

# Letters to the Editor

## To the Editor:

The following letter was sent to Assemblyman Kevin Cahill. If your readers would like to add their support, they may contact Mr. Cahill's office directly at:

Assemblyman Kevin Cahill  
Governor Clinton Building Suite G-4  
Kingston, N.Y. 12401

Dear Assemblyman Cahill,

I am writing to you regarding your proposal for an Assembly bill which would help make the roads safer for tow-truck operators. As a retired New York State trooper, I am well aware of the dangers that police officers, as well as tow-trucks operators, experience when stopped on the side of the highways and roads of our state. As the father of a young man who was killed on the side of the Thruway on a dark night, I am especially aware of the pain suffered by those who have experienced that loss.

While I applaud your efforts, I hope you will consider making the language of your bill stronger. People have been desensitized to amber lights due to the extensive use of them on many vehicles which do not operate under the same conditions as tow-trucks. I know of one case where a pizza delivery truck was stopped in the middle of the road while using one such light. The Vehicle and Traffic Law allows their use on vehicles which pose a hazard on the roadway. Instead of opening a can of worms by trying to change that section, wouldn't it be easier to simply amend Assembly Bill number A6264 sponsored by Assemblyman Gromack to reflect the hazards which are shared by both emergency vehicles and tow-trucks alike? Any measure which would encourage motorists to be more aware of these people should be encouraged and I would strongly support your effort.

Allow me to preface my suggestion by telling you about my son Kyle. He worked as a tow-truck operator for a company which covered part of the New York State Thruway. In August 2003 he was picking up a disabled vehicle on the Thruway when he was struck and killed by a tractor trailer. By all accounts, my son had followed all the proper procedures, but the truck drifted over and struck him and his tow-truck Kyle was only 21 years old.

None of us believe that tow-

trucks should be considered "Emergency Vehicles" under the definition of Vehicle and Traffic Law Section 117, as they would then have to be equipped with red lights. However, the dangers posed to emergency vehicles on the roads are the same ones tow-truck operators face. By making tow-trucks separate, they would still use the amber lights they currently use. By specifically using the words "tow-truck" this would exclude the other vehicles which are authorized to use amber lights from the legislation. The section could read as follows:

"Prior to and upon overtaking any authorized emergency vehicle or tow-truck parked on a public highway, when such emergency vehicle or tow truck is equipped with one lighted lamp exhibiting red or amber light visible under normal atmospheric conditions from a distance of five hundred feet of the rear of such vehicle, the driver of every other vehicle shall..."

If you believe that a separate piece of legislation is necessary, then I hope that you will consider wording it so that vehicles driving on multi-lane highways would be required to move over a lane away from the tow truck or slow down until they pass the scene on smaller side roads.

I have spoken to several of the offices of our local Assembly people and all have expressed strong support for this idea. I have also spoken to Peter B. O'Connell of the Empire State Towing and Recovery Association and he is in full support

of the amendment. He also states that the New York State Police PBA is not opposed to the inclusion of tow-trucks in this legislation. Many of the towing companies operating in your district as well as outside of it have been contacted and would be behind your efforts.

Twenty-four states have enacted either "move left" or "enhanced fine" legislation, and ten of them include tow-trucks. I hope you will make New York the twenty-fifth.

Please, Assemblyman Cahill, consider my proposal. I know that we are not talking about the large number of fatalities associated with drunken driving, but how many deaths are too much or too little? If one person's life is saved by this amendment, or by stronger wording, or new bill, would that not be worth the effort? Perhaps nothing could have prevented the tragic accident which took the life of my young son. This may, however, spare another family from the pain and sorrow which I and my family feel on a daily basis.

Respectfully Yours,  
Judge Matthew J. Parker



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