

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to amending provisions of the Traffic Rules 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.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of DOT by Sections 1043 and 2903(a) 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 amends Sections 4-01 and 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was published on May 30, 2018 and a public hearing was held on July 2, 2018. The one commenter who spoke addressed an issue unrelated to the proposed rule.

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 amends are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to its “Traffic Rules.”

This rule clarifies 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 are as follows:

- Section 4-01 is amended by adding new definitions for “bicycle sharing system”, “person” and “public highway”.
- Section 4-12(p)(6) is 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.