other contrivance designed for use, and carried primarily for safety equipment.

(21) Snowmobiles except on the Grand Island Bridges; provided, however, that the Thruway Authority's executive director or his designee is authorized to waive this prohibition for the use of snowmobiles in a storm emergency to aid Thruway patrons.

(b) It shall be a duty of the employees of the Thruway Authority, in addition to the members of the Division of State Police, to enforce the provisions of this section, and all persons shall comply with the orders of such employees and officers given to prevent the use of or entry on the Thruway system for any of the aforesaid forbidden purposes.

(c) Notwithstanding the foregoing, the Thruway Authority's executive director or his designee is authorized, at his discretion, to waive any or all of the provisions of section 102.1 of this Part.

Historical Note: Sec. amds. filed: Aug. 15, 1966; April 15, 1968; May 14, 1968; June 26, 1968; Aug. 30, 1968; Dec. 19, 1969; March 18, 1970; Jan. 13, 1971; March 23, 1971; April 1, 1974; May 30, 1974; repealed, new filed Aug. 23, 1974; amds. filed: Feb. 24, 1975; April 30, 1976; Oct. 18, 1977; repealed, new filed: Aug. 29, 1980; Oct. 21, 1983; amd. filed Oct. 16, 2003 eff. Nov. 5, 2003. Amended (a)(17).

§ 102.2 Prohibition of liquor and other intoxicating beverages

No person shall consume any intoxicating beverage nor have in his or her possession any open bottle or container, containing liquor, beer, wine or other alcoholic beverage while such person is on any portion of the Thruway system. An open bottle or open container in

any vehicle, while on the Thruway system, shall be presumptive evidence that the same is in the possession of all the occupants thereof and in violation of this section.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 102.3 Prohibited practices concerning motor fuel prices and sales

(a) The offering to sell, the selling, or the offering to buy or the buying of motor fuel at a price in excess of the posted price or the soliciting or accepting of any gratuity or the offering or giving of a gratuity of any kind in connection with the sale of motor fuel on the Thruway system.

(b) The selling or buying of motor fuel on the Thruway system contingent upon the selling or buying of any services or of goods other than the motor fuel itself.

(c) Failure to obey orders which are issued by the Thruway Authority's executive director or his designee where there exists or impends any condition which might endanger the health, safety or welfare of any person and which concern the operation of gasoline service areas including, but not limited to, the following:

(1) hours of operation;

(2) minimum and maximum quantities of motor fuel sold; and

(3) eligibility standards for the purchase of motor fuel.

Historical Note: Sec. amd. filed May 14, 1968; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 102.4 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 Thruway system, including toll plazas, is prohibited. Loitering in or about the toll plazas or any other portion of the Thruway system, for the purpose of hitchhiking or for any other purpose, is prohibited.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 102.5 Commercial activity; solicitation of funds

No person shall carry on any commercial activity on the Thruway system without the written permission of, or unless under contract with, the Thruway Authority. No person shall post, distribute or display signs, advertisements, circulars, printed or written matter

on the Thruway system without written permission from the Thruway Authority. No person shall solicit funds for any purpose on the Thruway system without written permission of the Thruway Authority.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 102.6 Waste and rubbish

Disposal on the Thruway system of bottles, cans, paper, garbage, rubbish or other waste material of any kind or description is prohibited. Disposal of said material in dumpsters at service areas is restricted to waste and rubbish accumulated during travel.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 102.7 Damage to property

No person shall cut, mutilate or remove any trees, shrubs or plants located on the Thruway system. No person shall deface, damage, mutilate or remove any sign, delineator, structure, fence or any other property or equipment of the Thruway Authority or any of its concessionaires.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 102.8 Acts interfering with Thruway operations

The following acts are prohibited by any person on any portion of the Thruway system when they interfere or tend to interfere with the efficient, safe and orderly operation of the Thruway system:

(a) The throwing, hurling or dropping of any missiles or other objects which might result in injury to patrons or Thruway employees or other persons or damages to the property of the Thruway Authority, its patrons or other persons.

(b) Interference with, damage to or destruction of property of the Thruway Authority, of its patrons or other persons.

(c) The unlawful discharge of any firearms, fireworks or other explosives.

(d) Interference with the lawful duties of Thruway employees or members of Troop T, State Police.

(e) Any act or conduct which interferes, or tends to interfere with the free, orderly and

safe flow of traffic on the Thruway.

(f) Assembly or congregating with other persons who by their presence may interfere with the efficient, safe and orderly operation of the Thruway system.

(g) Disorderly, boisterous or violent conduct whereby a breach of the peace may be occasioned.

(h) Trespass, entry or presence upon Thruway property other than in the normal course of duties of a Thruway employee patron or for the transaction of business with the Thruway Authority, its concessionaires or contractors.

(i) Engaging in any act or conduct obstructing or tending to obstruct, unrestricted access to any part of the Thruway system by Thruway employees, persons having business with the Thruway Authority, its concessionaires or contractors, or the use thereof by its patrons.

Historical Note: Sec. filed May 2, 1966; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

PART 103. OPERATION OF VEHICLES

Historical Note: Part (§§103.1-103.15) repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.1 Obedience to officers, signs and signals

No person shall fail, neglect or refuse to comply with any order of a member of the State Police, the collectors at toll booths at interchanges and barriers, flaggers of the maintenance forces, and such uniformed officers as may be employed by the Thruway Authority for such purposes. No person shall fail, neglect or refuse to comply with any traffic control sign, signal or device erected or displayed by the Thruway Authority on the Thruway system, unless directed otherwise by a member of the State Police or Thruway Authority employee.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.2 Speed limits

The maximum speed limit on the Thruway system is sixty-five miles per hour except:

- (a) from milepost NE-3.54 to milepost NE-15.01, for trucks only, 50 miles per hour;
- (b) as otherwise posted; and

(c) electronic toll collection:

(1) Speeds.

(i) Speed limits on travel through toll booth lanes dedicated for electronic toll collection shall be as posted; and

(ii) Speed limits for electronic toll collection at highway speed shall be the maximum speed limit on the Thruway system unless otherwise posted.

(2) Offenses. If a vehicle equipped with an electronic toll collection device passes through a toll booth lane dedicated for electronic toll collection at a speed in excess of the posted limit, the electronic toll collection account may, at the Authority's discretion, be subject to the following:

(i) a warning advising that any further offenses may result in suspension of the account; or

(ii) account suspension for up to 180 days; or

(iii) account revocation. A written notice will be sent to the account holder advising of the action taken.

(3) Appeal process. An electronic toll collection account holder may submit a written appeal of an account suspension or revocation to the Authority within 10 business days of the date of the notice. Such suspension or revocation will be held in abeyance pending resolution of the appeal.

(i) The Authority will review the appeal within twenty business days of receipt and advise the account holder of the Authority's decision.

(ii) When an account is revoked, the account balance and tag deposit will be returned to the account holder in accordance with the account terms and conditions.

(iii) An electronic toll collection account holder may not open a new account until the end of any suspension/revocation.

(4) General. Notwithstanding these provisions, all motorists are subject to arrest for violation of the New York State Vehicle and Traffic Law or the Thruway Authority's rules and regulations (e.g., reckless driving, speed too fast for conditions, etc.).

Historical Note: Sec amds. filed: Nov. 2, 1966; Oct. 15, 1968; Dec. 19, 1969; Feb. 18, 1970; Dec. 20, 1972; Nov. 12, 1973; Jan. 9, 1974; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983; amds. filed: Sept. 24, 1993 as emergency measure, expired 90 days after filing; May 10, 1994 as emergency measure, expired 60 days after filing; Aug. 29, 1994; repealed, new filed Feb. 16, 2007 eff. March 7, 2007.

§ 103.3 One-way traffic

Except as otherwise directed by proper authority, no person shall operate, or cause to be moved, any vehicle on the Thruway system except in the direction of traffic. The driver of a vehicle entering a service area, interchange, shoulder, or deceleration lane shall enter such area, interchange, shoulder or lane from the adjacent traffic lane, exercising caution so as not to interfere with or endanger traffic. Similarly, the driver of a vehicle leaving a service area, interchange, shoulder, or acceleration lane shall enter the Thruway system using the adjacent traffic lane, exercising with caution so as not to interfere with or endanger traffic.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983; amd. filed Dec. 21, 1995 eff. Jan. 11, 2006.

§ 103.4 Use of the median strip

(a) Driving a vehicle on or across, or parking, standing or stopping a vehicle on the median strip is prohibited; provided, however, that these prohibitions shall not apply to:

- (1) police, maintenance or official Thruway Authority vehicles;
- (2) emergency service vehicles operated by oil companies under contract with the Thruway Authority;
- (3) towing trucks and emergency service vehicles operated by garages authorized by the Thruway Authority;
- (4) certified tandem maintenance vehicles provided in the provisions governing tandem trailer operations;
- (5) fire vehicles or ambulances when operated in the performance of their official duties;
- (6) independent contractors' and consultants' vehicles when issued a U-turn authorization letter from the Thruway Authority; or
- (7) any other vehicle duly authorized by the Thruway Authority's executive director or his designee; provided, however, that in all cases, the operator thereof uses caution so as not to interfere with or endanger traffic.

(b) The prohibition against parking in the median strip shall not apply if, in the opinion of a member of the State Police, parking on the shoulder is dangerous or impractical under the conditions then existing and provided it will not interfere with maintenance operations.

Historical Note: Sec. repealed, new filed: Feb. 18, 1970; Aug. 23, 1974; amd. filed April 30, 1976; repealed, new filed Oct. 21, 1983; amd. filed Dec. 21, 2005 eff. Jan. 11, 2006. Amended sec. title, (a)-(b).

§ 103.5 No U turns

A U turn on the Thruway system is prohibited except when approved and supervised by a member of the State Police or an employee of the Thruway Authority. Excepted from the provisions of this section are such authorized vehicles as are described under section 103.4 of this Part, and then only under such conditions as are described therein.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.6 Driving, overtaking and passing

(a) Trucks, buses and vehicles hauling trailers are prohibited from using the extreme left lane on the Thruway system, as posted.

(b) Trucks and vehicles hauling trailers are restricted to the right two lanes on the Thruway system, as posted.

(c) The provisions of subdivisions (a) and (b) of this section shall not apply where the normal lanes are not available by reason of construction, accident or otherwise, and where the left lane is used to enter or exit an interchange.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983; amd. filed Dec. 21, 2005 eff. Jan. 11, 2006.

§ 103.7 Changing lanes

A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.8 Parking of vehicles

(a) Parking is prohibited on all roadways. No vehicle on the Thruway system shall be parked, stopped or allowed to stand on the traffic lanes, acceleration lanes, deceleration lanes, bridges, access ramps or on shoulders in front of service areas.

(b) Stopping is prohibited on the shoulders of the traffic lanes except in an emergency, or when authorized by the State Police or an employee of the Thruway Authority. In the

event that it is necessary for the driver of a truck or tractor trailer to leave such vehicle on the Thruway unattended and it is impossible or impractical, in the opinion of the State Police, to have such vehicle towed off the Thruway, the driver shall obtain a parking permit from the State Police before leaving the Thruway system.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.9 Accidents

In addition to the provisions of the Vehicle and Traffic Law of the State of New York, the driver of a vehicle involved in an accident on the controlled system 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 to a member of the State Police or to a toll collector at the nearest toll booth.

Historical Note: Sec. repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.10 Unauthorized use, entry and exit; assessment of tolls

Entry upon or exit from any part of the Thruway system, except at interchanges or other authorized places, is prohibited without regard to intent to evade tolls. Violators shall be assessed for tolls properly payable in accordance with the provisions of Part 101 of this Chapter, where possible, and otherwise on the basis of information available to the Thruway Authority. Similarly, vehicles subject to special hauling permits or other types of permit which use the Thruway system in violation of this Chapter, regardless of intent to evade, shall be assessed the special fees properly payable in accordance with the provisions of permit procedures as though a permit had been granted, computed on the basis of information available to the Thruway Authority. Assessments herein prescribed shall be in addition to fines and penalties otherwise prescribed by law.

Historical Note: Sec. repealed, new added by renum. 103.11, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.11 Emergency lighting equipment

The provisions of section 375 of the Vehicle and Traffic Law of the State of New York shall be applicable. Exceptions contained therein relating to cities and incorporated villages shall not be applicable.

Historical Note: Sec. renum. 103.10, new added by renum. 103.12, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.12 Vehicle and Traffic Law

Except for those sections which are inconsistent with or modified by the sections of this Part, the provisions of the Vehicle and Traffic Law of the State of New York shall apply.

Historical Note: Sec. renum. 103.11, new added by renum. 103.13, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.13 Vehicles under special hauling permit

Vehicles, including tandem trailer combinations, operating on the Thruway system under special hauling permit shall be required to comply with all pertinent rules and regulations, as well as to all additional requirements imposed by the Thruway Authority as conditions for the issuance or the continuing validity of the permit.

Historical Note: Sec. renum. 103.12, new added by renum. 103.14, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.14 Vehicles under 40 miles per hour

Vehicles equipped with simultaneous flashers shall be required to use them when traveling on the Thruway at a speed of less than 40 miles per hour, except when posted for less or when the flow of traffic dictates otherwise.

Historical Note: Sec. renum. 103.13, new added by renum. 103.15, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 103.15 Application of this Part

The provisions of this Part, except for section 103.9, shall not be applicable to vehicles operated by the State Police or by Thruway Authority personnel authorized by any member of the Thruway Authority or the Thruway Authority's executive director, when engaged in the performance of their duties, the promotion of safety, the aid of law enforcement and the protection, help and assistance of users of the Thruway system.

Historical Note: Sec. amd. filed Dec. 19, 1969; renum. 103.14, filed Feb. 18, 1970; new added by renum. 103.14, filed March 22, 1973; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

PART 104. ABANDONED VEHICLES

Historical Note: Part renum. Part 105, new filed Feb. 18, 1970; repealed, new filed Aug. 23, 1974; repealed, new (§§104.1-104.7) filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 104.1 Definitions

For purposes of this Part, the following definitions shall apply:

(a) Abandoned vehicle. Any motor vehicle which is allowed to stand unattended by an operator upon the Thruway right-of-way with no number plates affixed thereto for more than two hours, or with number plates affixed thereto for more than four hours, without a valid parking permit, shall be deemed to have been abandoned by the owner thereof, regardless of who so abandoned such vehicle. Any vehicle so abandoned is hereby declared to be a public nuisance, except that such designation shall not apply to a disabled vehicle where the operator thereof has duly reported the disablement to the State Police or to an employee of the Thruway Authority and provided, further, that satisfactory arrangements have been made for repair within 12 hours.

(b) Authorized garage. An independent off-Thruway garage that is assigned the towing, winching and repair responsibility on a given section of the Thruway system, having in its possession a duly executed letter of authorization issued by the Thruway Authority.

Historical Note: Sec. renum. 105.1, new filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 104.2 Violation

Any such abandonment of motor vehicle shall constitute a violation of this Part by the operator and owner thereof and shall be subject to the penalties prescribed by law.

Historical Note: Sec. renum. 105.2, new filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 104.3 Removal of abandoned vehicles

Any abandoned vehicle shall be removed from the right-of-way by an authorized garage or other agency designated by the Thruway Authority.

Historical Note: Sec. renum. 105.3, new filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 104.4 Redemption, disposition and sale of abandoned vehicles

(a) Except for vehicles governed by section 104.5 of this Part, the Thruway Authority shall make an inquiry concerning the last known owner of such vehicle as follows:

(1) abandoned vehicle with number plates affixed--to the jurisdiction which issued such number plates;

(2) abandoned vehicle with no number plates affixed--to the New York State Department of Motor Vehicles.

(b) The Thruway Authority shall notify the last owner, if known, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after ten days from the date such notice was given. If as a result of the inquiry made pursuant to subdivision (a) of this section, the Thruway Authority is notified that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay or make reimbursement, as the case may be, for the costs of removal, storage and disposition of such vehicle.

Historical Note: Sec. renum. 105.4, new filed Feb. 18, 1970; repealed, new filed Aug. 23, 1974; amd. filed April 2, 1975; repealed, new filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 104.5 Vesting of title to abandoned vehicle

Title to an abandoned vehicle shall immediately vest in the Thruway Authority if, at the time of abandonment, taking into consideration the condition of vehicle, it has a wholesale value, as set forth in section 1224(2) of the Vehicle and Traffic Law, and it has no number plates affixed. Title to all other abandoned vehicles, if unclaimed, shall vest in the Thruway Authority 10 days from the date such notice is given; or if the last known owner cannot be ascertained, when notice of such fact is received.

Historical Note: Sec. renum. 105.5, new filed Feb. 18, 1970; repealed, new filed Aug. 23, 1974; amd. filed April 2, 1975; repealed, new filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 104.6 Proceeds from sale of abandoned vehicle

Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Thruway Authority, shall be held by the Thruway Authority, without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one-year period such proceeds shall be paid into the general fund of the Thruway Authority.

Historical Note: Sec. renum. 105.6, new filed Feb. 18, 1970; repealed, new filed Aug. 23, 1974; amd. filed April 2, 1975; repealed, new filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 104.7 Costs of removal

The last known owner of an abandoned vehicle shall be liable to the Thruway Authority for the costs of removal, storage and disposition of such vehicle.

Historical Note: Sec. renum. 105.7, new filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

PART 105. ADVERTISING DEVICES

Historical Note: Part renum. Part 106, new added by renum. Part 104, filed Feb. 18, 1970; repealed, new (§§195.1-105.7) filed Aug. 23, 1974; repealed, new (§§105.1-105.6) filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 105.1 Statutory reference

The erection or maintenance of any advertising device, located within 660 feet of the nearest edge of the right-of-way of the Thruway is prohibited pursuant to section 361-a of the Public Authorities Law.

Historical Note: Sec. renum. 106.1, new added by renum. 104.1, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 105.2 Definitions

For the purposes of this Part, the following definitions shall apply:

(a) Advertising device shall include any billboard, sign, notice, poster, display or other device intended to attract or which does attract the attention of operators of motor vehicles on the Thruway, and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in conjunction therewith.

(b) Off-premises device shall include an advertising device displaying a message pertaining to a business or service not conducted or provided on the property on which the device is located.

Historical Note: Sec. renum. 106.2, new added by renum. 104.2, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 105.3 Prohibited advertising devices

(a) The following are prohibited:

(1) advertising devices which advertise activities that are illegal under Federal, State or municipal laws or regulation;

(2) obsolete advertising devices;

(3) advertising devices not securely affixed in place;

(4) advertising devices which purport to be or are imitations of or resemble or are likely to be construed as official traffic control devices or railroad signs or signals, or which attempt to direct or regulate the movement of traffic, or which hide from view or interfere with the effectiveness of any official traffic control device or any railroad sign or signal;

(5) advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view;

(6) advertising devices which contain, include or are illuminated by any flashing, intermittent or moving light or lights;

(7) advertising devices which permit beams or rays of light to be directed at any portion of the Thruway system, or which cause glare and tend to interfere with any driver's operation of a vehicle on the Thruway system;

(8) advertising devices which move or have any animated or moving parts;

(9) advertising devices on trees, rocks or other natural features;

(10) advertising devices which, based on established policy or in the judgment of the Thruway Authority, constitute a traffic hazard; and

(11) off-premises devices, except that the following off-premises devices may be permitted under this Part: devices located in areas within 660 feet of the nearest edge of the right-of-way which are zoned industrial or commercial under authority of State law and which lie within the boundaries of cities having a population greater than 250,000, provided that no off-premises advertising device shall be permitted to be maintained within 660 feet of the nearest edge of the Niagara section right-of-way within the city of Buffalo north of Elm Street.

(b) Whenever an off-premises advertising device prohibited under subdivision (a) of this section, but lawful under prior law, is located in areas within 660 feet of the nearest edge of the right-of-way of Interstate 287, and construction of same at its present location commenced with respect to Interstate 287 on or before April 1, 1991, the same may continue to be maintained, subject to permitting under this Part, for a reasonable period not to exceed the longer of two years from commencement of construction or the period which the owner of the advertising device can demonstrate is necessary to avoid substantial financial loss. In determining what constitutes substantial financial loss, the authority may consider such factors as initial capital investment, investment realization at the time of the permit application, life expectancy of the investment, the existence or non-existence of a lease obligation, and existence of a contingency clause permitting termination of the lease. Failure to apply for a permit under this Part shall constitute presumptive evidence that immediate removal of the off-premises advertising device will cause no substantial economic loss.

Historical Note: Sec. renum. 106.3, new added by renum. 104.3, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983; amd. filed June 8, 1993 eff. June 23, 1993.

§ 105.4 Exclusions

(a) Excluded from these regulations are:

(1) advertising devices which are not visible from any traveled portion of the Thruway system;

(2) advertising devices for which the attraction is deemed incidental by the Thruway Authority;

(3) directional or other official signs and signals erected or maintained by the State or other public agency having jurisdiction; and

(4) information required or authorized by law to be posted or displayed thereon.

Historical Note: Sec. added by renum. 104.4, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 105.5 Permits

Application for a permit or renewal thereof for each separate advertising device shall be on forms adopted by the Thruway Authority and shall contain such information as the Thruway Authority may require.

Historical Note: Sec. added by renum. 104.5, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 105.6 Restrictions as to Thruway lands

Notwithstanding the purpose for which it may be erected or the persons to whom it may be visible, no advertising device shall be erected or maintained on lands under the jurisdiction of the Thruway Authority except devices erected by the Thruway Authority or with the consent of the Thruway Authority.

Historical Note: Sec. added by renum. 104.6, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983

PART 106. LEASING OF FACILITIES

Historical Note: Part added by renum. Part 105, filed Feb. 18, 1970; repealed, new (§§106.1-106.3) filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 106.1 Awarding of leases

Gas stations, restaurants and other facilities under the jurisdiction of the Thruway Authority shall be publicly offered for leasing prior to initial occupancy. Specific terms and conditions, including prerequisites and procedures for bidding, shall be set forth in a public proposal for each facility. When, in the judgment of the board of the Thruway

Authority, it shall be in the best interests of the public, the Thruway Authority and its bondholders, several facilities may be offered for bidding as a unit.

Historical Note: Sec. added by renum. 105.1, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

§ 106.2 Renewal of leases

When, in the judgment of the board of the Thruway Authority, it shall be in the best interests of the public, the Thruway Authority and its bondholders, an existing lease for the operation of a gas station, restaurant or other facility may be renewed with an existing lessee, provided that the lessee shall have acquired the original lease as the successful bidder in a public offering, or by Thruway Authority-approved assignment from such a successful bidder; and further provided that the terms and conditions of each renewal agreement shall result in no reduction of the basis on which rental payments to the Thruway Authority are calculated; and further provided that the terms and conditions of the renewal agreement shall result in no diminution of service to the public.

Historical Note: Sec. added by renum. 105.2, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983; amd. filed Feb. 13, 1990 eff. Feb. 28, 1990.

§ 106.3 Revision of leases

Section 106.2 of this Part shall not, however, restrict the Thruway Authority's freedom of action during the term of any agreement to negotiate a revision of the bases on which rental payments to the Thruway Authority are calculated, whenever the board of the Thruway Authority shall determine, on the basis of written recommendations of its consulting engineers, that such revisions may be reasonably expected to produce a favorable effect upon its net revenues.

Historical Note: Sec. added by renum. 105.3, filed Feb. 18, 1970; repealed, new filed: Aug. 23, 1974; Oct. 21, 1983 eff. Nov. 1, 1983.

PART 107. SPECIAL PROVISIONS

Historical Note: Part (§§107.1-107.4) filed Aug. 23, 1974; repealed, new (§107.1) filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 107.1 Closing the Thruway system

When conditions, actual or potential, are present, which might endanger the health, safety or welfare of any person or cause damage or destruction to property, the Thruway Authority's executive director, or his designee, may order that the Thruway system, or any portion thereof, be closed to all or any part of the public for such time as in his judgment may be necessary. These conditions include, but are not limited to, fire, flood,

snow, rain, hail, wind, accident, overcrowding, riot, civil commotion, epidemic, explosion and chemical or nuclear incident.

Historical Note: Sec. filed Aug. 23, 1974; repealed, new filed Oct. 21, 1983 eff. Nov. 1, 1983.

PART 108. PUBLIC ACCESS TO AUTHORITY RECORDS

Historical Note: Part (§§108.1-108.4) filed Oct. 21, 1983 eff. Nov. 1, 1983.

§ 108.1 Records available for inspection and copying; fees

(1) Subject Matter List.

The Thruway Authority will keep a reasonable detailed current list, by subject matter, of all records in the possession of the Thruway Authority, whether or not available under the Freedom of Information Law.

(2) Availability of records.

The Thruway Authority shall produce its records for inspection by appointment during those days and hours that it is regularly open for business, as follows: Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m. (excluding observed holidays). Written requests for copies of records should be directed to the Thruway Authority Records Access Officer at 200 Southern Boulevard, Albany, New York 12209.

(3) Fees.

- a. The fee for copies of records not exceeding 9 x 14 inches in size shall be 25 cents per page.
- b. The fees for searching the records of the Thruway Authority for an accident report, for furnishing a copy of an accident report, and for furnishing a copy of an accident reconstruction report shall not exceed the fees charged by the division of state police pursuant to section sixty-six-a of the public officers law and/or by the department of motor vehicles pursuant to section two hundred two of the vehicle and traffic law; provided, however, that no fee shall be charged to any public officer, board or body, or volunteer fire company, for searches or copies of accident reports to be used for a public purpose.
- c. Except when a different fee is otherwise prescribed by statute, the fee for a copy of any other record shall be the actual cost of reproducing such record, as determined by the Records Access Officer in accordance with Public Officers Law section 87.
- d. The Thruway Authority Executive Director, or his or her designee may, at his or her discretion, waive all or any portion of the fees authorized by this subdivision.

Historical Note: Sec. filed August 18, 2010.

§ 108.2 Rights of party denied copying; access to records

If access to a record is denied, such denial may be appealed to the Thruway Authority Executive Director, or his or her designee.

Historical Note: Sec. filed August 18, 2010

PART 109. PROMPT PAYMENT OF INTEREST TO VENDORS

Historical Note: Part (§§109.1-109.6) filed May 24, 1988 eff. June 8, 1988.

§ 109.1 Definitions

As used in this Part, the following terms shall have the following meanings, unless otherwise specified:

- (a) Authority means the Thruway Authority when it has entered into a contract with a contractor.
- (b) Comptroller means the Office of the State Comptroller.
- (c) Contract means any enforceable agreement entered into between the authority and a contractor on or after May 1, 1988, including but not limited to written agreements, contracts and purchase orders, oral requests by the authority for goods or services, and also include public utility services and lease agreements.
- (d) Contractor means any person, partnership, private corporation or association:
 - (1) selling materials, equipment or supplies, or leasing property or equipment to the authority;
 - (2) constructing, reconstructing, rehabilitating or repairing buildings, highways, or other improvements for or on behalf of the authority; or
 - (3) rendering or providing service to the authority pursuant to a contract.
- (e) Contract payment date means the specifically enumerated date by which payment under the contract must be made in order for the authority not to become liable for interest payments hereunder in accordance with section 109.3(c) and (d) of this Part.
- (f) Designated payment office means the Bureau of Accounting, Department of Finance and Accounts, Thruway Authority, Administrative Headquarters, 200 Southern Boulevard, P.O. Box 189, Albany, NY.

(g) Proper invoice means a written request for a contract payment that is submitted by or for a contractor setting forth the description, price and quantity of goods, property or services delivered or rendered, in such form and supported by such other substantiating documentation as the authority, in its discretion, may reasonably require in order to document and verify the proper charge due and owing to the contractor.

(h) Receipt of an invoice means:

(1) the date on which a proper invoice is actually received in the designated payment office; or

(2) the date on which the authority actually receives the purchased goods, property or services covered by the proper invoice, whichever is later; or

(3) in regard to final payments on all construction contracts (whether highway or architectural) and on any and all engineering/architectural agreements for professional services, construction inspection or design, the date on which the contract work has been accepted as completed by the authority's chief engineer; or in those contracts undertaken for the Thruway Authority by the Department of Transportation, the procedure followed by the department under article XI-A, sections 179-d through 179-p of the State Finance Law will govern payment on those contracts.

(i) Required payment date means the 45th day after the receipt of a proper invoice as defined in subdivisions (g) and (h) of this section; or after July 1, 1989, the 30th day after the receipt of a proper invoice as defined in subdivisions (g) and (h) of this section.

(j) Setoff means 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.

(k) Statement means these rules and regulations, and any amendments hereto, adopted by the Thruway Authority pursuant to the Public Authorities Law, section 2880, implementing its policy and procedures in regard to the payment of its contractors in an expeditious and fair manner before the accrual of interest thereon.

Historical Note: Sec. filed May 24, 1988 eff. June 8, 1988.

§ 109.2 Statement adoption

These rules and regulations as adopted by the authority are to become effective on May 1, 1988 and are the implementation of its prompt payment policy.

Historical Note: Sec. filed May 24, 1988 eff. June 8, 1988.

§ 109.3 Statement

(a) The Thruway Authority is implementing the procedures herein in order to compensate the contractors doing business with the authority in an expeditious, timely and fair manner in return for the proper verified delivery of their goods and services to the authority. These standards are being promulgated in conformance with Public Authorities Law, section 2880(1)-(16).

(b) A contractor shall submit to the specified designated payment office all written invoices, purchase orders, delivery tickets, price or quantity tabulations or other documents which are necessary in order to verify the name, type and quantity of goods or services actually delivered or provided and for which payment is requested by or on behalf of a contractor.

(c) The authority will make prompt payment under a contract:

(1) within 45 calendar days after the receipt of a proper invoice at its designated payment office, for the amount of the contract payment then due, such time allowance to apply to the payment of a proper invoice received by the authority on or after May 1, 1988;

(2) within 30 calendar days, excluding legal holidays, after the receipt of a proper invoice at its designated payment office, for the amount of the contract payment then due, such time allowance to apply to the payment of a proper invoice received by the authority on or after July 1, 1989;

(3) except when the contract or contract payment is of a type where the facts and conditions are as defined pursuant to paragraphs (f)(1)-(12) of this section. Any time taken to satisfy or rectify any of the facts or conditions described therein (except for paragraphs (f)(10)-(11) of this section) shall extend the date by which contract payment must be made in order for the authority not to become liable for interest payments by an equal period of time.

(d) Pursuant to these rules and regulations, the authority shall pay interest on its contracts whenever prompt payment is not made to its contractors as prescribed for in subdivision (c) of this section and any other applicable provisions herein; interest under this Part shall be computed at the daily rate in effect on the date the interest is paid, as set by the State Tax Commission for corporate taxes pursuant to section 1096(e)(1) of the Tax Law.

(e) Interest hereunder will be payable from general toll revenues and other miscellaneous revenues.

(f) Adjustments to the contract payment date and the receipt of an invoice date shall be made by the authority whenever, in its opinion, the facts and conditions reasonably justify such an extension. The authority has determined that such facts and conditions exist in the following types of contracts and situations, and that an extension of the payment date is reasonably justified, when:

(1) in the case of final payments on construction contracts:

(i) the authority's chief engineer determines that the contractor has failed or neglected to properly submit the necessary documentation and other performance verification specifically prescribed by the contract requirements and specifications;

(ii) and/or the final agreement together with the final estimate has not been approved as required pursuant to such construction contract, before payment can be made;

(2) in the case of regular progress payments on construction contracts:

(i) the authority's chief engineer determines that the contractor has failed to properly submit the necessary documentation and other supporting data required by the contract, or mandated by any other State or Federal law, rule or regulation;

(ii) the specific contractual provisions, any applicable statute, or any State or Federal regulation, require or allow, a periodic inspection or a periodic audit prior to such payments, provided that if no time is specified for completing such periodic inspection or audit, it is completed within a reasonable time;

(3) in the case of engineering/architectural agreements for professional services, construction inspection or design, and:

(i) in respect to final payments:

(a) the specific contractual provisions, any applicable statute, or any State or Federal regulation, require, or allow, an inspection period or an audit, prior to such payment, provided that if no time is specified for completing such an audit or inspection, it is completed within a reasonable time;

(b) the authority's chief engineer determines that the contractor has failed or neglected to properly submit the necessary documentation and other performance verification specifically prescribed by the contract requirements and specifications; or

(c) the authority has not received an approved certification of audit or such other final verifying document as may be required pursuant to such contract before payment can be made;

(ii) in respect to regular progress payments:

(a) the specific contractual provisions, any applicable statute, or any State or Federal regulation, require, or allow, a periodic inspection or a periodic audit prior to such payments, provided that if no time is specified for completing such periodic inspection or audit, it is completed within a reasonable time;

(b) the authority's chief engineer determines that the contractor has failed to properly submit the necessary documentation and other performance verification specifically

prescribed by the contract requirements and specifications;

(4) the Thruway Authority department of finance and accounts, in the course of its preaudit function and investigation, determines that there is reasonable cause to believe that, as a substantive matter, ascertained in the review of specific purchase or financial documents and other substantiating documentation, payment may not properly be due to the vendor or contractor, either in whole or in part;

(5) in the case of contracts or obligations which require an investigation by authority field personnel of the facts, circumstances, or other background detail, for proper documentation of the submitted invoice, and the authority conducts or is conducting such an investigation in order to verify that payment is due, and such investigation results in a verified voucher submitted to the director of operations for approval, said voucher will be considered a proper invoice upon such final approval by the director of that department, or any other applicable department involved;

(6) the necessary State or Federal government appropriation required to authorize payment has yet to be enacted or released;

(7) a proper invoice must be examined and approved pursuant to contract or law by any other governmental entity prior to payment;

(8) Federal funds are involved in any project, and specified Federal requirements are yet to be completed before payment is authorized;

(9) in the event that any contract, as defined herein in section 109.1(c) of this Part, entered into between the authority and a contractor on or after May 1, 1988 is not a valid, enforceable agreement until it has been approved either by the Comptroller, or any other State or Federal agency, if so required by law or by such contract, provided that either the agreement shall contain a provision, or the contractor shall receive notice, stating that the agreement is subject to the approval of the Comptroller or some other required agency and that until such approval is given, the 45-day period (or the 30-day period after July 1, 1989) for the payment of invoices without interest shall not begin;

(10) such date by which payment must be made is modified in accordance with paragraph (11) of this subdivision;

(11) (i) in the case of defects or improprieties, the authority shall have 15 calendar days after receipt of an invoice at its designated payment office to notify the contractor of either:

(a) defects in the delivered goods, property or services;

(b) defects in the invoice; or

(c) suspected improprieties of any kind;

(ii) except as provided in subparagraph (iii) of this paragraph, when the authority notifies a contractor of such defects or suspected improprieties, and the contractor thereafter submits a corrected invoice or delivers corrected goods or services, the authority shall be considered as in receipt of an invoice on the date upon which the corrected invoice or corrected goods or services are received by the authority, whichever is later. If a corrected invoice or corrected goods or services are not required, the date of receipt of an invoice shall be the date upon which the authority determines that the suspected improprieties have been resolved;

(iii) if the authority fails to notify a contractor of such suspected defects or suspected improprieties within 15 calendar days of its first receipt of an invoice, the new ROI date, as determined by subparagraph (ii) of this paragraph, shall be adjusted to an earlier date, by a number of days equal to the number of days in excess of 15 that the authority took after its first receipt of an invoice;

(12) in the case of contracts, purchases, or other types of transactions where, either the specific contractual provisions, any applicable statute, any State or Federal regulation or the circumstances surrounding the transaction itself, would mandate, require, or call for an inspection, investigation, audit or other period of delay before the authority could be considered to be in receipt of an invoice. Examples of these types of transactions would include, but not be limited to, situations where:

(i) equipment or services require a detailed inspection and testing of the final product by appropriate authority personnel (example: electronics, component parts, mechanical equipment, etc.);

(ii) the agreement calls for special provisions to be met before payment is due, for example, receipt of specific data sheets, instruction manuals, parts manuals, on-site training, even though the particular product may have already been received by the authority;

(iii) the agreement calls for a multifaceted system, completed system, or a working system, and only a portion of the system has been delivered or is operational, even though a vendor may have invoiced for the portion delivered or working; in such cases the authority will not be in receipt of an invoice until the total system or product is delivered and operational, or in whatever condition the particular agreement or situation calls for; and

(iv) a discrepancy appears between a vendor's invoice received at the designated payment office, and an authority receiving report or other record of delivery, submitted from a field office. In any and all situations falling within this paragraph ((12)(i)-(iv)), the authority will not be considered in receipt of an invoice until or unless any such inspection, investigation, audit or other period of delay, has been completed and any and all conditions, deliveries, provisions, installations or other performances, have been completed and/or any and all discrepancies have been resolved. The notice of defect

provisions of this subdivision do not apply to any of the situations within this paragraph ((12)(i)-(iv)), until the authority:

- (a) conducts its inspections, investigations or other verification procedure;
- (b) full performance has been completed by the vendor; and/or
- (c) any and all discrepancies have been resolved.

The facts and conditions which the authority has determined to reasonably justify an extension of the contract payment date and/or the receipt of the invoice date are in no event limited to those specifically set forth in paragraphs (1)-(12) of this subdivision. Thus the authority may amend this statement at any time in the future to formally include any such additions as a part of its rules and regulations;

(13) any time taken to satisfy, rectify or complete any of the types of conditions, situations or contingencies described in paragraphs (1)-(12) of this subdivision shall extend the required payment date by an equal period of time.

Historical Note: Sec. filed May 24, 1988 eff. June 8, 1988.

§ 109.4 Inapplicability of section 2880

The provisions of this section covering prompt payment and interest eligibility shall not apply to payments due and owing by the authority:

- (a) under the Eminent Domain Procedure Law;
- (b) (1) as interest allowed on judgments rendered by a court pursuant to any provision of law other than those contained in this section;
- (2) however, notwithstanding any other provisions of law to the contrary, the authority's liability for incurring an obligation for interest payments pursuant to this section shall not extend beyond the date of a notice of intention to file a claim, the date of a notice of claim on the date commencing a legal action for payment of such interest, whichever comes first;
- (c) to the Federal government; to any State agency or its instrumentalities; to any duly constituted unit of local government, including, but not limited to, counties, cities, towns, villages, school districts, special districts, or any of their related instrumentalities; to any other public authority or public benefit corporation; or to its employees when acting in, or incidental to, their public employment capacity; and
- (d) in situations where the authority exercises a legally authorized setoff against all or part of the payment due the contractor.

Historical Note: Sec. filed May 24, 1988 eff. June 8, 1988.

§ 109.5 Court action or other legal process

With respect to any court action or legal process referred to in section 109.4(b)(2) of this Part, any interest obligation incurred by the authority after any of the cut-off dates specified therein pursuant to any provision of law other than this section shall be determined as prescribed by such other provisions of law, shall be paid as directed by the court, and shall be paid from any source of funds available for that purpose.

Historical Note: Sec. filed May 24, 1988 eff. June 8, 1988.

§ 109.6 Judicial review

Any determination made by the authority pursuant to this section which prevents the commencement of the time in which interest will be paid shall be subject to judicial review in a proceeding pursuant to article 78 of the Civil Practice Law and Rules. Such proceedings shall only be commenced in the absence, or upon the completion, of other review procedures specified in the contract or by regulation.

Historical Note: Sec. filed May 24, 1988 eff. June 8, 1988.