

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to the establishment of curb regulations regarding electric vehicle (EV) charging stations.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that DOT hereby amends Sections 4-01 and 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published on March 15, 2019 and a public hearing was held on April 16, 2019. Written comments were received.

Statement of Basis and Purpose of Adopted 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 multi-year pilot program partnering 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 the summer of 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 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 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 agency-authorized permits and the display of a permit in the windshield of a vehicle or, where applicable, a permit affixed to the vehicle by the department is permitted in areas specified on or electronically linked to 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 organization or agency named on the permit is indicated on 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.