

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 update provisions that have become obsolete because of changes in the law, and to add provisions reflecting updated parking requirements.

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 Tuesday, January 31, 2017. The hearing will be in the Bid Room at 55 Water Street, Concourse Level, New York, NY 10041.

This location has the following accessibility option(s) available: This location is wheelchair accessible.

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 Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Michael Marsico, Assistant Commissioner, New York City Department of Transportation, Parking Operations, 34-02 Queens Boulevard, Room 256, Long Island City, NY 11101.
- **Fax.** You can fax comments to Michael Marsico, Assistant Commissioner at 212-839-7188.
- **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 January 31, 2017. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline for written comments is January 31, 2017.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs 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. You must tell us by January 24, 2017.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments are 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 included in DOT’s regulatory agenda for this fiscal year.

Where can I find DOT’s rules? DOT’s rules are in Title 34 of the Rules of the City of New York.

What rules 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 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 promulgate rules regarding parking and traffic operations in the City by Section 2903(a) of the New York City Charter. The rules that DOT are seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to “Traffic Rules and Regulations.”

The purpose of these proposed rule amendments is to update provisions that require modifications due to changes in the law and to add provisions reflecting updated parking requirements.

The amendments to Chapter 4 of Title 34 are detailed more specifically below:

Section 4-01(b) is amended to add the definition of “electronic communication device”, which was originally located in Section 4-08(h)(11), and to add a new definition of “parking meter” and “pedicab”. The definition for parking meter reflects the fact that the City no longer has single-spaced meters, and therefore no longer needs to differentiate between single-spaced meters and multi-spaced meters in the rules. The definition of “pedicab” mirrors the definition found in section 19-171.2 of the New York City Administrative Code, as added by Local Law 31 of 2011.

Section 4-08(a)(1) is amended to add a reference to pedicabs with respect to parking, standing or stopping, mirroring section 19-171.2 of the Administrative Code.

Section 4-08(a)(10) is deleted to remove obsolete language related to the use of notification stickers on vehicles. Pursuant to section 19-163.2 of the Administrative Code, as added by Local Law 20 of 2012, neither DOT nor the Department of Sanitation can affix notification stickers on any motor vehicle solely in connection with the enforcement of alternate side parking rules.

Section 4-08(a)(12) is deleted from the rules to reflect the fact that the in-vehicle-parking system is no longer used within the City.

Sections 4-08(h)(1), (2),(3), (4), and (5) are being replaced in their entirety with new language to reflect updated parking requirements, such as the ability to pay for a parking session via an authorized electronic communication device.

Sections 4-08(h)(7), (10), (11) are deleted in their entirety to reflect the fact that single spaced meters are no longer used in the City and that, pursuant to section 19-167.2 of the Administrative Code, as added

by Local Law 29 of 2012, parking meter receipts issued from one parking meter zone may be used in in other parking meter zones of equal or lower rate structure until the time on such parking meter receipt has expired. The remaining paragraphs in the section are re-numbered respectively.

Sections 4-08(i)(3), 4-08(l)(3) and 4-08(l)(6) are amended to delete the term “muni-meter” and replace it throughout the rules with the term “parking meter.”

Section 4-08(p) is amended to reflect changes to the engine idling provisions pursuant to section 24-163(f) of the Administrative Code, as added by Local Law 5 of 2009.

The Department of Transportation’s authority for these rules is found in section 2903(a) of the New York City Charter and Title 19 of the New York City Administrative Code.

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. 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 “electronic communications device”, “parking meter”, and “pedicab” in alphabetical order to read as follows:

Electronic communication device. An "electronic communication device" shall mean any electronic equipment approved by the Department capable of transmitting information via telephone, cable, fiber, satellite or antenna to the Department for payment at parking spaces where payment for such space is requested. This includes but is not limited to mobile or vehicle mounted computers with an on-line connection, mobile or cellular phones, personal digital assistants, or any other electronic communication device approved by the Department.

Parking meter. A "parking meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle or as otherwise described within these rules.

Pedicab. A “pedicab” shall mean a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

§2. Paragraph (1) of Subdivision (a) 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 subparagraph (ii) to read as follows:

(1) Compliance with rules. No person shall stop, stand or park a vehicle, whether attended or unattended, other than in accordance with authorized signs, pavement markings, or other traffic

control devices, unless necessary to avoid conflict with other traffic or in compliance with law or direction of any law enforcement officer or other person authorized to enforce these rules.

(i) Sign placement. For purposes of this §4-08, one authorized regulatory sign anywhere on a block, which is the area of sidewalk between one intersection and the next, shall be sufficient notice of the restriction(s) in effect on that block.

(ii) Pedicabs. No person shall park, stand, or stop a pedicab where a person is prohibited from parking, standing or stopping a vehicle in accordance with these rules.

§3. Paragraph (10) of Subdivision (a) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is REPEALED and paragraph (11) is renumbered as paragraph (10).

§4. Paragraph (12) of Subdivision (a) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is REPEALED.

§5. Subparagraphs (1), (2), (3), (4) and (5) of Subdivision (h) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York are REPEALED, and such section is amended by adding new Subparagraphs (1), (2), (3), (4) and (5) to read as follows:

(1) Purchasing of parking time. No person shall park a vehicle, whether attended or not, in any parking space controlled by a parking meter:

(i) Without first purchasing the amount of parking time desired from a parking meter, or from a valid electronic communication device as described in this section. This provision shall not apply to the time necessary to park the vehicle or activate the parking meter or any other authorized grace period.

(ii) Without displaying a payment receipt on the vehicle's dashboard or in a visible and secure place on a motorcycle, where such requirement is indicated by posted signs, unless such parking time was purchased through an authorized electronic communication device as described in this section.

(iii) In excess of the amount of time indicated on the payment receipt, electronic communication device, or on posted signs.

(2) Authorized payment methods; counterfeits prohibited.

(i) Authorized payment methods. Parking meters must be activated by the insertion of coin(s) of United States currency, or by the insertion of an electronic debit card, credit card, Department issued parking card or other authorized method of payment as described in this section.. Parking at an on-street or off-street parking space controlled by a parking meter may also be paid for by an authorized electronic communication device as approved by the Department as described in paragraph (3) of this subdivision.

(ii) No person shall deposit or attempt to deposit any slug, button, or any other unauthorized device or substance as a substitute for coins of United States currency in any parking meter.

(iii) No person shall purchase a parking meter receipt from anywhere other than a parking meter.

(3) Electronic Communication Device Payments.

(i) Despite any provision herein, any person may park at an on-street or off-street parking space controlled by a parking meter by making payment via an electronic communication device as approved by the Department.

(ii) The Department may designate locations containing on-street or off-street parking spaces controlled by a parking meter as locations where payment by an electronic communication device shall be permitted.

(A) The Department shall designate each location by the posting of a sign.

(B) A person wishing to purchase parking time via an authorized electronic communication device at a designated location may do so via the authorized mobile payment for parking application by entering the applicable zone number for the side of the block where the vehicle will be parked if the vehicle is parked in an on-street parking zone or the posted zone sign if a vehicle is parked in an off-street parking field.

(4) Transfer of parking time. A person who purchases parking time at an on-street or off-street parking space controlled by a parking meter may, during the start and end time denoted on such parking meter receipt, park at

(i) such on-street or off-street parking space;

(ii) at any parking space regulated by a parking meter within the same parking area; or

(iii) in another area regulated by a parking meter where the parking meter rate is the same as or less than the rate at the location where the parking time was purchased.

This provision shall not apply when parking time is purchased via an authorized electronic communication device.

(5) Parking at broken or missing parking meters.

(i) Where parking is controlled by a parking meter and such parking meter is broken or missing, the person seeking to purchase a parking receipt shall use a functional parking meter in the same parking field or on the same side of the block, to purchase a parking receipt in accordance with paragraph (1) of this subdivision.

(ii) If all parking meters in a parking field or on a block are missing or broken, a person shall be allowed to park in the parking field or on the block up to the maximum amount of time otherwise lawfully permitted by such parking meters in the controlled parking field or block.

§6. Paragraphs (7), (10) and (11) of Subdivision (h) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York are REPEALED, paragraphs (8) and (9) of such subdivision are respectively re-numbered as paragraphs (7) and (8), and paragraph (7) of such subdivision, as renumbered by this section, is amended to read as follows:

[(8)](7) Displaying, selling or offering merchandise for sale prohibited. No peddler[, vendor, hawker or huckster] or vendor shall park a vehicle at a metered parking space for purposes of displaying, selling, storing or offering merchandise for sale from the vehicle.

§7. Paragraph (3) of Subdivision (i) 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) ["Muni-Meters."] Parking Meters. No person shall park a vehicle, whether attended or not, in any parking space controlled by a parking meter:

(i) [No person shall, in any parking space controlled by a "Muni-Meter," park a vehicle without] Without first purchasing the amount of parking time desired from [such machine] a parking meter or from a valid electronic communication device as described in this section. This provision shall not apply to the time necessary to park the vehicle or activate the parking meter or any other authorized grace period.

(ii) [No person shall, in any parking space controlled by a "Muni-Meter," park a vehicle without] Without displaying a payment receipt [in the windshield] on the vehicle's dashboard or in a visible and secure place on a motorcycle, where such requirement is indicated by posted signs, unless such parking time was purchased through an authorized electronic communication device as described in this section.

(iii) [No person shall, in any facility using the "Muni-Card" system, which allows a person to purchase the amount of parking time desired from a machine that dispenses a receipt or tag, park a vehicle in] In excess of the amount of time indicated on [such] the payment receipt, electronic communication device [or tag], or on posted signs.

§8. Subparagraph (ii) of Paragraph (3) of Subdivision (l) 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:

(ii) Commercial parking meter area. Notwithstanding the provisions of subparagraph (i) of this paragraph, where signs are posted regulating the use of the curb by commercial vehicles it shall be unlawful to stand a vehicle in any space on a block unless such vehicle is a "commercial vehicle" as defined in §4-01(b)(i) of this chapter or a vehicle with a valid "combination" registration from another state, and unless such space is controlled by a parking meter. The maximum time for such metered parking on a single block shall be a total of three hours, unless otherwise indicated by a posted sign. The provisions of subdivision (h) of this section shall apply to commercial vehicles parked at a parking meter[, including a "Muni-Meter,"] pursuant to this paragraph.

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

(ii) Where a space is regulated by a meter and signs are posted restricting the use of the curb to buses, it is unlawful to stand or park any vehicle at that regulated space unless the vehicle is a bus. The provisions of subdivision (h) of this section shall apply to buses parked at such a parking meter[, including a "Muni-Meter."].

(iii) Where a parking sign designates a regulated space as “No Standing/Parking Except Authorized Buses”:

(A) It is unlawful to stand or park any vehicle at that regulated space unless the vehicle is a bus and the operator has first obtained a permit from the Department according to paragraph (4) of subdivision (o) of this section.

(B) Where that space is also regulated by a meter, the provisions of subdivision (h) of this section shall apply to permitted buses parked at such a parking meter[, including a "Muni-Meter."].

§10. Paragraph (1) of Subdivision (p) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended, and a new paragraph (3) is added to such subdivision, to read as follows:

(1) Idling of vehicle engines generally prohibited. Except as provided for [buses in paragraph (p)(2) hereof] in paragraphs (2) and (3) of this subdivision, no person shall cause or permit the engine of any vehicle, other than [a legally authorized emergency motor vehicle] an authorized emergency vehicle, to idle for longer than three minutes while parking, standing or stopping unless the engine is being used to operate a loading, unloading or processing device.

(3) Idling of vehicle engines next to schools.

(i) For the purposes of this paragraph, the term “school” shall mean any public school under the jurisdiction of the New York city department of education, or any non-public school that provides instruction to students in any grade from pre-kindergarten to the twelfth grade.

(ii) No person shall cause or permit the engine of any vehicle, other than an authorized emergency vehicle, to idle for longer than one minute if the vehicle is next to a school, while parking, standing or stopping, unless the engine is being used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted as needed:

(A) for mechanical work;

(B) to maintain an appropriate temperature for passenger comfort; or

(C) in emergency evacuations where necessary to operate wheelchair lifts.

**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: Clean-up Amendments to Traffic Rules

REFERENCE NUMBER: DOT-35

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 rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Jacqueline Matos

Mayor's Office of Operations

December 2, 2016

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: Clean-up Amendments to Traffic Rules

REFERENCE NUMBER: 2016 RG 064

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: December 1, 2016