Text of proposed rule: Subdivision (b) of section 127.6 is amended to read as follows:

(b) Rules governing the admissibility of evidence in a court of law are not applicable to hearings held by the department. Evidence which would not be admissible in a court, such as hearsay, is admissible in a departmental hearing. [However, a decision by a hearing officer] *The standard of proof at a hearing* shall be [based upon substantial] *the preponderance of the* evidence.

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

This proposed consensus rule conforms the Commissioner's regulations to the Department of Motor Vehicles' long-standing practice of using the "preponderance of the evidence" as the standard of proof in the Department's safety hearings. A safety hearing refers to a hearing to investigate a fatal accident, a chemical test refusal hearing, or a hearing to determine whether a regulated party, such as an inspection station or a repair shop, has violated the law. While the current version of 15 N.Y.C.R.R. 127(6) provides that decisions at safety hearings may be based upon "substantial evidence," the Department has consistently instructed and trained its safety hearing officers to make such determinations based upon a preponderance of the evidence. Similarly, the Department's written hearing officer manual instructs safety hearing officers to determine matters based upon a preponderance of the evidence. In addition, in Miller v DeBuono, 90 NY2d 733, the Court of Appeals held that the preponderance of the evidence was the appropriate standard of proof at an administrative hearing.

Since this rulemaking reflects current Department practice and reflects the holding of the Court of Appeals, it is appropriately submitted as a consensus rule.

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.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

International Registration Plan

I.D. No. MTV-04-16-00006-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 28.1 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 405-l

Subject: International Registration Plan.

Purpose: To remove the exemption for charter buses from the International Registration Plan.

Text of proposed rule: Paragraph (3) of subdivision (c) of section 28.1 is amended to read as follows:

(3) Exceptions. Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, recreational vehicles, vehicles displaying restricted plates[,chartered buses] and government-owned vehicles, are not apportionable vehicles but may be registered under the plan at the option of the registrant. [Buses used in the transportation of chartered parties are not subject to IRP registration, but may be IRP registered at the option of the registrant.] For the purposes of this Part, restricted plates issued by this State shall be agricultural commercial plates, special purpose commercial plates, historical plates and farm plates.

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

The purpose of this consensus rule is remove the exemption for charter buses from the International Registration Plan (the Plan), thereby requiring such buses to register with IRP or obtain a trip permit from the appropriate jurisdiction.

Chapter 755 of the Laws of 1987 authorized the Commissioner of Motor Vehicles to enter into a reciprocal agreement to have this State become a member of the International Registration Plan. The International Registration Plan is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.

The unique feature of this Plan is that, even though license fees are paid to the various jurisdictions in which fleet vehicles are operated, only one license plate and one cab card is issued for each fleet vehicle when registered under the Plan. A fleet vehicle is known as an apportioned vehicle and such vehicle, so far as registration is concerned, may be operated both inter-jurisdictionally and intra-jurisdictionally.

The members of the Plan voted on September 18, 2014 to remove the exemption for charter buses. This change makes sense for two reasons. First, it aligns charter buses with other buses, all of which are subject to the Plan. Second, charter buses will be subject to the federal Performance and Registration Information Systems Management (PRISM) program which monitors carrier and drivers safety.

The DMV has been working with motor carriers that operate charter buses to insure a smooth transition to the Plan. The DMV expects no opposition to this proposed amendment and, therefore, it is submitted as a consensus rule.

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.

Office of Parks, Recreation and Historic Preservation

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Replaces Outdated Regional Hunting Regulations with a Statewide Regulation Establishing a Framework for Regional Hunting Permits

I.D. No. PKR-04-16-00001-P

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

Proposed Action: Repeal of sections 397.4, 398.4, 398.5, 399.2, 400.4, 415.3, 416.2 and 417.2; amendment of sections 401.2, 402.2, 372.7 and 375.1 of Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, sections 3.02, 3.09(5) and 3.09(8)

Subject: Replaces outdated regional hunting regulations with a statewide regulation establishing a framework for regional hunting permits.

Purpose: Better enable regions to manage hunting through permit conditions rather than regional regulations.

Text of proposed rule: Title 9 NYCRR Part 397.4, pertaining to the Niagara region and entitled "Hunting and trapping" is repealed.

Title 9 NYCRR Part 398.4, pertaining to the Allegany region and entitled "Hunting and trapping" is repealed.

Title 9 NYCRR § 398.5, pertaining to the Allegany region and entitled "Hunting areas" is repealed.

Title 9 NYCRR Part 399.2, pertaining to the Genesee region and entitled "Hunting and trapping" is repealed.

Title 9 NYCRR Part 400.4, pertaining to the Finger Lakes region and entitled "Hunting" is repealed.

Title 9 NYCRR Part 401.2, pertaining to the Central region and entitled "Hunting; trapping; fishing" is amended as follows:

Section 401.2. [Hunting; trapping; f]*F*ishing

[(a) No person except under permit from the commissioner shall hunt, pursue, trap or in any way molest any wild birds or animals, nor shall any person have any such wild bird or animal in his possession.

(b)] No person shall fish in any waters except at such times and such places where fishing shall be permitted, and then only in accordance with existing State fish and game laws, rules and regulations.

Title 9 NYCRR Part 402.2, pertaining to the Taconic region and entitled "Hunting and fishing" is amended as follows:

Section 402.2. [Hunting and f]*F*ishing

[(a) No person shall kill, wound, hunt, trap, molest or in any way take or remove or have in his possession any wild animal, fowl, bird, reptile, amphibian, or shellfish or the eggs of any of the above, from any real property within the Seventh Park Region (Taconic region), except as noted below:

(1) Taconic State Park. Except in areas designated "No Hunting," deer hunting is allowed during the seasons and in the manner prescribed by the Environmental Conservation Law and rules and regulations of the Department of Environmental Conservation relating thereto.

(2) Lake Taghkanic State Park. Except in areas designated "No Hunting," deer hunting is allowed only with a longbow and arrow during the seasons and in the manner prescribed by the Environmental Conservation Law and rules and regulations of the Department of Environmental Conservation relating thereto.

(3) Clermont State Park and Clermont Historic Site. Waterfowl hunting is allowed west of the New York Central railroad tracks and on the lands under water as prescribed by the Environmental Conservation Law and rules and regulations of the Department of Environmental Conservation relating thereto, as well as those of the government of the United States. No hunting blind may be constructed without a permit issued by the regional park office.

(4) Clarence Fahnestock State Park.

(i) Except in areas designated "No Hunting," deer hunting is allowed only with a longbow and arrow during the seasons and in the manner prescribed by the Environmental Conservation Law and rules and regulations of the Department of Environmental Conservation relating thereto.

(ii) Except in areas designated "No Hunting," turkey hunting is allowed pursuant to a permit issued by the commissioner and in the manner prescribed by the Environmental Conservation Law and rules and regulations of the Department of Environmental Conservation relating thereto, except that such hunting (a) shall be permitted only from May 1st through May 16th; (b) shall not be permitted on Saturdays, Sundays or holidays; and (c) shall be permitted only from one-half hour before sunrise until 10 a.m.

(5) Hudson Highlands State Park.

(i) Except in areas designated "No Hunting," deer hunting is allowed only with a longbow and arrow during the seasons and in the manner prescribed by the Environmental Conservation Law and rules and regulations of the Department of Environmental Conservation relating thereto.

(ii) Except in areas designated "No Hunting," turkey hunting is allowed pursuant to a permit issued by the commissioner and in the manner prescribed by the Environmental Conservation Law and rules and regulations of the Department of Environmental Conservation relating thereto, except that such hunting (a) shall be permitted only from May 1st through May 16th; (b) shall not be permitted on Saturdays, Sundays or holidays; and (c) shall be permitted only from one-half hour before sunrise until 10 a.m.

(b)] *(a)* No person shall fish at any State historic site within the Seventh Park Region (Taconic region), or at James Baird State Park, except as otherwise provided in this subdivision.

(1) Bass fishing shall be permitted in the pond at the Olana historic site during such times that may be designated therefor.

(2) Open season, size and limits shall be regulated by the Environmental Conservation Law.

(3) Manner of fishing shall be regulated by the Environmental Conservation Law.

[(c)] *(b)* Trout fishing in Stillwater Lake, Iron Mine Pond, Ore Pit Pond, and Weed Mines Pond within the Seventh Park Region (Taconic region), shall be governed by the following regulations:

(1) Open season and size shall be regulated by Environmental Conservation Law.

(2) Daily limit shall be three fish per person.

(3) Manner of fishing shall be restricted to the use of any legal bait or lure other than bait fish.

Title 9 NYCRR Part 415.3, pertaining to the Long Island region and entitled "Preservation of fish and wildlife" is repealed.

Title 9 NYCRR Part 416.2, pertaining to the Thousand Islands region and entitled "Hunting" is repealed.

Title 9 NYCRR Part 417.2, pertaining to the Saratoga-Capital region and entitled "Hunting and trapping" is repealed.

Title 9 NYCRR Part 372.7, entitled "Activities requiring a permit" is amended as follows:

Subdivision (p) of Section 372.7 is amended and Subdivision (q) and (r) are added as follows:

(p) *The use or possession of any* [B]*b*ows and arrows or muzzle-loading weapons. Except for hunting [where] permitted *under subdivision (q)*, [by a rule or regulation of a regional park, recreation and historic preservation commission, the use or possession of any bow and arrow or muzzle-loading weapon.] [P]*p*ermits shall be subject to the following conditions:

(1) The use of bows and arrows shall be restricted to areas specifically designated[and established] for that purpose *and conducted*[. Such use shall at all times be] under the direction of a qualified supervisor.

(2) The use of muzzle-loading weapons shall be limited to demonstrations and interpretive programming conducted by staff members at State historic sites and to special events sponsored by the office, such as the reenacting of Revolutionary or Civil War battles. The weapons shall be loaded with blanks only.

(q) Hunting. The killing, wounding, hunting, molesting, taking, removing, or possession of any nest, game, wildlife, shellfish, crustacean, protected insects, or the eggs of any of the above, on or from any lands under the jurisdiction of the office, except pursuant to a permit issued by the region (Regional Permit).

(1) Regional Permits may include but not be limited to the following conditions: the areas designated for hunting; the species to be hunted; the implements to be used for hunting; and the dates and hours during which hunting is permitted.

(2) Except as otherwise provided in this Part and Regional Permit conditions, the provisions of the Environmental Conservation Law and its implementing regulations in relation to hunting, including those relating to open seasons, hunting hours, manner of taking, use of firearms, tagging, and transportation, shall apply in the areas designated for hunting.

(3) The erection of permanent hunting blinds is prohibited. Regional permits may include a provision allowing a temporary hunting blind.

(4) The erection of permanent tree stands is prohibited. Portable tree stands may be allowed by regional permit provided that they do not damage any trees. Cutting, placing nails or screws into, or otherwise damaging trees or other vegetation is prohibited.

(5) No person shall hunt in an area of a park that is posted or otherwise identified as a "Restricted Area."

(6) A regional permit shall be valid only for the period for which it is issued, shall not be transferred, and may be revoked at any time.

(7) Hunters shall provide a report of their take when requested by the region.

(r) Trapping. The trapping of any game or wildlife on or from any lands under the jurisdiction of the office. The Commissioner may issue a permit or authorize the region to issue a permit for trapping if the Office has determined that the population of a specific species has increased to the extent that it may damage vegetation, constitute a hazard to the general public, threaten a state-listed species, or damage buildings or infrastructure.

Title 9 NYCRR Part 375.1, entitled "Activities absolutely prohibited" is amended as follows:

Subdivision (p) of Section 375.1 is amended as follows:

(p) Firearms and weapons.

(1) Notwithstanding the provisions of paragraph (2) *and (3)* of this subdivision, no person, other than a member of a Federal, State or municipal law enforcement agency, shall introduce or possess, either upon the person or within a vehicle, or use any firearm, *bow, crossbow*, or any instrument or weapon the propelling force of which is a spring, rubber or air or any ammunition or propellant therefor, [or a bow and arrow, except for hunting where permitted by a rule or regulation of a regional park, recreation and historic preservation commission or pursuant to a permit issued by a region according to the provisions of section 376.1(r) of this Title] *except pursuant to a permit issued according to part 372 of this Title.*

(2) Any person employed by a private security firm which has contracted with the office or with a lessee or licensee of the office for services on property under the jurisdiction, custody and control of the office shall be permitted, with the approval of the office, to carry a firearm supplied by his or her employer in the course of his or her employment on such property, provided that such person is licensed pursuant to section 400.00 of the Penal Law and meets such minimum qualifications as may be established by the commissioner. In addition, any firm providing security services on lands under the jurisdiction of the office shall provide public liability insurance, naming the State as an insured party, in such amounts as the commissioner shall require.

(3) On certain facilities of the Office, to be determined by the Commissioner, a person may possess an unloaded weapon for the purpose of accessing adjacent properties for lawful hunting purposes. The list of facilities shall be published on the Office's public website.

Text of proposed rule and any required statements and analyses may be obtained from: Shari Calnero, Office of Parks, Recreation and Historic Preservation, OPRHP, Albany, NY 12238 (for USPS mailing), 625 Broadway, Albany NY 12207 (for physical delivery), (518) 486-2921, email: rule.making@parks.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.

Regulatory Impact Statement

This Regulatory Impact Statement (RIS) describes the Office of Parks, Recreation and Historic Preservation's (OPRHP or Agency) proposed rule that updates and modernizes the procedures for obtaining permission from the Agency to hunt within areas of parks and historic sites that have been designated by the regional offices.

Statutory authority: Section 3.02 of the Parks, Recreation and Historic Preservation Law (PRHPL or Parks Law) directs OPRHP to provide for the public enjoyment of and access to the State's resources. In addition, sections 3.09(5) and 3.09(8) authorize OPRHP to provide for the health, safety, and welfare of the public using facilities under its jurisdiction and to adopt regulations necessary to carry out the functions of the office. The Agency already regulates hunting through regional regulations found at §§ 397.4, 398.4, 398.5, 399.2, 400.4, 401.2, 402.2, 415.3, 416.2, and 417.2. Those regional regulations of will be repealed and replaced with a statewide regulation set forth in 372.7, which provides a framework for hunting permits that will continue to be issued by the regions. Trapping permits will continue to be issued by the Commissioner or her designee as necessary to manage wildlife.

Legislative objectives: Updating the archaic regional hunting rules confirms OPRHP's longstanding authority to place statewide conditions on hunting activities within state parks and state historic sites. The rule enhances recreational opportunities for hunters across the state park system and protects the safety and welfare of the public. The rule establishes a consistent permit framework for hunting across the ten park regions under OPRHP's jurisdiction and simplifies compliance both for the regional offices and the State's hunters. Hunting on OPRHP properties is prohibited under the rule except when conducted in an area designated by a regional permit and in compliance with the applicable provisions of the Environmental Conservation Law. The rule also establishes certain criteria for permit issuance and enumerates safety measures.

Needs and benefits: OPRHP manages public recreational uses for more than 60 million visitors to its parks and historic sites each year. By adding hunting and trapping to the statewide list of permitted activities, the proposed rule allows the Agency to simplify the process by which regional offices ensure the activities are conducted safely within designated areas of the system. The rule, in conjunction with the permit conditions set by the regional offices, will mitigate or avoid hunting conflicts with other public uses as well as protect park patrons and employees. The present, archaic and disparate sets of hunting regulations established by regional commissions in the 1970s do not reflect OPRHP's existing regional hunting practices. The new statewide regulation would allow the regions to designate hunting areas and manage hunting through permit conditions that can be adjusted annually to meet the region's operational needs.

Providing public recreational opportunities in a safe environment is central to OPRHP's statutory mission. Currently, the Agency issues permits for a broad range of activities under Section 372.7, including, for example, camping, picnicking, and the use of fireworks, model planes, and metal detectors. The regulation of those activities is necessary to avoid conflicts between uses and to promote public safety. As hunting and trapping undoubtedly cause their own use conflicts and risks to public safety, OPRHP is obligated to regulate them in a consistent and coherent manner.

Cost: The benefits associated with unified, updated, and flexible permit frameworks for hunting and trapping will simplify compliance for the regional offices as well as the state's hunters and trappers. It could increase the likelihood that the public will pursue hunting and obtain licenses that provide additional revenue to the State. This rule will also benefit the public by allowing the regions to continue to provide security for park visitors and employees. OPRHP staff will continue to review the appropriateness and timing of these activities in designated areas and will review the proposed regional permit conditions. As the rule is intended to streamline the regulation of hunting in the regions, OPRHP should not incur any costs as a result of promulgation.

Local government mandates: The proposed rule does not affect local governments.

Paperwork: The proposed rule will require Albany staff to continue to review the areas designated for hunting as well as the conditions under which permitted members of the public may hunt but this could be done through emails. Hunters will continue to file applications and obtain permits from the regions but the Agency is exploring ways to reduce paperwork and streamline this permit process.

Duplication: None.

Alternatives: There is no alternative to streamlining the existing process for issuing hunting permits to make it compatible with current practice in the regions.

Federal standards: None.

Compliance schedule: The rule will take effect on the date the Notice of Adoption is published in the State Register.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses or local governments. The rule replaces scattered, outdated sets of regional hunting regulations with an updated statewide regulation that conforms to current permitting practices. Therefore, the rule does not impose any additional burden on small business or local government and a Regulatory Flexibility Analysis is not required.

Rural Area Flexibility Analysis

This rulemaking does not impact any rural areas as defined in New York State Administrative Procedure Act section 102(10). The rule replaces scattered, outdated sets of regional hunting regulations with an updated statewide regulation that conforms to current permitting practices. Therefore, the rule does not impose any additional regulatory burden and a Rural Area Flexibility Analysis is not required.

Job Impact Statement

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. The rule replaces disparate, outdated sets of regional hunting regulations with an updated statewide regulation that conforms to current permitting practices.

Public Service Commission

NOTICE OF ADOPTION

Joint Petition of Time Warner and Charter

I.D. No. PSC-30-15-00003-A
Filing Date: 2016-01-08
Effective Date: 2016-01-08

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

Action taken: On 1/8/16, the PSC adopted an order approving a joint petition of Time Warner Cable Inc. (Time Warner) and Charter Communications, Inc. (Charter) for a holding company level transaction.

Statutory authority: Public Service Law, sections 99(2), 100(1), 101 and 222

Subject: Joint petition of Time Warner and Charter.

Purpose: To approve a joint petition of Time Warner and Charter.

Substance of final rule: The Commission, on January 8, 2016, adopted an order approving a joint petition of Time Warner Cable Inc. and Charter Communications, Inc. for a holding company level transaction transferring control of Time Warner Cable Information Services (New York), LLC, Time Warner Cable Business LLC, Time Warner Cable Northeast LLC, and Time Warner Cable New York City LLC to Charter Communications, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

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.

(15-M-0388SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Whether Hamilton Municipal Utilities Should be Permitted to Construct and Operate a Municipal Gas Distribution Facility

I.D. No. PSC-04-16-00007-P

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