

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to an amendment setting forth boarding requirements for the Staten Island Ferry.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of Transportation by Sections 1043 and 2903 of the New York City Charter and the requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby amends Chapter 1 of Title 34 of the Rules of the City of New York by adding a new section.

These rules were first published on January 6, 2017 and a public hearing was held on February 8, 2017.

Statement of Basis and Purpose of Adopted Rule

The Staten Island Ferry currently requires that passengers board the ferry via the boarding doors on the ferry's upper level, unless otherwise instructed. However, certain passengers (such as persons with disabilities that seriously impair their mobility) are also allowed to board the ferry via the boarding doors on the ferry's lower level. These rules set forth the general boarding requirements, as well as the procedure for permitting lower level boarding access.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 1 of Title 34 of the Rules of the City of New York is amended by adding a new section 1-07 to read as follows:

§1-07 Boarding.

(a) All passengers must board a ferry through the boarding doors on the ferry's upper level, unless otherwise authorized by this section.

(b) Notwithstanding subdivision (a), the following passengers may board a ferry through the boarding doors on the ferry's lower level:

(1) a person instructed to board on the lower level by ferry personnel or official Department-issued signage;

(2) a person with a disability that seriously impairs his or her mobility who requires the use of a device to assist his or her movement, where such device is visible to ferry personnel (e.g., a wheelchair or walker); and

(3) a person possessing a letter issued pursuant to subdivision (c) of this section.

(c) Lower level boarding access letter.

- (1) Applicants. The following persons may apply for lower level boarding access:
- (i) a person with a disability that seriously impairs his or her mobility who requires the use of a device to assist his or her movement, where such device is not visible to ferry personnel (e.g., a pacemaker); and
 - (ii) a person with a disability that seriously impairs his or her mobility who does not require the use of a device to assist his or her movement.
- (2) Applications. An application must be submitted to the Department, on a form provided by the Department on its website, with certification from a physician licensed in one of the fifty states that the applicant has a disability that seriously impairs the applicant's mobility.
- (i) The application must include the following information:
 - (A) applicant's legal name, address, and telephone number(s);
 - (B) applicant's date of birth; and
 - (C) a government-issued identification card number for the applicant and its expiration date.
 - (ii) Upon receipt of a completed application, including the certification, DOT will, within 30 days of receipt, send the applicant a letter granting lower level boarding access. The letter may be used only by the applicant.
- (3) Period of authorization. Any letter issued pursuant to this subdivision shall be valid for up to two (2) years from the date of issuance.
- (4) Revocation. The Department will revoke the letter of any person who abuses any privilege, benefit, or consideration granted by the letter (e.g., altering the letter in any way or letting someone other than the applicant use the letter).