

## New York City Department of Transportation

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The purpose of the proposed rule is to clarify that a bicycle sharing system must not be operated in New York City without the prior written authorization of the New York City Department of Transportation (DOT).

**When and where is the Hearing?** DOT will hold a public hearing on the proposed rule. The public hearing will take place at 1pm on July 2, 2018. The hearing will be in the DOT Bid Room at 55 Water Street, Concourse Level, New York, NY 10041. The entrance to the Bid Room is located on the southeast corner of 55 Water Street facing the NYC Vietnam Veterans Memorial Plaza.

This location has the following accessibility option(s) available: Wheelchair accessibility

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov).
- **Mail.** You can mail comments to John Frost, Executive Director, Bike Share Program, 55 Water Street, 9<sup>th</sup> Floor, NY, NY 10041.
- **Fax.** You can fax comments to John Frost, Executive Director, Bike Share Program, 212-839-9685.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-839-6500. You can also sign up in the hearing room before the hearing begins on July 2, 2018. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline for written comments is 1pm on July 2, 2018.

**What if I need assistance to participate in the Hearing?** You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-839-6500 or TTY 212-504-4115. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by June 25, 2018.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments concerning the

proposed rule will be available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4<sup>th</sup> Floor, New York, NY 10041.

**What authorizes DOT to make this rule?** Sections 1043 and 2903(a) of the City Charter authorizes DOT to make this proposed rule. This rule is included in DOT's regulatory agenda for 2019 Fiscal Year.

**Where can I find the Department of Transportation rules?** DOT's rules are in Title 34 of the Rules of the City of New York.

**What laws govern the rulemaking process?** DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

The Commissioner of the New York City Department of Transportation (DOT) is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The rules that DOT is seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to its "Traffic Rules."

This proposed rule would clarify that a bicycle sharing system must not be operated in New York City without the DOT's prior written authorization. Specifically, the amendments to the Traffic Rules being proposed are as follows:

- Section 4-01 would be amended by adding new definitions for "bicycle sharing system", "person" and "public highway".
- Section 4-12(p)(6) would be amended by adding a new paragraph that establishes the specific rule that prohibits operating a bicycle sharing system in New York City without the prior written authorization of the Department.

New material is underlined.

Section 1. Subdivision (b) of Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding new definitions of "bicycle sharing system", "person" and "public highway" to read as follows:

**Bicycle sharing system.** The term "bicycle sharing system" means a network of self-service and publicly available bicycles in which a bicycle trip begins and/or ends on any public highway in the City of New York.

**Person.** “Person” means a natural person, partnership, corporation, limited liability company, association or any other entity.

**Public highway.** The term “Public highway” means any highway, road, street, avenue, alley, public place, public driveway or any other public way.”

§2. Subdivision (p) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (6) to read as follows:

**(6) Operating a bicycle sharing system without written authorization prohibited.** No person may operate a bicycle sharing system in the City of New York without the prior written authorization of the Department.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Rules Governing Bicycle Sharing Systems**

**REFERENCE NUMBER: DOT-46**

**RULEMAKING AGENCY: Department of Transportation**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

May 22, 2018  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Rules Governing Bicycle Sharing Systems

**REFERENCE NUMBER:** 2018 RG 059

**RULEMAKING AGENCY:** Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: May 22, 2018