

S.6414 (Gounardes) / A.7995 (Simon)

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BILL S.6414 (Gounardes) / A.7995 (Simon)
SUBJECT Expanding the Weight-in-Motion (WIN) pilot program
DATE April 21, 2025
OPPOSE

The Business Council of New York State strongly opposes S.6414 (Gounardes) / A.7995 (Simon), which would extend and expand New York City's automated weigh-in-motion (WIM) demonstration program on Interstate 278 in Kings County. While protecting the structural integrity of the Brooklyn Queens Expressway (BQE) is a valid concern, this legislation pushes forward a punitive and impractical enforcement model that unfairly targets the trucking industry at a time when freight operators are already shouldering significant new costs and operational burdens.

This proposal seeks to broaden a pilot program that was originally designed for a structurally distressed stretch of the Brooklyn Queens Expressway (BQE). That pilot applied uniform weight restrictions regardless of permit status due to immediate safety concerns. However, this legislation proposes to make that enforcement model permanent without accounting for the realities of commercial freight movement or the need to recognize trucks operating legally under overweight permits issued by the state or city. Automated WIM systems are incapable of distinguishing between permitted and non-permitted vehicles. As a result, trucks operating legally under existing permits are at risk of being fined automatically based on sensor readings alone. The legislation provides no process for verifying permit status in real time, no exemption for compliant operators, and no infrastructure for self-verification.

The problem is made worse by the fact that New York City lacks any publicly accessible weigh stations. Carriers entering or operating within the city have no reliable way to confirm their weight prior to entering WIM-monitored corridors. This leaves operators vulnerable to violations they have no way of preventing or challenging, especially when vehicles are loaded by third parties and there is no practical means of confirming compliance en route. At the same time, NYC has implemented congestion pricing in Manhattan, charging trucks \$14.40 or \$21.60 per day depending on size. This new daily toll, combined with the risk of WIM-based fines up to \$1,000 per violation, creates an increasingly hostile operating environment for freight carriers. These escalating costs threaten to ripple across the entire economy, raising prices for consumers, straining supply chains, and undermining the ability of businesses to serve the city efficiently.

The legislation also lacks any meaningful due process. Violations are issued without officer oversight, based on sensor data alone. Owners are held strictly liable, regardless of who loaded the vehicle or whether the driver had control over the load. There is no guaranteed right to appeal, no real-time notice, and no structured review process to challenge inaccurate readings. This is enforcement by automation, devoid of fairness or

accountability. Furthermore, the bill's focus on violation volumes and revenue collection, rather than safety outcomes or infrastructure improvements signals that this program is more about raising funds than solving problems. Until core issues are addressed such as real permit integration, accessible weight verification, and a transparent appeals process, this enforcement model should not be expanded.

- The Business Council urges the Legislature to reject S.6414/A.7995. It is simply not viable to enforce complex weight restrictions through automated technology without giving trucking operators the tools and protections needed to comply. New York cannot afford to make it even harder and more expensive for the businesses that keep the city running.