

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 establish curb regulations relating to electric vehicle (EV) charging stations.

When and where is the Hearing? The New York City Department of Transportation (DOT) will hold a public hearing on the proposed rule. The public hearing will take place at 2pm on April 16, 2019. 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.
- **Mail.** You can mail comments to Susan McSherry, Alternative Fuels Program, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to Susan McSherry, Alternative Fuels Program at 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 April 16, 2019. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline for written comments is April 16, 2019.

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 April 9, 2019.

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, 4th 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 proposed rule was not included in DOT's regulatory agenda for this Fiscal Year because it was not contemplated when DOT published the agenda.

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."

Reducing greenhouse gas (GHG) emissions from the transportation sector is a core component of the City of New York's climate policy. In 2014, the City of New York committed to reducing GHG emissions 80 percent by 2050, compared to 2005 levels (80 x 50). The City's 2016 plan, *New York City's Roadmap to 80 x 50*, identified a broad range of strategies to reach this goal, including accelerating the adoption of electric vehicles by the City, private fleets, and individual vehicle owners.

As part of the City's ongoing commitment to promoting the adoption of electric vehicles, Local Law 160 of 2016 was enacted on December 6, 2016 and required the city to establish a pilot program to install electric vehicle charging stations at DOT parking facilities throughout the five boroughs. As of 2018, 39 level 2 electric vehicle chargers have been installed.

On June 2, 2017, Mayor Bill de Blasio signed Executive Order 26 promising that New York City would commit to the principles enshrined in the Paris Climate Agreement and would develop a pathway to advance the Paris Agreement goal of limiting global temperature rise to 1.5 degrees Celsius. The City's then released its plan, *1.5°C: Aligning New York City with the Paris Climate Agreement*, that commits the City to expanding access to electric vehicle charging.

In September 2017, the Mayor set a target for 20 percent of the motor vehicle registrations in New York City to be electric by 2025. To support this goal, the Mayor announced a partnership with Consolidated Edison to install 120 level 2 electric vehicle charging ports at curbside locations across the five boroughs. The program is scheduled to launch in 2019. The mayor also announced a companion effort to create a network of 50 level 3 electric vehicle fast charging stations. In order to facilitate access to electric vehicle chargers at curbside locations and in City-owned parking facilities, DOT is seeking to limit the use of such spaces to electric vehicles that are charging.

The purpose of this proposed rule is to establish an electric vehicle charging station pilot program at designated on-street and off-street locations pursuant to Local Law 160 of 2016.

Specifically, the amendments to the Traffic Rules being proposed are as follows:

- Section 4-01 adds new definitions for “electric vehicle” and “electric vehicle charging station”.
- Section 4-08 is amended to include various amendments that outline the parking restrictions associated with authorized vehicles, including electric vehicle charging stations.

New material is underlined.

[Deleted material is in brackets.]

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 and new definitions of “electric vehicle” and “electric vehicle charging station” are added to such subdivision to read as follows:

Electric vehicle. “Electric vehicle” means a commercially available, mass-produced vehicle originally equipped by the manufacturer with an electric propulsion system or a vehicle retrofitted with an electric propulsion system, provided the vehicle owner can provide supporting documentation of such retrofit. Electric vehicles include both (1) battery electric vehicles which have batteries that are recharged by connecting the vehicle to an external power source; and (2) plug-in hybrid electric vehicles, which have batteries that be can be recharged by connecting the vehicle to an external power source or by an on-board internal-combustion engine and generator.

Electric vehicle charging. The term “electric vehicle charging” means when an electric vehicle’s charging port is connected to the electric vehicle charger via a cable.

Electric vehicle charging station. The term “electric vehicle charging station” means a location with (1) one or more electric vehicle chargers that supply electric energy for the recharging of electric vehicles, and (2) one or more parking spaces dedicated to each electric vehicle charger to accommodate charging vehicles.

§2. Subparagraph (i) of Paragraph (3) of Subdivision (a) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(3) Standing prohibited. When standing is prohibited by signs or rules, no person shall stop a vehicle, attended or unattended, except temporarily for the purpose of and while actually engaged in expeditiously receiving or discharging passengers.

(i) Dedicated use signs. Standing is prohibited when a dedicated use is specified by a sign, including but not limited to the following curb regulations: Commercial Vehicles Only, Truck Loading Only, Taxi Stand, Taxi Relief Stand, Authorized Vehicles Only, NYP License Plates Only, Doctor License Plates Only, For-Hire Vehicles Only, Ambulance Only, Ambulette Only, Medical Facility Only, Bus Layover Only, NYS Road Test Only, Flea Market Loading Only, Farmers Market Only, Waiting Line, Carshare Parking Only, Electric Vehicle Charging Only, or Parking Permitted.

§3. Paragraph (4) of Subdivision (c) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(4) Authorized vehicles. Except as provided in paragraph (8) of this subdivision, [where a posted sign reads "No Standing Except Authorized Vehicles" or "Authorized Vehicles Only", no vehicles, except those designated by such sign, may stand or park in that area] no person shall stand or park a vehicle that is not specifically authorized by a dedicated use sign defined in section 4-01 and as provided in subparagraph (i) of paragraph (3) of subdivision (a) of this section.

§4. Paragraph (1) of Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (M) to read as follows:

(1) Permits for people with disabilities.

(i) Authorized parking areas. An operator of a vehicle bearing a valid New York City Special Parking Identification permit may park:

(A) in any "No Parking" zone,

(B) in any ["No Standing Except Authorized Vehicles" or "Authorized Vehicles Only"] authorized vehicle zone, except in carshare parking space(s) and electric vehicle charging station(s),

(C) at parking meters without using an authorized payment method, and

(D) in "No Standing Except Trucks Loading and Unloading" or "Truck Loading Only" zones.

Such special parking permit shall be displayed so that it is visible through the windshield.

(ii) Prohibited parking areas. Such special parking identification permits do not authorize parking:

(A) in a bus stop,

(B) in a taxi-stand,

(C) within 15 feet of a fire hydrant,

(D) in a fire zone,

(E) in a driveway,

(F) in a crosswalk,

(G) in a no stopping zone,

(H) in a no standing zone,

(I) double parking,

(J) in carshare parking space(s),

(K) in any "Ambulette", "Ambulance", "Access-A-Ride", "Medical Facility" zone or combination thereof,[or]

(L) in a For-Hire Vehicle stand, or[.]

(M) in electric vehicle charging station(s).

§5. Subparagraph (i) of Paragraph (3) of Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is to read as follows:

(i) Parking permitted. Parking with yearly permits is permitted in areas specified on or programmed into the permit and may include some or all of the following:

- (A) Parking meters[.],
- (B) Truck loading and unloading zones[.],
- (C) [No Standing/Parking Except Authorized Vehicles or Authorized Vehicle Only] Authorized vehicle zones, when the permit matches the signs, and
- (D) "No Parking" areas.

§6. Subparagraphs (ii) and (iii) of Paragraph (4) of Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is to read as follows:

(ii) Parking permitted. Parking with single issue permits is permitted in areas specified on or programmed into the permit and may include some or all of the following:

- (A) Parking meters,
- (B) Truck loading and unloading zones,
- (C) [No Standing/Parking Except Authorized Vehicles or Authorized Vehicle Only] Authorized vehicle zones, except in carshare parking space(s),
- (D) "No Parking" areas, and
- (E) No Standing/Parking Except Authorized Buses or Buses with Permit Only.

(iii) Parking not permitted. Parking with single issue permits is not permitted at:

- (A) "No Standing" areas[.],
- (B) "No Stopping" areas[.],
- (C) Fire hydrants[.],
- (D) Bus stops[.],
- (E) Double parking[.],
- (F) Driveways[.],
- (G) On bridges and highways[, and],
- (H) In carshare parking space(s), and
- (I) Areas where a traffic hazard would be created.

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

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

RULE TITLE: Regulation of curbside electric vehicle charging stations

REFERENCE NUMBER: DOT-50

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 cure periods do not apply for parking violations.

/s/ Maurice A Goldstein
Mayor's Office of Operations

March 7, 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: Regulation of curbside electric vehicle charging stations

REFERENCE NUMBER: 2018 RG 130

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: March 5, 2019