

RULES OF THE CITY OF NEW YORK
TITLE 34 – DEPARTMENT OF TRANSPORTATION
Chapter 1 – Ferry Terminals and Vessels

§ 1-01 Definitions.

Commissioner. "Commissioner" means the Commissioner of Transportation or his/her designee, or any successor in function to the Commissioner of any successor agency thereof.

Department. "Department" means the Department of Transportation of the City of New York and any successor agency thereof.

Ferry. "Ferry" means any vessel that transports passengers or vehicles pursuant to a regular schedule in either direction between the Borough of Manhattan and the Borough of Staten Island and is owned and operated by the City of New York.

Manager. "Manager," with respect to the terminals (as defined herein), means the Chief Operating Officer, Executive Director of Safety and Security, Director of Terminal Operations, Director of Ferry Operations, Facility Security Officer, Ferry Terminal Manager, Safety Manager, Security Inspector and Ferry Terminal Supervisor as designated by the Department to exercise the powers and functions vested in him/her by these rules in either terminal, and his/her duly designated representatives, and, with respect to the ferries, means the Captain designated by the Department of Transportation to exercise the powers and functions vested in him/her by these rules and general maritime law aboard any ferry, and his/her duly designated representatives.

Motor vehicle. "Motor vehicle" means any automobile, truck, bus, motorcycle, moped, or other vehicle that is propelled by any power other than muscular power.

Owner. "Owner" means any person owning, operating, or having the use of a vehicle (as defined in § 159 of the New York Vehicle and Traffic Law), bicycle or any other personal property.

Permission. "Permission" means permission or authorization granted by the Commissioner or Manager except where otherwise specifically provided.

Permit. "Permit" means, unless otherwise herein provided, any written authorization issued by or under the authority of the Commissioner or Manager for a specialized privilege, permitting the performance of a specified act or acts in the terminals or on the ferries.

Person. "Person" means any natural person, corporation, society, organization, incorporated or unincorporated association, firm, or partnership, and shall include any assignee, receiver, trustee, executor, administrator or similar representative appointed by a court, and shall mean the United States of America or any political subdivision thereof, or any foreign government or political subdivision thereof.

Person with a Disability. A person with a disability is an individual with a physical or mental

impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Personal audio device. "Personal audio device" means a portable sound reproduction device as normally and customarily used for personal purposes, including but not limited to a personal radio, phonograph, television receiver, tape recorder, cassette player, compact disc player, or mp3 player.

Police officer. "Police officer" means any member of the Police Department of the City of New York and any person designated as a peace officer pursuant to section 2.10 of the New York State Criminal Procedure Law when acting pursuant to his/her special duty in or at the terminals or on the ferries.

Rule. "Rule" means, unless otherwise herein provided, any rule promulgated pursuant to §2903(c) of the New York City Charter and in compliance with the requirements of Chapter 45 of the New York City Charter.

Service animal. A "service animal" is any animal that is specifically trained to provide assistance to a person with a disability.

Sound reproduction device. "Sound reproduction device" means any device intended primarily for the production or reproduction of sound, including, but not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, or electronic sound amplifying system.

Storage. "Storage" means the use of space on the ferries or in the ferry terminals to keep materials or possessions.

Terminals. "Terminals," used in the plural, includes both the ferry terminal located at Whitehall Street in the Borough of Manhattan and the ferry terminal located at St. George in the Borough of Staten Island. "Terminals" shall also include the other ferry terminals and landings owned and/or operated by the Department. Each terminal may also be referred to herein by its specific location, in which case "terminal" shall mean only the terminal referred to. Each terminal may have a different Manager. "Terminal" includes areas approaching the ferry slips and all other city-owned real property upon which the terminal building is situated, and the surrounding grounds thereof as designated on the city map.

§ 1-02 Prohibited Uses.

(a) Gambling prohibited. No person shall gamble or conduct or engage in any game of chance in the terminals or on the ferries unless such game of chance is permitted by local, state or federal law and has been approved by the Commissioner.

(b) Defacing or damaging terminals or ferries or property therein prohibited. No person shall deface, mark, break, or otherwise damage any part of the terminals or ferries or any property

thereat. No person shall remove, alter or deface any barricade, fence or sign in the terminals or on the ferries.

(c) Creation of obnoxious odors, noxious gases, smoke or fumes prohibited. No person shall create, or permit any vehicle or machine of which he/she is in charge to create obnoxious odors, noxious gases, or excessive smoke or fumes in the terminals or on the ferries.

(d) Bathing prohibited. No person shall bathe, shower, shave, launder or change clothes or remain undressed in any public restroom, sink, washroom or any other area in the terminals or on the ferries.

(e) Smoking or carrying lighted cigars, cigarettes, pipes, etc. in certain areas prohibited. No person shall smoke or carry lighted cigars, cigarettes, pipes, matches or any naked flame in areas of the terminals or ferries where smoking is prohibited by the Department or by law, ordinance, rules or regulations of the United States government, the State of New York or the City of New York.

(f) Noxious conduct. No person shall urinate or defecate in any part of the terminals or ferries other than in a urinal or toilet intended for that purpose. No person shall spit upon the public surfaces of the terminals or ferries including the floors and furniture.

(g) Lying down prohibited; sitting restricted. No person shall lie down in any place, including benches or seating facilities, within the terminals or on the ferries. No person shall be seated in the terminals or on the ferries except upon seating facilities provided for that purpose. No person shall occupy more than one seat. No person shall place personal belongings on seating facilities so as to interfere with their use by other persons.

(h) No skateboarding, rollerskating, rollerblading or bicycle riding. No person shall skateboard, roller skate, roller blade or ride a bicycle, scooter or any other vehicle or device except a wheelchair or other similar device used to assist a person with a disability and/or required for transit on or through any part of the terminals or ferries. Bicycles and non-motorized scooters must be walked through the terminals and ferries.

(i) Noise. No person shall make, continue, cause or permit to be made or continued any unreasonable noise in the terminals or on the ferries. Unreasonable noise shall mean any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities, or which causes injury to plant or animal life, or damage to property or business. Unreasonable noise shall include, but shall not be limited to sound that exceeds the following prohibited noise levels:

(1) Sound attributable to the source measured at a level of 7dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m., as measured at any point within a receiving property, as defined in section 24-203 of the Administrative Code of the City of New York, or as measured at a distance of 15 feet or more from the source in a terminal or on a ferry.

(2) Sound attributable to the source measured at a level of 10dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property, as defined in section 24-203 of the Administrative Code of the City of New York, or as measured at a distance of 15 feet or more from the source in a terminal or on a ferry.

(3) Sound attributable to a personal audio device with personal earphones such that sound from such earphones is plainly audible to another individual at a distance of five feet or more from the source.

(j) Disorderly behavior. No person shall engage in disorderly behavior in the terminals or on the ferries, such as, but not limited to the following:

(1) fighting or assaulting any person; or

(2) interfering with, encumbering, obstructing or rendering dangerous any part of the ferry or terminal; or

(3) obstructing pedestrian or vehicular traffic; or

(4) climbing upon any wall, fence, shelter or any structure not specifically intended for climbing purposes; or

(5) engaging in any form of sexual conduct, as that term is defined in section 130.00 of the New York State Penal Law; or

(6) engaging in a course of conduct or committing acts that endanger the safety of others; or

(7) engaging in any other course of conduct or committing acts disruptive to crew members, which obstructs or impairs their ability to carry out their duties; or

(8) engaging in any other course of conduct or committing acts against other passengers, which disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities; or which causes injury to plant or animal life, or damage to property or business.

(k) Controlled substances. No person shall possess, distribute, sell or solicit or consume any controlled substance or marihuana, as those terms are defined in section 220.00 of the New York State Penal Law, on any ferry or in any terminal.

(l) Loitering. No person shall engage in loitering as defined in sections 240.36 or 240.37 or subdivisions 2,4, 5 or 6 of section 240.35 of the New York State Penal Law on any ferry or in any terminal.

(m) Unlawful exposure. No person shall appear in public on any ferry or in any terminal in such a manner that his/her genitalia are unclothed or exposed.

(n) Fishing. No person shall fish from any ferry or terminal.

§ 1-03 Regulated Uses.

(a) Permission to use terminals and ferries is conditional. Any permission granted by the Department directly or indirectly, expressly or by implication, to any person to enter upon or use the terminals or ferries, or any part thereof, is conditioned upon acceptance of and compliance with this chapter, as from time to time may be amended, and entry upon or into the terminals or ferries by any person shall be deemed to constitute an agreement by such person to comply with such rules; provided, further, that such rules shall apply to premises or spaces occupied or used under the provisions of a written agreement made with the Department unless provision is made therein that such rules do not apply.

(b) Permits.

(1) When any provision of this section requires a permit as a condition to the performance of an act or activity, no such act or activity shall be implemented or commenced prior to the receipt of written authorization from the Commissioner.

(2) A permit may be granted upon such terms and conditions as the Commissioner shall reasonably impose and shall authorize the permitted acts or activities only insofar as they are performed in strict accordance with the terms and conditions thereof.

(3) Permits shall be applied for on forms prepared and provided by the Department, which forms shall require such information as the Department may deem appropriate for the review and evaluation of the permit application. Applications must be received at least two business days prior to the requested date of the act or activity.

(4) No person shall conduct any activity for which a permit is required unless:

(i) such permit has been issued;

(ii) all terms and conditions of such permit have been complied with; and

(iii) the permit is kept on site, so it is available for inspection by Department employees or a police officer.

(5) Upon application, the Commissioner may deny a permit if:

(i) an applicant was previously granted a permit and on that prior occasion, knowingly violated a material term or condition of the permit, these rules or applicable law;

(ii) the date, time, and/or location requested have been previously allotted; or

(iii) the issuance of the permit would cause the existence of a dangerous condition or a condition that would interfere with operations or traffic in the terminals or on the ferries.

(6) If a permit application is denied, the applicant may, within three business days of such denial, appeal the determination by written request filed with the designated appeals officer who may reverse, affirm or modify the original determination and provide a written explanation of his or her finding. However, if a permit application is denied three business days or less prior to the requested date of the act or activity, the applicant shall have one day from the date such denial is mailed or otherwise delivered to the applicant to appeal such denial. The Department shall render a decision on such appeal as soon as is reasonably practicable.

(7) The Commissioner may, after giving the permittee reasonable notice and an opportunity to be heard, revoke or refuse to renew a permit (i) for failure to comply with the terms and conditions of such permit, these rules or other applicable law in carrying out the activity for which the permit was issued; (ii) whenever there has been any false statement or any misrepresentation as to material fact in the permit application or accompanying documents upon which the issuance of the permit is based; or (iii) whenever a permit has been issued in error contrary to paragraph 5 of subdivision b of this section.

(8) The Commissioner may delay or postpone the issuance of any permit or may temporarily suspend any permit already granted in the event of emergencies, such as snowstorms, traffic accidents, power failures, transportation strikes or other conditions which affect the traffic flow in any of the areas covered by the permit such that conduct of the activities would create a dangerous condition or would interfere with traffic in the terminals or on the ferries.

(c) Use of terminals or ferries may be denied persons violating laws or rules. The Manager shall have the authority to deny use of the terminals or ferries to any individual violating Department rules or laws, ordinances or regulations of the United States government, the State of New York, or the City of New York, which relate to conduct in public places or in the terminals or the ferries.

(d) Restricted areas and times. Permission to enter certain areas of the terminals or ferries is restricted as follows:

(1) No person, except a person assigned to duty therein or a police officer, shall enter, without permission, any area of the terminals or ferries posted as being restricted to the

public. If permission to enter a restricted area is granted, such permittee shall be monitored and/or escorted at all times in accordance with the Maritime Transportation Security Act.

(2) In the event that portions of the terminals are closed to all members of the general public, any person shall, when entering or remaining in such portions of the terminals, exhibit such authorization as shall be prescribed by the Commissioner. Effective September 25, 2008 and in accordance with the Maritime Transportation Security Act, all individuals in restricted areas must display at all times a Transportation Worker Identification Credential or other authorized identification credential, including those issued to police officers.

(e) Unattended property.

(1) No person shall leave any property unattended in the terminals or on the ferries.

(2) Unattended property will be removed and transferred to the Staten Island Ferry's Lost and Found.

(3) Bicycles shall be stowed at the designated bicycle areas. Bicycles left on racks at the terminal for longer than 48 hours shall be deemed abandoned and will be removed and may be transferred to the Property Clerk of the New York City Police Department or other appropriate location.

(4) Owners of reclaimed property may be assessed a removal and/or storage fee.

(f) Distribution of commercial printed materials. No person shall, for commercial purposes, post, distribute or display signs, advertisements, circulars or printed or written material in the terminals or on the ferries without having been granted a permit by the Commissioner.

(g) Distribution of noncommercial printed material and carrying of placards. No person shall engage in the noncommercial distribution of leaflets, the setting up of card tables to aid in that distribution, the carrying of placards or the posting or displaying of noncommercial signs in the terminals or on the ferries without having been granted a permit by the Commissioner. No person shall distribute leaflets or other materials by leaving them unattended in the terminals or on the ferries.

(h) Distribution of food, clothing, packages, or other non-printed items. No person shall engage in the distribution of any food, clothing, packages, or any other non-printed items, or in the setting up of card tables to aid in that distribution in the terminals or on the ferries without having been granted a permit by the Commissioner. No person shall distribute such items by leaving them unattended in the terminals or on the ferries.

(i) Sale of merchandise, solicitation of trade, entertainment or solicitation of contributions.

(1) No person, unless duly authorized by the Commissioner shall, in or upon any area, platform, stairway, waiting room, appurtenance, or any other area of the terminals or ferries,

(i) sell or offer for sale any article of merchandise, or

(ii) solicit any business, service or trade, including the carrying of baggage for hire or the shining of shoes.

(2) No person shall engage in (i) the entertainment of persons by singing, dancing or playing any musical instrument or (ii) the solicitation of contributions in the terminals or on the ferries without having been granted a permit by the Commissioner.

(j) Assemblies, meetings, exhibitions.

(1) No person shall hold or sponsor any assembly, meeting, exhibition or other event without written approval from the Commissioner or his/her designee. A gathering of 10 or more people shall constitute an assembly or meeting.

(2) No person shall erect any structure, stand, booth, platform or exhibit in connection with any assembly, meeting, exhibition or other event without written approval from the Commissioner or his/her designee.

(k) Refuse to be deposited in appropriate receptacles. No person shall throw, discharge or deposit trash, garbage, waste, oil or other petroleum products or any other waste material into the harbor or into or upon any portion of the terminals or ferries except by depositing such material in receptacles provided therefor. The placement of all such receptacles shall be subject to the approval of the Manager. No person shall remove refuse or other material from such receptacles except as authorized by the Manager.

(l) Animals barred. No person, except a police officer or another person authorized by the Manager, shall enter the terminals or ferries with any animal except a service animal or an animal properly restrained for transport subject to the discretion of the Manager. No person shall feed any animal, including unconfined squirrels and birds, within the terminals or on any ferry.

(m) Passage through boarding doors restricted. No person shall pass through the boarding doors to the ferries except:

(1) persons employed by or doing business with a concessionaire whose duties require such passage;

(2) authorized representatives of the Department of Transportation;

(3) persons having permission;

(4) police officers;

(5) firefighters and emergency medical technicians employed by the New York City Fire Department; and

(6) passengers immediately prior to boarding a ferry or immediately after leaving a ferry.

(n) Photography or filming.

(1) For purposes of this subdivision, “photography or filming” shall include the taking of photographs; the making of motion pictures; the use and operation of television cameras, transmitting television equipment, or radio remotes; or load-ins or load-outs supporting indoor performances.

(2) A permit from the Mayor’s Office of Film, Theatre and Broadcasting (MOFTB) and a separate permit from the Commissioner are both required in circumstances under which a permit from MOFTB is required by its rules.

(3) As is the case with photography or filming on City streets, sidewalks or other pedestrian passageways, a permit is not required in those instances where a handheld device (with or without a tripod) is used, except when the use of such handheld device (with or without a tripod) unreasonably interferes with the use of the ferry terminal or ferry. For purposes of this subdivision, “unreasonable interference” means the assertion of exclusive use by any means, including physical or verbal, of an area that consists of a radius greater than five feet from where the individual engaged in photography or filming is located. Where such exclusive use is asserted, the individual engaged in photography or filming shall obtain a permit from the Commissioner.

(4) For purposes of this subdivision, standing in a ferry terminal or on a ferry while using a handheld device (with or without a tripod) and not otherwise asserting exclusive use by any means, including physical or verbal, of an area that consists of a radius greater than five feet from where the individual engaged in photography or filming is located, is not activity that requires a permit from MOFTB or the Commissioner.

(o) Fire. No person shall cook, light a fire or otherwise create a fire in any part of the terminals or ferries, except as authorized by the Commissioner.

(p) Alcoholic beverages. No person shall drink or carry any open alcoholic beverage in any part of the terminals, except on the premises of a concession or retail establishment duly licensed for the sale of alcoholic beverages if permitted therein by the concessionaire or leasee. Alcoholic beverages may be purchased and consumed from the concessionaire aboard a ferry in accordance with all federal, state and local laws and rules. It shall be a violation of these rules for any person to enter and/or remain in the terminals and/or aboard a ferry under the influence of alcohol, to the degree that he or she may endanger himself or herself, other persons or property, or unreasonably annoy persons in his or her vicinity.

(q) Carrying of firearms or other weapons. No person, shall, without the permission of the

Manager, bring into or carry in the terminals or on the ferries any firearms or other weapons; provided, however, that this subdivision shall not apply to police officers and other persons authorized by federal, state or local law to carry firearms or other weapons.

(r) Permission required to bring into or carry explosives, acids, inflammables, compressed gases, etc. No person shall bring into or carry in the terminals or on the ferries any explosives, acids, inflammables, compressed gases or articles or materials having or capable of producing strong offensive odor, or articles or materials likely to endanger persons or property, except with permission of the Chief Operating Officer or the Executive Director of Safety and Security. No person shall bring or cause to be brought into or kept in the terminals any signal flare or any container filled with or which has been emptied or partially emptied of oil, gas, petroleum products, paint or varnish, except with permission of the Chief Operating Officer or the Executive Director of Safety and Security. Bringing into the terminals or on the ferries without special permission gasoline or other motor fuel contained in tanks permanently attached to vehicles and not under pressure shall not be an infraction of this regulation.

(s) Unauthorized interference with or use of terminal or ferry systems or equipment prohibited. No person shall do or permit to be done anything which may interfere with the effectiveness or accessibility of any means of escape, the fire protection system, sprinkler system, drainage system, alarm system, telephone system, public announcement and intercommunication system, plumbing system, air-conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, or other mechanical system, facility or equipment installed or located in the terminals or on the ferries; including closed circuit television cameras and monitors, signs and notices; nor shall any person operate, adjust or otherwise handle or manipulate, without permission, any of the aforesaid systems or portions thereof, or any machinery, equipment or other devices installed or located at the terminals or on the ferries. Tags showing date of last inspection attached to units of fire extinguishing equipment shall not be removed therefrom nor shall any person plug a television, radio or other electrical device into any outlet or connect any device to any utility at or in the terminals or on the ferries.

(t) Storage. Storage of materials or possessions of any kind either on the ferries or in the ferry terminals is strictly prohibited at all times. Any materials or possessions stored on the ferries or ferry terminals will be disposed of promptly. This provision shall not apply to any authorized storage by a lessee, concessionaire or contractor pursuant to an agreement with the Department.

(u) No sound reproduction devices. Except with prior permission of the Commissioner, no person shall operate or use any sound reproduction device in the terminals or on the ferries, other than a personal audio device with personal earphones such that sound from such earphones is not plainly audible to another individual at a distance of five feet or more from the source.

(v) Use of lighting or sound reproduction equipment. No person shall without specific authorization from the Commissioner operate or use or cause to be operated or used any lighting or sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, or any business enterprise, in front or outside of any building, place or premises in the terminals or on the ferries.

§ 1-04 Vehicles.

No vehicles shall be permitted on the ferries except with permission from the Chief Operating Officer.

§ 1-05 Elevators, Escalators, and Loading Docks.

- (a) Freight prohibition. Passenger elevators and escalators may not be used to carry freight.
- (b) Causing an elevator or escalator to stop. No unauthorized person shall cause an elevator or escalator to stop by means of any emergency stopping device unless continued operation would appear to result in probable injury to a person or persons. Any such stoppage should be reported immediately to the Manager.
- (c) Truck loading docks. Truck loading docks located in the terminals are designed to accomplish the immediate transfer of merchandise between the freight elevators and trucks. All persons will confine their use of the docks to such purpose as directed by the Manager. No storage or holding of merchandise on the truck loading docks awaiting the arrival of trucks or awaiting transfer to premises or space at the terminals will be permitted.

§ 1-06 Penalty.

Failure to comply with these rules or the terms or conditions of any permit issued shall be punishable as provided in the administrative code of the city of New York.