



July 20, 2009

The Honorable David A. Paterson  
Governor  
Executive Chamber  
State Capitol  
Albany, NY 12224

Dear Governor Paterson:

On behalf of the 515,000 men and women who are employed by the trucking industry in New York State, and the twenty-six associations representing large and small businesses across this state, we urge you not to move forward with the proposed regulation to restrict truck traffic on certain roads in the Finger Lakes Region.

The trucking industry has been hard hit. Freight is down. Fuel, insurance, tolls and registration fees have increased. The average profit margin per transport is down to 1%. Moreover, New York State has been an unfriendly state in which to operate a trucking business. No large trucking company maintains operations in New York any longer. We are one of only a handful of states that still imposes a Highway Use Tax. Truckers pay this tax even though they account for only 6.3 percent of highway use yet pay 32% of all tolls and fees by New York motorists.

Our concern is simple: imposing any restrictions on routes trucks may travel is an extremely bad precedent that will increase the cost and time of trips, waste fuel and, most importantly, cause a ripple effect that will touch on every industry that is important to this state's economy, especially upstate.

No one has been able to tell us how the state plans to enforce this regulation. Will the New York State Police pull over any truck they choose to ensure it is properly on a route? Pulling a truck over causes unnecessary delay and raises its own safety concern, especially given the narrowness of the roads for which this restriction will apply.

Capitol Hill Research Center issued a report titled *The Unreasonable Impact of the Reasonable Access Highway Regulation* (attached hereto). This report shows that, among other things, the economic impact analysis done to support the regulation is largely inadequate and completely fails to take into account industries aside from trucking. The cost-benefit analysis also fails to meet the standard applied to the creation of a regulation. In fact, it points more toward someone's dining and shopping experiences than it does to any safety or environmental benefit.

This study was done based on your original proposal to restrict trucks from 64 routes (subsequently narrowed after the United States Department of Transportation raised concerns). While your current proposal restricts 7 routes we anticipate additional route restrictions. Public comments made by the Department of Transportation's spokesperson verified this concern. A review of legislation shows a number of communities that have attempted to restrict truck traffic. The legislature has declined to pass

**NEW YORK STATE MOTOR TRUCK ASSOCIATION**

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such legislation, for good reason. We are concerned that once the Executive restricts traffic in the Finger Lakes Region for *nothing but aesthetic reasons* then the flood gates will open.

Also attached for your reference is correspondence from the New York State Motor Truck Association's attorney. This letter clearly lays out some of the numerous legal issues this regulation raises including DOT's lack of authority, Commerce Clause violations, Fourth Amendment violations, inadequate environmental review analysis and Equal Protection Clause violation.

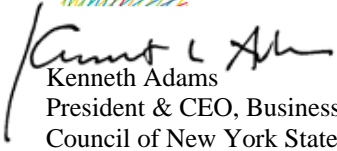
We urge you to reject this proposal.

Sincerely,

Associated General Contractors

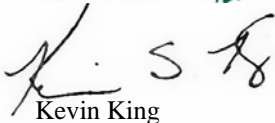
Association du Camionnage du  
Quebec




  
Kenneth Adams  
President & CEO, Business  
Council of New York State

Construction Industry Council



  
Kevin King  
President & CEO, Empire State  
Forest Products Association



  
Thomas J. Peters  
CEO, Empire State Petroleum  
Association

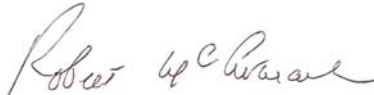
Empire State Towing and  
Recovery Association

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General Contractors Association

Independent Power Producers of  
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**INTERNATIONAL PAPER**

  
Bob McCormack  
Fiber Supply Manager,  
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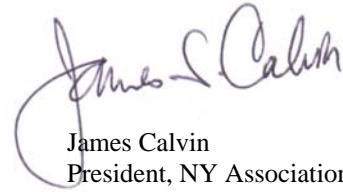
Long Island Contractors

Northeastern Retail Lumber  
Association




  
Michael J. Elmendorf II  
State Director, National  
Federation of Independent  
Business/NY




  
James Calvin  
President, NY Association of  
Convenience Stores



  
David Hamling  
President & CEO, New York  
Construction Materials  
Association

New York Corn Growers  
Association



  
Dean Norton  
President, New York Farm  
Bureau

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Executive Director, New York  
Housing Association

New York Nursery &  
Landscape Association



*Kendra L. Adams*

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Executive Director, NYS Motor  
Truck Association

New York Roadway  
Improvement Coalition

Northeast Agricultural & Feed  
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*Bruce W. Krupke*

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Northeast Dairy Foods  
Association



*Geoffrey Wood*

Geoffrey Wood  
Vice President, Operations &  
Safety



*Todd Spencer*

Todd Spencer  
Executive Vice President,  
OOIDA

Retail Council of New York  
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*Douglas A. Ball*

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Vice President, Specialized  
Carriers & Riggers Association

Cc: Larry Schwartz  
Tim Gilchrist  
Michael Evans  
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Stanley Gee

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