

DEPARTMENT OF TRANSPORTATION

Notice of Adoption of Rules relating to the designation of pedestrian plazas where smoking is prohibited.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Transportation by subdivision (b) 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 new subdivision (h) of Section 2-14 of Chapter 2 of Title 34 of the Official Compilation of the Rules of the City of New York, the Highway Rules. This rule was first published on May 31, 2011, and a public hearing was held on July 6, 2011. This rule shall take effect 30 days from the date hereof.

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

Section 1. Section 2-14 of Chapter 2 of Title 34 of the Rules of the City of New York is amended by adding a new subdivision (h), to read as follows:

(h) No smoking in pedestrian plazas.

Smoking is prohibited in all pedestrian plazas under the jurisdiction of the Department. Such pedestrian plazas will be designated by the Department on its website.

STATEMENT OF BASIS AND PURPOSE OF RULE

The Commissioner of Transportation is authorized to promulgate rules regarding highway operations in the City pursuant to §2903(b) of the New York City Charter.

This rule is being adopted to carry out the provisions of Local Law 11 of 2011, enacted on February 22, 2011, which prohibits smoking in pedestrian plazas. The term “pedestrian plaza” is defined in Local Law 11 as an area located within a roadway and designated by the Department. This rule explains where the designation information regarding pedestrian plazas can be found.