DEPARTMENT OF TRANSPORTATION

Notice of Adoption of rules relating to snow and garbage removal.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner 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 hereby adopts the amendments to subparagraphs (iii) and (iv) of paragraph (1) of subdivision (d) of Section 4-02 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules. This rule was first published on December 31, 2012, and a public hearing was held on February 5, 2013. This rule shall take effect 30 days from the date hereof.

New material is indicated by underlining; deleted material is in brackets [ ].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise.

STATEMENT OF BASIS AND PURPOSE

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

The adopted rule repeals subparagraph (iii)(A) of paragraph (1) and eliminates a redundancy such that operators of DOT and New York City Department of Sanitation snow plows, sand/salt spreaders and sweepers will now be subject to the general exemption set forth in subparagraph (iv) of that same subsection. Subparagraph (iv) exempts all operators working on behalf of the city, state or federal government from the provisions of the traffic rules set forth in Chapter 4 of Title 34 of the Rules of the City of New York while they are engaged in work on a roadway. This exemption is intended to allow these operators to effectively perform their work on the roadway.

Additionally, subparagraph (iii)(B) of paragraph (1) is being amended to include a specific exemption allowing refuse collection vehicles working on behalf of the City of New York to drive in a bicycle lane. They may only drive in the bicycle lane while collecting refuse and recyclable material.

Finally, subparagraph (iv) is being amended to clarify that the intent of the subparagraph is to apply the exemption from the traffic rules to workers and vehicles working on behalf of the City of New York, the State of New York or the federal government.
§1. Subparagraphs (iii) and (iv) of paragraph (1) of subdivision (d) of Section 4-02 of Title 34 of the Rules of the City of New York are amended, to read as follows:

(iii) [Snow plows, sand spreaders, sweepers and] [r]Refuse [trucks] collection vehicles.  
[(A)] The operator of a New York City Department of Sanitation snow plow, sand spreader, or sweeper, and the operator of a Department of Transportation vehicle when performing the same function, while in the performance of his/her duty and acting under the orders of his/her superior may make such turns as are necessary and proceed in the direction required to complete his/her cleaning, snow removal, or sand spreading operations subject to § 1102 of the Vehicle and Traffic Law. The provisions of this subparagraph shall not apply while traveling to or from such work locations.

    (B) The operator of a [New York City Department of Sanitation] refuse [truck] collection vehicle working on behalf of the City of New York may:

        (A) temporarily stand on the roadway side of a vehicle parked at the curb, provided that no curb space is available within fifteen feet, while [expeditiously] loading refuse, subject to § 1102 of the Vehicle and Traffic Law; and

        (B) drive on or across a designated bicycle lane while loading refuse, subject to § 1102 of the Vehicle and Traffic Law.

(iv) Highway workers and vehicles. Unless specifically made applicable, the provisions of these rules shall not apply to persons, teams, motor vehicles, and other equipment working on behalf of the City of New York, the State of New York or the federal government while actually engaged in work [authorized by the City of New York, the State of New York or the federal government] while on a highway. Section 1103 of the Vehicle and Traffic Law is applicable to any person or team or any operator of a motor vehicle or other equipment while actually engaged in work on a highway. As section 1103 of the Vehicle and Traffic Law provides, such persons are not relieved from the duty to proceed at all times during all phases of such work with due regard for the safety of all persons nor shall the foregoing provisions of this subparagraph protect such persons or teams or such operators of motor vehicles or other equipment from the consequences of their reckless disregard for the safety of others.