



Department of
Transportation

NYSDOT UPDATES

Marc Berger, Director
Passenger Carrier Safety Bureau

October 2026

Topics

- **OOS Rates/Violation Trends**
- **Structural Repairs/Approvals**
- **MOTUS**
- **Broker Concerns**
- **Legislative Updates**

OOS Rates/Violation Trends

- OOS Rates – Non School
- SFY 25-26 – 4.9%, Overall – 3.9%

OOS Rates/Violation Trends

Violation Trends for last Fiscal Year

Statewide

- “A” – Exhaust Leaks
- “B” – Cleanliness
- “C” – Exterior Panel Corrosion

OOS Rates/Violation Trends

Violation Trends for last Fiscal Year

Downstate

- “A” – Exhaust Leaks
- “B” – Wiper Defects
- “C” – Exterior Panel Corrosion

OOS Rates/Violation Trends

Violation Trends for last Fiscal Year

Capitol Region

- “A” – Exhaust Leaks
- “B” – Cleanliness
- “C” – Ext Body Panel Corrosion

OOS Rates/Violation Trends

Violation Trends for last Fiscal Year

Syracuse Area

- “A” – Exhaust Leaks
- “B” – Stepwell
- “C” – Stepwell Light Inoperative

OOS Rates/Violation Trends

Violation Trends for last Fiscal Year

Buffalo Area

- “A” – Exhaust Leaks
- “B” – Marker Lamps
- “C” – Ext Body Panel Corrosion

OOS Rates/Violation Trends

Violation Trends for last Fiscal Year

Southern Tier

- “A” – Exhaust Leaks
- “B” – Seat Belts
- “C” – Exterior Body Panel Corrosion

Questions Regarding Structural Repairs/Approvals

- 17 NYCRR 721.1(c) – Method of Repair
- The Two Acceptable Paths:
 - Manufacturer's recommended procedures, OR
 - Industry-accepted techniques
- Workmanship Standards:
 - Must be performed in a "workman-like manner"
 - Must not reduce the effectiveness of any component

Defining "Structural Repair" & Scope

- **No Formal Regulatory Definition**
- **NYSDOT does not explicitly define "structural repair" in the text.**
- **Rule of Thumb: If a component needs repair, it must comply with the Method of Repair regulation.**
- **Broad Component Scope:**
 - **Applies to frame rails and unibody structures.**
 - **Explicitly covers outriggers, body supports, and floor crossmembers.**
- **Critical Focus: Any component addressed in the NYSDOT Out-of-Service (OOS) Criteria.**

Alterations & Multi-Manufacturer Vehicles

- **Restoration vs. Design Alteration**
 - Both are treated similarly under safety regulations.
 - Whether repairing damage (restoration) or updating a component (alteration), the Method of Repair regulation applies.
- **Chassis vs. Body Manufacturers**
 - No special "joint" approval is required.
 - Repairs must comply with the recommendations of the specific entity that manufactured the component in question.

Technical Standards for Repairs

- **Primary Standards**
 - NYSDOT Safety Regulations
 - NYSDOT Out-of-Service (OOS) Criteria
- **Secondary Standards (Component-Specific):**
 - Manufacturer-published technical requirements
 - Published repair manuals and bulletins from the component builder
- **Goal: Ensure the vehicle is returned to a safe, compliant operating condition.**

Required Documentation for Compliance

- **What NYSDOT Accepts:**
 - Published manufacturer repair procedures
 - Repair facility's signed statement of compliance
 - Detailed repair records and photographic evidence (subject to inspection)
- **When is a Manufacturer Letter Required?**
 - Only when NYSDOT staff cannot confirm compliance.
 - Typically occurs if there are no published manufacturer recommendations or if industry-accepted techniques are unclear.

Repairs Beyond Original Design

- **General Rule:** Repairs only need to restore the component to its original condition.
- **Exceptions (When to Go Beyond Original Design):**
 - When a manufacturer has updated component requirements.
 - Examples include manufacturer recalls or official maintenance bulletins.
- **Technical Basis:** Driven by manufacturer-identified safety updates, not arbitrary DOT mandates.

Professional Engineer (PE) Evaluations

- **The Challenge:** Manufacturer has no published procedure, declines to issue an approval letter, or cannot respond in a timely manner.
- **The Alternative:** Evaluation by a licensed New York Professional Engineer (PE).
- **NYSDOT Action:**
 - NYSDOT will accept a PE evaluation for consideration.
 - The PE report will be reviewed alongside other available data to determine if the repair is safe and adequate.

Regulatory Exceptions (17 NYCRR 720.10)

- **What is 17 NYCRR 720.10?**
 - A regulation allowing for exceptions to safety rules.
- **NYSDOT Position on Exceptions:**
 - **Extremely rare.**
 - An exception essentially excludes a component from safety regulations entirely.
- **Safety First:** NYSDOT maintains that repairs can *always* be done in compliance with 17 NYCRR 721.1(c). Bypassing this does not offer an equivalent level of safety.

Initiating a Repair Review

- **Who Reviews Repairs?**
 - Main Office Managers and supervisory staff.
- **Pre-Work Steps for Operators:**
 - Review manufacturer recommendations and industry-accepted techniques.
 - If uncertain, contact your assigned NYSDOT inspector *before* starting work.
 - Elevate to NYSDOT supervision/management if necessary.
- **Advance Reviews:** NYSDOT *can* review proposed repair plans and confirm documentation requirements in advance.

Timelines & Resolving Deficiencies

- **Review Timetable:**
 - Processed as time permits.
 - Typically, a very quick turnaround.
 - *Worst-Case Scenario:* Up to a couple of weeks if extensive research or manufacturer communication is required.
- **If Approval is Withheld:**
 - NYSDOT will identify the specific components in conflict with regulations or OOS criteria.
- **Operator Responsibility:** The operator must provide the documentation proving the repair complies with 17 NYCRR 721.1(c).

MOTUS

- Issues with rollout
- Enforcement of Biennial Update requirement suspended
- NYSDOT requires an active USDOT # to process authority apps
- Has this caused any issues with processing?

All Things Brokers

- How does NYSDOT monitor bus broker apps?
- Wanderu/Busbud VS Flixbus/Ourbus
- 17NYCRR 720.1(m) - Operator means the person, firm or corporation who has control or directs the operation of a motor vehicle as owner, lessee or otherwise.
 - Would “otherwise” apply to ticket sellers/brokers?
 - Would they be considered an operator and required to have authority, insurance and comply with NYSDOT regulations?

Legislative Updates

- A5915 – “Comprehensive Passenger Safety Enhancement Act”
- Mandates seat belt use
- Conduct pre-trip safety briefings
- Require regular inspections
- Enforce stricter compliance measures
- **UPDATE – Died in Committee**

Legislative Updates

- A6989 – “Motor Carrier Safety Compliance Requirement Act”
- Requires motor carriers who contract work to other motor carriers to perform vetting
- Contracted carriers required to report to contracting carries
- Failure to vet or knowingly using non-compliant carrier will result in penalties
- Liability for damages as result of crash
- **UPDATE – Died in Committee**

Legislative Updates

- A7028 – “En Route Safety Inspections”
- Establishes a framework for mandatory in-route inspections for motor coach vehicles carrying 16 or more passengers to reduce the risk of accidents and enhance operational oversight.
- **UPDATE – Died in Committee**

Legislative Updates

- A9259 – “En Route Safety Inspections”
- Requires motor carriers operating charter buses to give passengers a mandatory pre-trip safety briefing about seat belt use and potential fines before departure
- **UPDATE – Passed both Assembly and Senate**

Legislative Updates

- NYC Bill Int 0011-2026
- Increases minimum and maximum civil penalties for violating anti-idling rules under the NYC Air Pollution Control Code, increases repeat-offense penalties within a 3-year window, and aligns definitions for "bus" and "truck" with New York State Vehicle and Traffic Law
- The bill aims to increase maximum idling penalties for private motorcoaches from **\$2,000 to \$7,500—a 275% jump.**
- **UPDATE – In Committee status**

QUESTIONS?