



THE CITY OF NEW YORK
LAW DEPARTMENT

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MAR 12 2010

Hon. Janette Sadik-Khan
Commissioner of Transportation
40 Worth Street
New York, N.Y. 10013

Re: Amendment of Clergy Parking Rules
Rule No. 2010-RG-006

Dear Commissioner Sadik-Kahn:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

STEVEN GOULDEN
Acting Corporation Counsel

cc: Michelle Fredericks

DEPARTMENT OF TRANSPORTATION

Notice of Adoption to the Rules Regarding Clergy Parking.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of the Department of Transportation by subdivision (b) of Section 2903 of the New York City Charter, Title 19 of the Administrative Code, 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 (i), (ii), (iii) and (iv) of paragraph (5) of subdivision (o) of Section 4-08 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 published on February 4, 2010 and a public hearing was held on March 10, 2010. This rule shall take effect 30 days from the date hereof. The diagram accompanying this Notice replaces that appended to the Notice of Opportunity to Comment, published on February 4, 2010, in order to correctly reflect the areas considered by the Department to be “adjacent” for purposes of clergy parking.

Section one. Subparagraph (i) of paragraph (5) of subdivision (o) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

(5) Clergy parking permits.

(i) Definitions.

Funeral establishment. A place devoted to or used for the care and preparation of a body of a deceased person for disposition and for mourning or funeral ceremonial purposes.

Hospital. A general hospital, nursing home or hospice in-patient facility certified pursuant to the public health law or a psychiatric center established pursuant to § 7.17 of the mental hygiene law.

House of worship. A building or space owned or leased by a religious corporation or association of any denomination or used by a religious corporation or association of any denomination pursuant to the written permission of the owner thereof, which is used by members principally as a meeting place for divine worship or other religious observances presided over by a member of the clergy and which is classified in occupancy group F-1(b) pursuant to article eight of subchapter three of chapter one of title twenty-seven of the New York City Administrative Code. Such term shall not include a dwelling unit as defined in the housing maintenance code.

Member of the clergy. A clergyperson or minister as defined in the religious corporations law including, but not limited to, a pastor, rector, priest, rabbi or imam who officiates at or presides over services on behalf of a religious corporation or association of any denomination and works an average of at least twenty hours per week on behalf of such religious corporation or association. [Such term shall not include clergy who derive their principal income from any other occupation or profession or who do not officiate at or preside over services on behalf of a religious corporation or association of any denomination.]

Passenger car. Notwithstanding any other provision of these rules, for the purposes of this paragraph (5), a passenger car shall mean a motor vehicle, lawfully registered in any state, designed and used for carrying not more than fifteen people, including the driver. Such term shall not include a vehicle licensed to operate pursuant to chapter five of title 19 of the New York City Administrative Code or a commercial vehicle as defined in § 19-170 of the Code.

Section two. Subparagraph (ii) of paragraph (5) of subdivision (o) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

(ii) Application requirements.

(A) The religious corporation or association applying for a permit on behalf of a member of the clergy shall submit an application on a form to be provided by the department and signed by an officer of the corporation or association or by a person otherwise authorized to act on behalf of the corporation or association. Such application shall be accompanied by a copy of a deed or lease and a certificate of occupancy indicating classification in occupancy group F-1(b) (plus the type of house of worship) for the New York City house of worship used by the religious corporation or association. In the absence of a deed or lease, the religious corporation or association shall submit a sworn written statement of the owner of the house of worship attesting to the fact that said religious corporation or association has the permission of said owner to use the premises as a house of worship. In the event a house of worship was constructed prior to the existence of a certificate of occupancy or occupancy group F-1(b) so that a certificate of occupancy is not available, the religious corporation or association shall submit such other documentation as the department may require.

(B) The religious corporation or association shall, on behalf of a [clergy member] member of the clergy, submit a copy of title, registration or lease in the [clergy member's] member of the clergy's name or in the name of a religious corporation or association employing such member of the clergy for a [New York State registered] vehicle lawfully registered in any state to be covered by a permit. Such religious association or corporation shall, on behalf of a member of the clergy, also submit a copy of a current automobile insurance identification card for such vehicle.

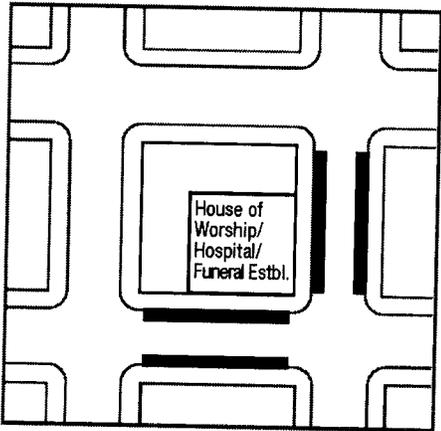
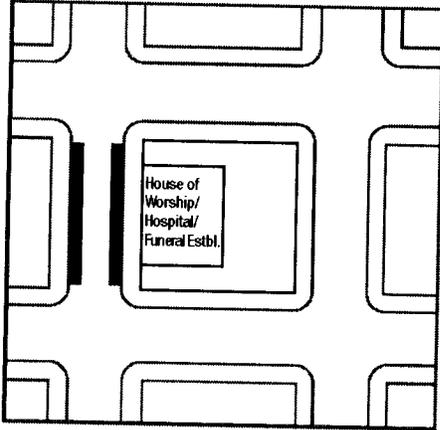
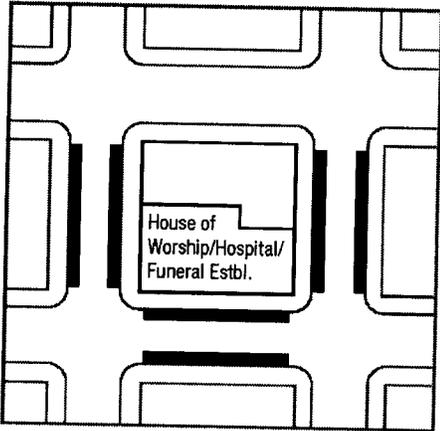
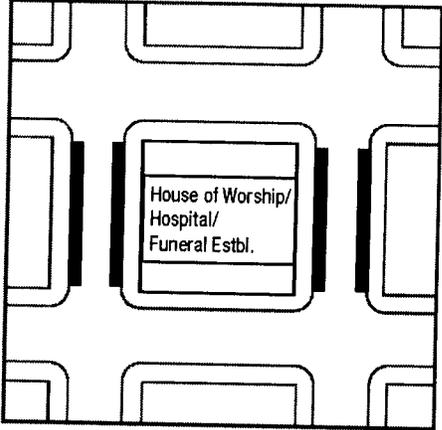
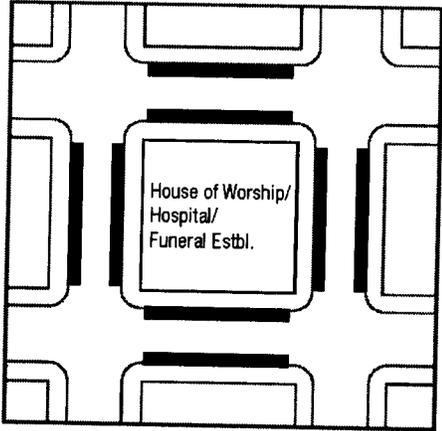
(C) The religious corporation or association shall certify on a form provided by the Department that only the member of the clergy on whose behalf the application is made will use such permit, that such use will occur only while the member of the clergy is performing official duties at a funeral establishment or the house of worship at whose services such member of the clergy officiates or presides or while performing such official duties at a hospital, that such member of the clergy [derives his/her principal income from officiating at or presiding over services on behalf of said religious corporation or association] works an average of at least twenty hours per week on behalf of such religious corporation or association, that such member of the clergy possesses a valid [New York

State] driver's license from any state and that such member of the clergy otherwise qualifies for the benefits of this permit.

(D) In addition, the religious corporation or association shall submit any other documents deemed necessary by the Department.

Section three. Subparagraph (iii) of paragraph (5) of subdivision (o) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (iii) **Parking permitted.** Parking is permitted only in "No Parking" areas designated by posted sign for up to [four] five hours on a roadway adjacent to the house of worship's address as it appears on the permit, [or] for up to three hours on a roadway adjacent to a hospital when the [clergy member] member of the clergy is performing official duties at such hospital, or for a period of up to four hours on the roadway adjacent to a funeral establishment when such member of the clergy is performing official duties at such funeral establishment. For the purposes of this paragraph, only those portions of a roadway corresponding to the shaded areas on the diagrams below shall be considered adjacent to a house of worship or hospital or funeral establishment.



Shaded areas are considered adjacent.

Section four. Subparagraph (iv) of paragraph (5) of subdivision (o) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

(iv) Issuance of Permit. Only one permit shall be issued to any religious corporation or association. The front of such permit shall include the license plate numbers of up to three passenger cars, as defined in subparagraph (i), above, that are owned, registered or leased by the members of the clergy for whose benefit the religious corporation or association has applied for such permit or by the religious corporation or association employing such member of the clergy. No permit shall be issued with the license plate number of any vehicle that has one or more summonses in judgment according to the records of the New York City Parking Violations Bureau.

STATEMENT OF BASIS AND PURPOSE OF RULES

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.

Subparagraphs (i), (ii), (iii), and (iv) of subdivision (o) of section 4-08 are being amended to incorporate recent changes to Title 19 of the New York City Administrative Code. These provisions of law revise the definition of "member of the clergy", permit members of the clergy to park adjacent to funeral homes for up to four hours when performing official duties, allow members of the clergy to park for up to five hours (increased from four hours) adjacent to houses of worship when officiating, allow the passenger car driven by a member of the clergy to be registered in any state, and provide that the religious corporation or association employing the member of the clergy can own the passenger car. The Department is amending the Traffic Rules to implement these changes, and to facilitate effective enforcement by the Police Department.

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