

The New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to allowing oversized trucks hauling sealed shipping containers to travel to or from New Jersey across the Goethals Bridge to or from the Howland Hook Global Container Terminal (GCT) in Staten Island on a legal route along the streets of New York City.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of 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 the Department of Transportation hereby amends Section 4-15 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published on November 3, 2017 and a public hearing was held on December 6, 2017.

Statement of Basis and Purpose of Rule

The use of sealed shipping containers for the transportation of goods has led to a global transformation of maritime shipping operations. The efficiency and security afforded by sealed shipping containers has remained an important factor in choice of seaports and the availability of container servicing facilities and jobs. Access to the port facilities is a major determinant of the sustainable growth and development of port regions and the roadway transportation systems leading to the ports must be adequate to accommodate the container loads.

Trucks hauling sealed shipping containers from New Jersey across the Goethals Bridge to the Howland Hook Global Container Terminal (GCT) in Staten Island require a route that can safely accommodate this sealed shipping container cargo without adversely impacting roadways and neighborhoods that are not designed for this cargo. The Howland Hook GCT supports approximately 300 well-paid jobs, moves 150,000 containers each year, and is the City and State's largest international cargo gateway.

Due to roadway design and geometric constraints, existing New York City Department of Transportation (NYCDOT) regulations prohibit trucks weighing more than 80,000 pounds and trucks that are longer than 55 feet in total length from using portions of certain highways, except when they receive appropriate permit(s). The current regulations put the Howland Hook GCT and the greater New York City area at a disadvantage when competing against other seaports in the area for maritime-based jobs and economic activity even as investments in modern crane lifts and container handling equipment are being made, and channel dredging for improved access to the port is underway. This rule supports the growth of maritime cargo jobs in New York City.

This rule expands the transportation network through designated routes in Staten Island to permit trucks hauling sealed shipping containers to operate safely and legally on New York City

streets. It provides a clearly defined, safe route for drivers to haul sealed containers to and from Howland Hook GCT, exclusively using specified highways and streets. Additionally, it permits trucks that are up to 73-1/2 feet in length that are carrying sealed shipping containers to weigh up to 90,000 pounds to utilize the specified route

DOT's rules are not affected by these amendments with respect to the existing prohibition on trucks with overweight and oversized trailers from being operated on any non-designated highway or street in New York City, such as destinations off the designated routes in Staten Island. Moreover, loads transported across streets and structures not regulated by New York City may still require additional authorization.

The Department of Transportation's authority for these rules is found in section 2903(a) of the New York City Charter and sections 385 and 1642 of the New York State Vehicle & Traffic Law.

In response to comments received by DOT, the added subparagraphs (ix) and (xv) of paragraph 1 of subdivision (j) have been revised to provide more particularity in describing the routes designated in such subparagraphs, i.e., "Western Avenue" and "Gulf Avenue", respectively. These changes are reflected in the adopted rules.

New material is underlined.
[Deleted material is in brackets.]

Section 1. Paragraph 10 of subdivision (b) of section 4-15 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(10) Weight on three axles. A single vehicle or a combination of vehicles having 3 axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed 34,000 pounds, plus 1,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle. Axles shall be counted as provided in paragraph (5) of this subdivision (b). In no case, however, shall the total weight exceed 80,000 pounds, except for a combination of vehicles that are operating pursuant to subdivision (j)(3) of this section where the total weight shall not exceed 90,000 pounds, without any tolerance for enforcement purposes.

§ 2. Paragraph 1 of subdivision (j) of section 4-15 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding new subparagraphs (vii) through (xv) to read as follows:

(j) Routes for Trailers in Excess of Forty-eight Feet. (1) Any semitrailer with a length in excess of forty-eight feet, but not exceeding fifty-three feet, if the distance between the kingpin of the semitrailer and the centerline of the rear axle does not exceed forty-three feet and if the semitrailer is equipped with a rear-end protective device of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than twenty-two inches from the surface as measured with the vehicle empty and on a level surface, may be operated on:

- i. that portion of interstate 95 between the Bronx-Westchester county line and interstate 295;
- ii. that portion of interstate 295 which connects interstate 95 with interstate 495;
- iii. that portion of interstate 495 between interstate 295 and the Nassau-Queens county line;
- iv. that portion of interstate 678 between interstate 95 and John F. Kennedy International Airport;
- v. that portion of interstate 95 between interstate 695 and the New Jersey State Line on the upper level of the George Washington Bridge; [and]
- vi. that portion of interstate 695 between interstate 95 and interstate 295[.];
- vii. that portion of interstate 278 between the Goethals Bridge and Gulf Avenue;
- viii. that portion of interstate 278 between Goethals Road North and Goethals Bridge;
- ix. that portion of Gulf Avenue between Western Avenue and Edward Curry Avenue;
- x. that portion of Edward Curry Avenue between Gulf Avenue and South Avenue;
- xi. that portion of South Avenue between Edward Curry Avenue and Goethals Road North;
- xii. that portion of Forest Avenue between Gulf Avenue and Goethals Road North;
- xiii. that portion of Goethals Road North between South Avenue and Forest Avenue;
- xiv. that portion of Goethals Road North between Forest Avenue and Western Avenue; and
- xv. that portion of Western Avenue between Gulf Avenue and Richmond Terrace.

§ 3. Subdivision (j) of section 4-15 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph 3 to read as follows:

(3) A combination of vehicles operating pursuant to subparagraphs (vii) through (xv) of paragraph 1 of this subdivision must not exceed a total weight of 90,000 pounds, over or on any bridge or other structure when the total weight is over 80,000 pounds, and must be on a trip that involves only the pickup or drop off of sealed shipping containers used for the transfer of freight transported in ocean-going commerce, bearing the seal of the United States Customs and Border Protection, the seal of another governmental agency, or seal of the shipper.