

Public Hearing on Proposed Amendments to the Rules Regarding Vehicles Permitted in Express Lanes on Highways – Thursday, August 16, 2007

The Department of Transportation proposes to amend paragraph (2) of subdivision (k) of Section 4-07 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules.

Subdivision (k) of section 4-07 is being amended to bring New York City's Traffic Rules in compliance with federal law that permits motorcycles to operate on highways receiving federal funding. Title 23, Section 102(a) of the United States Code states in relevant part that "no State or political subdivision of a State may enact or enforce a law that applies only to motorcycles and the principal purpose of which is to restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance." As express lanes within New York City receive federal funding, the Department is amending rules to permit motorcycles to travel upon them.

Written comments regarding the proposed rule may be sent to Michael Primeggia, Deputy Commissioner for Traffic Operations, Department of Transportation, 28-11 Queens Plaza North, Long Island City, NY 11101 by August 16, 2007. A public hearing shall be held on August 16, 2007 at 10 a.m. at 40 Worth Street, Room 1015, New York, NY 10013. Persons seeking to testify are requested to notify Deputy Commissioner Michael Primeggia at the address stated above. Persons who need a sign language interpreter or other accommodation for a disability at the hearing are asked to notify Deputy Commissioner Michael Primeggia at the foregoing address by August 9, 2007. Persons interested in receiving comments may request them by writing to: Department of Transportation, Record Access Office, 40 Worth Street, New York, N.Y. 10013.

The proposed amendments were included in DOT's regulatory agenda.

Matter underlined is new; matter in [brackets] is deleted.

Section one. Paragraph (2) of subdivision (k) of § 4-07 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) Buses, out-of-state bus equivalents, Access-A-Ride vehicles, ambulettes and wheelchair accessible vans. Vehicles registered as buses in New York State, vehicles registered out-of-state that are equivalent to New York State registered buses, all vehicles authorized by the Metropolitan Transportation Authority New York City Transit ("MTA/NYCT") to provide Access-A-Ride service, ambulettes, [and] wheelchair accessible vans, and motorcycles shall be eligible to use express lanes on highways or bridges pursuant to this subdivision as follows:

(i) The owner or operator of any vehicle registered as a bus in New York State shall be able to provide proof of:

- (A) operating authority issued by one or more of the following as required: the appropriate New York City agency, department or authority; the New York State Department of Transportation; or the Interstate Commerce Commission; and
- (B) current valid vehicle registration indicating New York State bus or official license plates; and
- (C) minimum vehicle seating capacity of 16 passengers not including the operator; and
- (D) seating capacity consistent with the seating capacity set forth in the appropriate grant of operating authority; and
- (E) valid insurance consistent with state requirements.

(ii) The owner or operator of any vehicle registered out-of-state that is equivalent to a New York State registered bus shall be able to provide proof of:

- (A) operating authority issued by one or more of the following as required: the appropriate New York City agency, department or authority; the appropriate out-of-state authorizing agency, department or authority; or the Interstate Commerce Commission; and
- (B) current valid vehicle registration indicating license plates equivalent to New York State bus or official license plates; and
- (C) minimum vehicle seating capacity of 16 passengers not including the operator; and
- (D) seating capacity consistent with the seating capacity set forth in the appropriate grant of operating authority; and
- (E) valid insurance consistent with State requirements.

(iii) The owner or operator of any vehicle authorized by the Metropolitan Transportation Authority New York City Transit ("MTA/NYCT") to provide Access-A-Ride service, ambulette or wheelchair accessible van shall be able to provide proof of:

- (A) operating authority issued by one or more of the following as required: the New York City Taxi and Limousine Commission; the New York State Department of Transportation; or the Interstate Commerce Commission; and
- (B) current valid vehicle registration; and
- (C) seating capacity consistent with the seating capacity set forth in the applicable grant of operating authority, where such grant specifies a seating capacity; and
- (D) valid insurance consistent with State requirements.

iv. The owner or operator of any vehicle registered as a motorcycle in New York State shall be able to provide proof of:

- (A) current valid vehicle registration; and
- (B) valid insurance consistent with State requirements.