

# RULE MAKING ACTIVITIES

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

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

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

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## New York State Gaming Commission

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### EMERGENCY RULE MAKING

#### Implementation of Rules Pertaining to Gaming Facility Request for Application and Gaming Facility License Application

**I.D. No.** SGC-28-14-00006-E

**Filing No.** 120

**Filing Date:** 2015-02-13

**Effective Date:** 2015-02-13

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

**Action taken:** Addition of sections 5300.1 through 5300.5 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1305(20) and 1307(2)

**Finding of necessity for emergency rule:** Preservation of general welfare.

**Specific reasons underlying the finding of necessity:** The Gaming Commission (“Commission”) has determined that immediate adoption of these rules is necessary for the preservation of the general welfare. On March 31, 2014, the Gaming Facility Location Board, which the Commission established pursuant to section 109-a of the Racing, Pari-Mutuel Wagering and Breeding Law, issued a Request for Applications (“RFA”) for applicants seeking a license to develop and operate a gaming facility in New York State pursuant to the Upstate New York Gaming Economic Development Act of 2013, as amended by Chapter 175 of the Laws of 2013 (the “Act”). The Act authorizes four upstate destination gaming resorts to

enhance economic development in upstate New York, completed applications were due to the Gaming Facility Location Board by June 30, 2014. The immediate re-adoption of these rules is necessary to prescribe the form of the RFA and the information required to be submitted in response to the RFA. Standard rule making procedures would prevent the Commission from commencing the fulfillment of its statutory duties.

**Subject:** Implementation of rules pertaining to gaming facility request for application and gaming facility license application.

**Purpose:** To facilitate a fair and transparent process for applying for a license to operate a gaming facility.

**Substance of emergency rule:** This addition of Part 5300 of Subtitle T of Title 9 NYCRR will add new Sections 5300.1 through 5300.5 to allow the New York State Gaming Commission (“Commission”) to prescribe the form of the application for a gaming facility license.

The new Part of the Gaming Commission regulations describes the form of application for applicants seeking a gaming facility license and the information the applicant must provide. Section 5300.1 sets forth the form of the application including disclosure of identifying information, finance and capital structure of the proposed gaming facility, economic and market analysis, proposed land and design of facility space, assessment of local support and plans to address regional tourism, problem gambling, workforce development and resource management. Section 5300.2 describes the scope of background information the applicant and related parties must provide in three disclosure forms, the Gaming Facility License Application Form, the Multi-Jurisdictional Personal History Disclosure Form and the Multi-Jurisdictional Personal History Disclosure Supplemental Form. Section 5300.3 describes the process by which all applicants for a gaming facility license shall submit fingerprints as part of a background investigation. Section 5300.4 describes the applicant’s duty to update its application as necessary, following submission of the application. Section 5300.5 describes the application fee and procedure for refunding a portion of such fee in certain circumstances.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SGC-28-14-00006-EP, Issue of July 16, 2014. The emergency rule will expire April 13, 2015.

**Text of rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301-7500, (518) 388-3407, email: gamingrules@gaming.ny.gov

#### Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) section 104(19) grants authority to the Gaming Commission (“Commission”) to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1305(2) grants rule making authority to the Commission to implement, administer and enforce the provisions of Racing Law Article 13.

Racing Law section 1306(1) and section 1312(1) prescribe that the Gaming Facility Location Board (“Board”), which is established by the Commission, shall issue a request for applications (“RFA”) for applicants seeking a license to develop and operate gaming facilities in New York State. On March 31, 2014, the Gaming Facility Location Board issued the RFA.

Racing Law section 1307(2) prescribes that the Commission regulate, among other things, the method and form of the application; the methods, procedures and form for delivery of information concerning an applicant’s family, habits, character, associates, criminal record, business activities, and financial affairs; and the procedures for the fingerprinting of an applicant.

2. LEGISLATIVE OBJECTIVES: This emergency rule making carries out the legislative objectives of the above-referenced statutes by implementing the requirements of Racing Law section 1307(2).

3. NEEDS AND BENEFITS: This emergency rule making is necessary to enable the Board to carry out its statutory duty of issuing the RFA for applicants seeking a license to develop and operate a gaming facility in New York State.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with the rule: Those parties who choose to seek a gaming facility license will bear some costs. There is an application fee of \$1 million that is prescribed by Racing Law section 1316(8) to defray the costs of processing the application and investigating the applicant. The extent of other costs incurred by applicants will depend upon the efforts that they put into completing and submitting the application.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The rules will impose some costs on the Commission in reviewing gaming facility applications and in issuing licenses, but it is anticipated that the \$1 million application fee paid by each applicant will offset such costs. The rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating racing and gaming activities within the State.

5. PAPERWORK: The rules set forth the content of the application for a gaming facility license. The requirements apply only to those parties that choose to seek a gaming facility license.

6. LOCAL GOVERNMENT: The rules do not impose any mandatory program, service, duty, or responsibility upon local government because the licensing of gaming facilities is strictly a matter of State law.

7. DUPLICATION: The rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Commission is required to create these rules under Racing Law section 1307(2). Therefore, no alternatives were considered.

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York because such licensing is solely in accordance with New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that affected parties will be able to achieve compliance with the rules upon the adoption of the rules, which will occur upon filing.

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

This emergency rule making will not have any adverse impact on small businesses, local governments, jobs or rural areas. The rules prescribe the method and form of the application for a gaming facility license; the methods, procedures and form for delivery of information concerning an applicant's family, habits, character, associates, criminal record, business activities, and financial affairs; and the procedures for fingerprinting an applicant. It is not expected that any small business or local government will apply for a gaming facility license.

The rules impose no adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. It is anticipated that the opening of up to four gaming facilities in upstate New York will create new job opportunities. The rules apply uniformly throughout the State to any applicant seeking a license to develop and operate a gaming facility in the State.

The proposal will not adversely impact small businesses, local governments, jobs, or rural areas. It does not require a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, or Job Impact Statement.

**Assessment of Public Comment**

The agency received no public comment since publication of the last assessment of public comment.

**Action taken:** Amendment of section 44.4 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a) and 375(41)

**Subject:** Colored lights on fire vehicles, ambulances, emergency ambulance service vehicles and county emergency medical service vehicles.

**Purpose:** To make a technical correction to align the regulation with the statute.

**Text or summary was published** in the December 24, 2014 issue of the Register, I.D. No. MTV-51-14-00001-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 526, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Signs Displayed by Dealers**

**I.D. No.** MTV-09-15-00002-P

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

**Proposed Action:** This is a consensus rule making to amend section 78.26 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a) and 415(9)(d)

**Subject:** Signs displayed by dealers.

**Purpose:** Gives dealers more flexibility in the display of required signage.

**Text of proposed rule:** Paragraph (1) of subdivision (d) of section 78.26 is amended to read as follows:

(1) Every retail dealer shall display either an official dealer sign or a sign of a permanent nature, at least three feet by two feet in size, visible at all times from the nearest street or highway, which sign clearly and unequivocally indicates to the general public that the business is one which sells motor vehicles. *If it is impracticable for a retail dealer to display such sign so that it is visible from the nearest street or highway, then the commissioner may grant approval for such sign to be posted in an alternate location, if the alternate location provides notice to the general public in a manner that meets or exceeds the notice provided if such sign were visible from the nearest street or highway.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

**Data, views or arguments may be submitted to:** Ida L. Traschen, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: ida.traschen@dmv.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Consensus Rule Making Determination**

Currently, Part 78.26 requires a motor vehicle dealer's sign to be "of a permanent nature, at least three feet by two feet in size, visible at all times from the nearest street or highway." This requirement is not functional for a dealer applicant who wishes to locate in an interior location – a shopping mall, office building, or office tower. These locations may not allow for or may have limited ability for exterior signage. For example, a recent applicant attempted to open a dealership in a New York City office tower found that signage could not be permanent (signage space rotates users according leasing codes) and that fees were excessive.

The proposed amendment will give dealerships necessary flexibility in posting mandatory signage. However, the public will still be on notice that the business is a registered motor vehicle dealership.

The Department anticipates no opposition to this rulemaking, which provides flexibility to businesses attempting to open dealerships in non-traditional settings.

**Job Impact Statement**

A Job Impact Statement is not submitted with this rule because it will not have an adverse impact on job creation or development.

## Department of Motor Vehicles

### NOTICE OF ADOPTION

#### Colored Lights on Fire Vehicles, Ambulances, Emergency Ambulance Service Vehicles and County Emergency Medical Service Vehicles

**I.D. No.** MTV-51-14-00001-A

**Filing No.** 119

**Filing Date:** 2015-02-13

**Effective Date:** 2015-03-04

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

## Public Service Commission

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Recovery of Costs Related to a Reliability Support Services Agreement for Services from R.E. Ginna Nuclear Power Plant, LLC

I.D. No. PSC-09-15-00003-P

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

**Proposed Action:** The Commission is considering a petition from RG&E and others seeking approval of recovery of costs related to a Reliability Support Services Agreement for services from R.E. Ginna Nuclear Power Plant, LLC.

**Statutory authority:** Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9) and (12)

**Subject:** The recovery of costs related to a Reliability Support Services Agreement for services from R.E. Ginna Nuclear Power Plant, LLC.

**Purpose:** The recovery of costs related to a Reliability Support Services Agreement for services from R.E. Ginna Nuclear Power Plant, LLC.

**Public hearing(s) will be held at:** 10:00 a.m., April 20, 2015 and continuing daily as needed at Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY.\*

\*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 14-E-0270.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed by Rochester Gas & Electric Corporation (RG&E) on February 13, 2015, seeking acceptance of a Reliability Support Services Agreement (RSSA) entered into between RG&E and R.E. Ginna Nuclear Power Plant, LLC and approval of the recovery of costs related to the RSSA. The Commission may adopt, reject or modify, in whole or in part, the relief proposed or may adopt alternative relief.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: [Elaine.Agresta@dps.ny.gov](mailto:Elaine.Agresta@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0270SP2)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Refinancing and Issuance of Long-Term Debt Securities

I.D. No. PSC-09-15-00004-P

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

**Proposed Action:** The Commission is considering the petition of New

York American Water Company, Inc. for the authorization to refinance up to \$22,600,000 of existing long-term debt and issue up to \$45,300,000 of new long-term debt securities through December 31, 2017.

**Statutory authority:** Public Service Law, section 89-f

**Subject:** Refinancing and issuance of long-term debt securities.

**Purpose:** To authorize New York American Water Company, Inc. to refinance up to \$22,600,000 and issue up to \$45,300,000 of long-term debt.

**Substance of proposed rule:** The Public Service Commission is considering whether to approve, deny, or modify, in whole or in part, a petition by New York American Water Company, Inc. to refinance up to \$22,600,000 of existing long-term debt and issue up to \$45,300,000 of new long-term debt in one or more offerings from time to time, with maturity(s) of no more than 30 years and issued no later than December 31, 2017. The proposed action would allow New York American Water Company, Inc. to restructure existing obligations and manage continual operations.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: [Elaine.Agresta@dps.ny.gov](mailto:Elaine.Agresta@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-W-0045SP1)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Late Payment Charge

I.D. No. PSC-09-15-00005-P

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

**Proposed Action:** The Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. to make changes to the rates, charges, rules and regulations contained in its Schedule for Gas Service P.S.C. No. 4.

**Statutory authority:** Public Service Law, section 66(12)

**Subject:** Late Payment Charge.

**Purpose:** To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.

**Substance of proposed rule:** The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing by Orange and Rockland Utilities, Inc. (O&R) to modify its tariff for gas service. Specifically, O&R proposes to modify General Information Section 6.6 - Late Payment Charge, to designate a specific time for when the late payment charge is due. O&R proposes to revise its tariff and bill message to state that a late payment charge will begin to be assessed if payment is not received on or before 11:59 pm local time of the past due date indicated on the bill. The amendments have an effective date of May 18, 2015. The Commission may also consider other related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: [elaine.agresta@dps.ny.gov](mailto:elaine.agresta@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0093SP1)

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Petition for Submetering of Electricity****I.D. No.** PSC-09-15-00006-P

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

**Proposed Action:** The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the petition filed by 315 East 68th Street Corporation to submeter electricity at 315 East 68th Street, New York, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Petition for submetering of electricity.

**Purpose:** To consider the request of 315 East 68th Street Corporation to submeter electricity at 315 East 68th Street, New York, N.Y.

**Substance of proposed rule:** The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the petition filed by 315 East 68th Street Corporation to submeter electricity at 315 East 68th Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc., and to take other actions necessary to address the petition.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0052SP1)

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Late Payment Charge****I.D. No.** PSC-09-15-00007-P

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

**Proposed Action:** The Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. to make changes to the rates, charges, rules and regulations contained in its Schedule for Electric Service P.S.C. No. 3.

**Statutory authority:** Public Service Law, section 66(12)

**Subject:** Late Payment Charge.

**Purpose:** To modify Section 7.6 – Late Payment Charge to designate a specific time for when a late payment charge is due.

**Substance of proposed rule:** The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing by Orange and Rockland Utilities, Inc. (O&R) to modify its tariff for electric service. Specifically, O&R proposes to modify General Information Section 7.6 - Late Payment Charge, to designate a specific time for when the late payment charge is due. O&R proposes to revise its tariff and bill message to state that a late payment charge will begin to be assessed if payment is not received on or before 11:59 pm local time of the past due date indicated on the bill. The amendments have an effective date of May 18, 2015. The Commission may also consider other related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0092SP1)

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**Department of State**

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**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Regulations Relating to Review of Original Applications****I.D. No.** DOS-09-15-00001-P

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

**Proposed Action:** Addition of section 160.13 to Title 19 NYCRR.

**Statutory authority:** General Business Law, section 402(5)

**Subject:** Regulations relating to review of original applications.

**Purpose:** To clarify the Department's review procedures for new applicants seeking licensure pursuant to art. 27 of the GBL.

**Text of proposed rule:** Section 160.13 is added to Title 19 of the NYCRR to read as follows:

a) *In determining qualifications and fitness of an applicant for original licensure pursuant to article 27 of the New York General Business Law, the Secretary shall conduct a review of factors unrelated to prior criminal history, including, but not limited to:*

- (1) *findings of violations related to any provision of Article 27 or any regulation adopted thereunder;*
- (2) *findings of unlicensed practice of nail specialty, waxing, natural hair styling, esthetics or cosmetology;*
- (3) *findings of failure to pay taxes or of tax liens; and*
- (4) *findings of failure to pay child support.*

**Text of proposed rule and any required statements and analyses may be obtained from:** David A. Mossberg, Esq., New York State Dept. of State, 123 William Street, 20th Fl., New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.ny.gov

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

**Public comment will be received until:** 45 days after publication of this notice.

**This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.**

**Regulatory Impact Statement**

1. **Statutory authority:**

Section 402(5) of the New York General Business Law ("GBL") authorizes the Secretary of State (the "Secretary") to "[a]dopt such rules and regulations not inconsistent with the provisions of this article, as may be necessary with respect to the form and content of applications for licenses, the reception thereof, the investigation and examination of applicants and of prospective applicants taking examinations and their qualifications, and the other matters incidental or appropriate to the powers and duties of the secretary as prescribed by this article and for the proper administration and enforcement of the provisions of this article."

2. **Legislative objectives:**

The purpose of Article 27 of the GBL is to protect the health and safety of the consumers of the services of the appearance enhancement industry and does so, in part, by establishing a system of licensure requiring adequate levels of training, examinations which test the fitness to perform licensed activities, and adequate health and safety requirements for licensees and appearance enhancement businesses. The Department finds that providing further clarity about what factors it considers in determining fitness would be helpful to applicants. The Department finds that an applicant's prior criminal history is not sufficiently probative of such fitness as to warrant its consideration on an original application for licensure.

3. **Needs and benefits:**

The Department of State (the "Department") has issued approximately 221,782 licenses pursuant to Article 27 of the GBL. Approximately 22,814 of these licenses are original licenses following submission of a non-renewal application. After reviewing the various types of documentation required for original licensure, the Department found that providing advance notice and clarity about the types of documentation required would be helpful. The Department also found that by restricting inquiry into prior criminal convictions the review time between submission and licensure could be shortened while maintaining adequate assurances of fitness to perform licensed activities. Accordingly, this regulation will benefit new applicants seeking licensure.

4. Costs:
  - a. Costs to regulated parties:  
The Department does not anticipate that this proposal will impose any costs to the regulated parties.
  - b. Costs to the Department of State:  
The Department does not anticipate any additional costs to implement the rule. Existing staff will address any inquiries regarding new application procedures.
  5. Local government mandates:  
The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.
  6. Paperwork:  
Section 406 of the GBL currently requires all applicants seeking licensure to submit an application in a form and manner prescribed by the Secretary. The proposed rule will ease current obligations on original applicants by clarifying the sort of information the Department would be considering. The rule also clarifies that applicants for original licensure will no longer be required to collect and submit documentation regarding past criminal convictions. Accordingly, this regulation will not impose any new paperwork obligations on the regulated parties.
  7. Duplication:  
This rule does not duplicate, overlap or conflict with any other state or federal requirement.
  8. Alternatives:  
It was determined that there were no existing regulations providing clarity on what sort of information the Department would consider when reviewing an original application for licensure. The Department therefore believes that this rulemaking is the best course of action to bring about the desired result, i.e., providing additional clarity to original applicants.
  9. Federal standards:  
There are no federal standards relating to this rule.
  10. Compliance schedule:  
These regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

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

As is evident by the nature of this rulemaking, this proposal affects applicants seeking original licensure pursuant to Article 27 of the New York General Business Law and will not adversely impact rural areas, jobs, small businesses or local governments and therefore does not require a Regulatory Flexibility Statement, Rural Area Flexibility Statement or Job Impact Statement.

This rule is intended to provide advance notice and clarity to original applicants seeking licensure of the information the Department of State will consider when reviewing applications. The rule will have a positive impact on interested parties seeking licenses by providing advance notice and clarity regarding the application review process, thereby possibly expediting the issuance of licenses. This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

## Office of Temporary and Disability Assistance

### NOTICE OF ADOPTION

**Public Assistance Schedules**

**I.D. No.** TDA-49-14-00003-A  
**Filing No.** 121  
**Filing Date:** 2015-02-17  
**Effective Date:** 2015-03-04

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

**Action taken:** Amendment of sections 352.1 and 352.2 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f), 131(1), 131-a(2)(a-1)-(a-4), 131-a(3) and (a-1)-(a-4)

**Subject:** Public Assistance Schedules.

**Purpose:** To update certain public assistance schedules to comply with the schedules in Social Services Law section 131-a.

**Text or summary was published** in the December 10, 2014 issue of the Register, I.D. No. TDA-49-14-00003-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

## Triborough Bridge and Tunnel Authority

### NOTICE OF ADOPTION

**To Establish a New Crossing Charge Schedule for Use of Bridges and Tunnels Operated by Triborough Bridge and Tunnel Authority**

**I.D. No.** TBA-48-14-00004-A  
**Filing No.** 107  
**Filing Date:** 2015-02-11  
**Effective Date:** 2015-02-11

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

**Action taken:** Repeal of Part 1021.1; and addition of new Part 1021.1 to Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, section 553(5)

**Subject:** To establish a new crossing charge schedule for use of bridges and tunnels operated by Triborough Bridge and Tunnel Authority.

**Purpose:** To raise additional revenue.

**Text of final rule:** Triborough Bridge and Tunnel Authority Crossing Charges

*A. E-ZPass Charges for E-ZPass New York Customer Service Center Customers*

Classification	Verrazano-Narrows Bridge (a)	Robert F. Kennedy, Bronx-Whitestone, and Throgs Neck Bridges and Queens Midtown and Hugh L. Carey Tunnels	Henry Hudson Bridge	Marine Parkway-Gil Hodges Memorial, and Cross Bay Veterans Memorial Bridges
	Crossing Charges			
<i>1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under</i>	\$5.54	\$5.54	\$2.54	\$2.08

*Registered Staten Island Residents using an eligible vehicle taking 3 or more trips per month	\$3.12			
*Registered Staten Island Residents using an eligible vehicle taking less than 3 trips per month	\$3.30			
*Registered Rockaway Residents using an eligible vehicle			\$1.36	
*Each additional axle costs	\$3.25	\$3.25	\$2.50	\$2.50
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
*Two-axle vehicles	\$10.00	\$10.00		\$5.00
*Three-axle vehicles	\$16.39	\$16.39		\$8.20
*Four-axle vehicles	\$20.95	\$20.95		\$10.48
*Five-axle vehicles	\$27.31	\$27.31		\$13.66
*Six-axle vehicles	\$31.87	\$31.87		\$15.94
*Seven-axle vehicles	\$38.23	\$38.23		\$19.12
*Each additional axle	\$6.39	\$6.39		\$3.20
3 Two-axle franchise buses	\$4.01	\$4.01		\$2.00
4 Three-axle franchise buses	\$4.76	\$4.76		\$2.51
5 Motorcycles	\$2.41	\$2.41	\$1.73	\$1.73
*Each additional axle	\$1.50	\$1.50	\$1.50	\$1.50

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

E-ZPass crossing charges apply to New York E-ZPass Customer Service Center customers only and are available subject to terms, conditions and agreements established by the Authority.

There are no residential restrictions with regard to enrollment as a TBTA Customer in the New York Customer Service Center.

(a) Under Verrazano-Narrows one-way crossing charge collection program, all per crossing charges shown should be doubled. Presently paid in westbound direction only.

B. For Fare Media Other Than E-ZPass Charges for E-ZPass New York Customer Service Center Customers

Classification	Verrazano-Narrows Bridge (a)	Robert F. Kennedy, Bronx-Whitestone, and Throgs Neck Bridges and Queens Midtown and Hugh L. Carey Tunnels	Henry Hudson Bridge	Marine Parkway-Gil Hodges Memorial, and Cross Bay Veterans Memorial Bridges
1 Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$8.00	\$8.00	\$5.50	\$400

The following discounted charges are available for eligible class 1 vehicles (f):

*Prepaid charges through discount token roll purchase (f)					\$2.6667(d)
*Prepaid charges per crossing for registered Staten Island residents using an eligible vehicle with three or more occupants (HOV)				\$1.54(b)	
*Prepaid charges per crossing for registered Staten Island Residents using an eligible vehicle through token roll purchase (f)				\$4.4373(c)	
*Prepaid charges per crossing for registered Rockaway Peninsula/Broad Channel Residents using an eligible vehicle through token roll purchase					\$1.857(e)
*Each additional axle costs	\$3.25	\$3.25	\$2.50	\$2.50	
2 All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)					
*Two-axle vehicles	\$16.00	\$16.00			\$8.00
*Three-axle vehicles	\$26.00	\$26.00			\$13.00
*Four-axle vehicles	\$33.00	\$33.00			\$16.50
*Five-axle vehicles	\$43.00	\$43.00			\$21.50
*Six-axle vehicles	\$50.00	\$50.00			\$25.00
*Seven-axle vehicles	\$62.00	\$62.00			\$31.00
*Each additional axle	\$9.00	\$9.00			\$4.50
3 Two-axle franchise buses	\$6.75	\$6.75			\$3.25
4 Three-axle franchise buses	\$7.75	\$7.75			\$4.00
5 Motorcycles	\$3.25	\$3.25	\$3.25		\$3.25
*Each additional axle	\$1.50	\$1.50	\$1.50		\$1.50

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

(a) Under Verrazano-Narrows one-way crossing charge collection program, all per crossing charges shown should be doubled. Presently paid in westbound direction only.

(b) Sold as mail order 24 round trips for \$73.92.

(c) Sold in-lane as 10 round trips for \$88.75.

(d) Sold in-lane as 15 trips for \$40.00.

(e) Sold in-lane as 14 trips for \$26.00.

(f) Prepaid discount token roll sales may be discontinued when permissible.

**Final rule as compared with last published rule:** Substantial revisions were made in 1021.1.

**Text of rule and any required statements and analyses may be obtained from:** M. Margaret Terry, Senior Vice President and General Counsel, Triborough Bridge and Tunnel Authority, 2 Broadway, 24th Floor, New York, New York 10004, (646) 252-7619, email:mterry@mtabt.org.

**Revised Regulatory Impact Statement**

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

**Revised Regulatory Flexibility Analysis**

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

***Revised Rural Area Flexibility Analysis***

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

***Revised Job Impact Statement***

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

***Assessment of Public Comment***

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.