

DEPARTMENT OF TRANSPORTATION

Notice of Opportunity to Comment on Proposed Amendments to the rules relating to the posting of a sign setting forth bicycle safety procedures at the place of employment of businesses that engage in delivering packages, parcels, papers or articles of any type by bicycle.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Transportation by subdivision (a) of Section 2903 of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation proposes to amend subdivision (p) of Section 4-12 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules. Matter underlined is new; matter in [brackets] is deleted. These rules were included in the Department's regulatory agenda.

Written comments regarding the proposed rules may be sent to Dani Simons, Director of Strategic Communication, New York City Department of Transportation, 55 Water Street, 9th Floor, New York, NY 10041, or may be submitted electronically through NYC RULES at www.nyc.gov/nycrules on or before December 16, 2010. A public hearing shall be held on December 16, 2010 at 55 Water Street, the BID Room, Room A (entrance located on the south side of the building facing the Vietnam Veterans Memorial), New York, NY at 2:00 p.m. Persons seeking to testify are requested to notify Ms. Simons at the address stated above by December 9, 2010. Persons who need a sign language interpreter or other accommodation for a disability at the hearing are asked to notify Ms. Simons at the foregoing address by December 9, 2010. Persons interested in receiving comments may request them by writing to: New York City Department of Transportation, Record Access Office, 55 Water Street, 6th Floor, New York, NY 10041. Janette Sadik-Khan, Commissioner.

Paragraph (4) of subdivision (p) of section 4-12 of Title 34 of the Rules of the City of New York is amended, to read as follows:

(4) Bicycle safety poster.

(i) Every person, firm, partnership, joint venture, association or corporation which engages in the course of its business, either on behalf of itself or others, in delivering packages, parcels, papers or articles of any type by bicycle shall post one or more bicycle safety posters at each employment site.

(ii) The bicycle safety poster shall be in English, Spanish and any other language spoken predominately by any bicycle operator utilized by the business. It shall be clear [and], conspicuous, and large enough to be visible to the bicycle operators and patrons of the business.

(iii) The poster shall be [at least eleven (11) inches by seventeen (17) inches in size. It shall be] printed in a manner to be legible even to the colorblind [with dark colored ink on durable material with a light colored background. The titles on the poster shall be a minimum of 0.3 inches or twenty-one (21) point font and must be accommodated on only one line. The headings on the poster shall be a minimum of 0.25 or eighteen (18) point font and must be accommodated on only one line. The lettering on the rest of the poster shall be a minimum of 0.22 inches in height or sixteen (16) point font].

(iv) A model of the poster shall be made available on the Department [of Transportation]'s website.

(v) The poster shall include the following:

(A) [**Responsibilities of Commercial Bicycle Operators**]

Commercial Bicyclists Must:

Obey Traffic Signs and Signals[.]

- Bicyclists are subject to all applicable New York state and local laws, rules and regulations, including NYC Traffic Rules.

Wear a Helmet[.]

- While working, commercial bicyclists must wear a properly fitted bicycle helmet.

Never Ride Against Traffic[.]

- Bicyclists cannot ride against the flow of traffic. Ride with traffic to avoid accidents.
- If available, bicyclists must use bicycle lanes.

Stay Off Sidewalks and Limited Access Roadways[.]

- [Bicycles are not permitted on sidewalks unless bicycle wheels are less than 26 inches in diameter and the rider is 12 years or younger, or if signs allow.
- Bicycles are also prohibited on expressways, drives, highways, interstate routes, bridges and thruways, unless authorized by signs.]

Be Safe

- Yield to pedestrians.
- [Bicyclists must have] Keep at least one hand on the steering device or handlebars at all times.
- [Bicyclists cannot] Do not wear more than one earphone attached to a radio, tape player or other audio device while riding.
- [No attaching of a] Do not attach bicycle to another vehicle being operated on the roadway.

- Any bicyclist involved in an accident resulting in [a death or injury to a person or damage to property] property damage, injury or death must stop and give their name, address, insurance information, etc., and [must] report the accident to the police department.

Be Visible[.]

- [It is advisable to ensure visibility] Stay visible at night [by wearing] with light-[toned] colored clothing [with] reflective [tape] materials.
- From dusk to dawn, bicyclist must use a white headlight and red taillight.

Be Prepared[.]

- Bicycle operators must wear upper body apparel with the business' name and the operator's identification number.
- Bicycle operators must also carry and produce, on demand, a numbered business ID card with the operator's photo, name, home address and business' name, address and phone number. It is recommended that the operator also carry a second form of photo identification.

(B) [Responsibilities of] Business Owners Who Employ [Bicycle Operators] Commercial Bicyclists Must:

[Businesses must] [p]Provide their bicycle operators with the following:

- A bicycle helmet in good condition, which fits properly [fits the operator];
- Upper body apparel with the business' name and operator's identification number;
- Numbered business ID card with the operator's photo, name, home address and the business' name, address and phone number;
- A white headlight and red taillight;
- A bell or other audible signal (not whistle);
- Working brakes;
- Reflective tires and/or other reflective devices on new bicycles.

Businesses must maintain a log book, which must be available for inspection during regular and usual business hours.

Some of the responsibilities listed above are imposed by law and failure to comply with them may subject violators to legal sanctions.

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE

The Commissioner of the Department of Transportation is authorized to promulgate rules regarding parking and traffic in the City pursuant to Section 2903 of the New York City Charter.

Paragraph (4) of subdivision (p) of section 4-12 is being revised to modify the requirements for the commercial bicyclist poster to make the design of the poster based more on info-graphics and less dependent on text. The informational content of the poster will remain the same, but the way this information is presented will change. This paragraph was first added to include the requirements set forth in section 10-157.1 of the Administrative Code of the City of New York, added by Local Law No. 10 of 2007. This section of the Administrative Code requires the Department to effectuate the rules and regulations governing the content, size and manner of display of a poster setting forth bicycle safety procedures. The poster must be placed at commercial business locations where the business is engaged in delivering packages, parcels, papers or articles of any type by bicycle.

An English language model of the poster required by this proposed rule will be made available and model posters in other languages, including but not limited to Spanish, Italian, Chinese, Korean, Haitian Creole and Russian, may be made available on the Department's website.