



NEW YORK STATE SENATOR

Brian Kavanagh

## Senator Kavanagh & Assemblymember Simon's BQE Overweight Truck Bill Signed Into Law

**BRIAN KAVANAGH** December 23, 2021

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Albany, NY — Senator Brian Kavanagh and Assemblymember Jo Anne Simon announced today that their BQE Overweight Truck bill ([S2740B/A2316](#)) was signed into law by Governor Kathy Hochul. The new law authorizes a pilot program along I-278 in Brooklyn allowing for the installation of state-of-the-art, weigh-in-motion technology to issue violations electronically when trucks exceed the existing legal weight limits.

“This legislation is vital to extending the useful life of the BQE, and ensuring the safety of all drivers and passengers of vehicles that use this roadway,” said State Senator Brian Kavanagh. “The deployment of weigh-in-motion technology will effectively deter trucking companies from engaging in destructive and unsafe behavior, and is likely to become a standard enforcement tool. I thank Governor Kathy Hochul for demonstrating her continued commitment to public safety. Thanks also to my colleague Assemblymember Jo Anne Simon for championing this bill in the Assembly, Carlo Scissura and the members of the BQE expert panel who recommended we consider this technology, the NYC DOT for agreeing to implement it, and to the Brooklyn Heights Association, the Cobble Hill Association, the many community residents who advocated for this legislation, and our partners in representing the community, Councilmember Steve Levin and Congresswoman Nydia Velázquez.”

“Creating 21st-century infrastructure is critical and the BQE is a linchpin of the NY Metropolitan area’s transportation network and the region’s economy. Illegally overweight trucks have contributed significantly to the deterioration of the BQE triple cantilever, so the importance of enforcing the legal weight limits cannot be overstated. Removing overweight trucks from the BQE will extend its lifetime and allow us time to envision a long-term solution for the entire BQE corridor that reduces reliance on polluting freight trucks and prioritizes climate justice,” said Assemblymember Jo Anne Simon. “I want to thank Governor Hochul, NYC DOT, the BQE Expert Panel, Councilmember Levin, Congresswoman Velázquez, concerned citizens and civic groups for their tireless advocacy, and especially Senator Kavanagh for his partnership in getting this critical law over the finish line.”

NYC DOT Commissioner Hank Gutman said: “We are delighted that Governor Hochul has signed the legislation authorizing automated WIM enforcement on the BQE’s triple cantilever and want to thank her, and especially State Senator Kavanagh and Assembly Member Simon for all their efforts to make this possible. Overweight and off-route trucks are a menace — they destroy our infrastructure, damage the quality of life in our neighborhoods and contribute to climate change. This is but one of many areas in which the use of automated enforcement techniques can help keep the streets and highways of New York safe for all who use them. We look forward to working with the legislature and the Governor to expand our ability to use such tools to enforce our laws.”

In 2019, New York City Mayor Bill de Blasio convened a panel of experts to review the City's planned reconstruction of the BQE from Atlantic Avenue to Sands Street in Brooklyn. The findings of their report lead to the indisputable conclusion that this corridor along the BQE is in urgent need of repair, and that illegally overweight trucks were contributing significantly to the structure's deterioration.

Higher live loads from overweight trucks cause greater stress on the structure, shorten its lifespan, decrease reliability, and reduce safety. Although the structure has an 80,000-pound limit for trucks, data collected at the request of the panel between October 16, 2019 and January 19, 2020 showed that on the Queens-bound roadway, 11.1 percent of trucks exceeded 80,000 pounds and 27 percent exceeded the Federal Bridge Formula, which limits the weight-to-length ratio of vehicles crossing a bridge.

In addition to damaging roads and other infrastructure, overweight trucks are dangerous because they may have difficulty braking and steering. Excess weight can cause the driver to lose control, and greater weight means greater momentum and more forceful crashes. Excess weight further increases carbon emissions, greatly increasing the climate impact of overweight trucks.

Last year, the City announced new restrictions and bigger fines for overweight trucks, but conventional enforcement is virtually impossible on this narrow, crowded roadway.

The new state law authorizes automated enforcement on the Brooklyn portion of the BQE, enabling expanded enforcement efforts 24 hours a day, 7 days a week. Enforcement would utilize weigh-in-motion systems paired with cameras, similar to New York City's successful automated school speed zone and red light camera programs. Violations would carry the same or a lower penalty than the often-hefty penalties issued by police officers during in-person enforcement; and only trucks overweight by at least 10 percent would be issued a fine.