

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The proposed rule updates provisions of the New York City Department of Transportation (DOT) Traffic Rules to conform with the requirements of the recently enacted Local Law 115 of 2016 relating to pedestrian control signals. The proposed rule supports the goals of the Vision Zero initiative.

When and where is the hearing? DOT will hold a public hearing on the proposed rule. The public hearing will take place at 10:00am on Thursday, December 29, 2016. 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?

- **Website.** You can submit comments to DOT through the NYC rules Web site at <http://rules.cityofnewyork.us>.

- **Email.** You can email written comments to rules@dot.nyc.gov.

- **Mail.** You can mail written comments to:

James Celentano, P.E.
Project Manager
New York City Department of Transportation
34-02 Queens Boulevard, 2nd Floor
Long Island City, NY 11101

- **Fax.** You can fax written comments to James Celentano, P.E. at 718-784-7358.

- **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 beginning on Thursday, December 29, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is Thursday, December 29, 2016.

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 Tuesday, December 27, 2016.

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 will be available to the public at the Office of Legal Affairs.

What authorizes DOT to make this rule? Sections 1043 and 2903(a) of the City Charter authorize DOT to make this proposed rule. This proposed rule was not included in DOT's regulatory agenda for this Fiscal Year because it was not contemplated when DOT published the agenda.

Where can I find the DOT 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 make rules regarding pedestrian traffic 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 ("Traffic Rules and Regulations") of Title 34 of the Rules of the City of New York.

Local Law 115 of 2016 amends the New York City Administrative Code by adding a new Section 19-195 regarding pedestrian control signals. Based on the provisions of Section 19-195, this proposed rule:

- Adds a new definition for the term "pedestrian countdown display" to Section 4-01(b) of Title 34.
- Conforms the provisions in Sections 4-03(a)(2)(ii) and 4-03(c) of Title 34, regarding traffic and pedestrian control signals and pedestrian right of way, to the newly enacted Local Law 115 of 2016.
- Corrects an internal cross-reference within Section 4-04(a) of Title 34.

In 2014, Mayor de Blasio launched the Vision Zero action plan – an ambitious plan to reduce traffic fatalities in New York City. Vision Zero accepts no traffic fatality as inevitable. Vision Zero allows government agencies, industry groups, key transportation stakeholders and the public to understand traffic crashes as the result of a series of actions that can be changed or prevented through enforcement, education and design. The Mayor has signed several local laws to implement Vision Zero. Each law mandates specific requirements for one or more of the agencies involved in directly implementing Vision Zero. This proposed rule supports the goals of Vision Zero.

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.

§ 1. Subdivision (b) of section 4-01 of title 34 of the rules of the city of New York is amended by adding a new definition of “pedestrian countdown display” in alphabetical order to read as follows:

Pedestrian countdown display. A “pedestrian countdown display” shall mean any automated digital reading used in a crosswalk that displays, at the beginning of the flashing upraised hand signal, the number of seconds remaining until the termination of such signal.

§ 2. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 4-03 of title 34 of the rules of the city of New York is amended to read as follows:

(ii) Pedestrians facing such signal are [thereby warned] advised that there [is] may be insufficient time to cross the roadway[, and shall not enter or cross the roadway]. Pedestrians already in the roadway [shall] must proceed to the nearest safety island or sidewalk in the direction of such signal.

§ 3. Subdivision (c) of section 4-03 of title 34 of the rules of the city of New York is amended to read as follows:

(c) **Pedestrian control signals.** Whenever pedestrian control signals are in operation, [exhibiting the words "WALK" and "DON'T WALK" successively, the international green or red hand symbols, figures] showing symbols of a walking person, upraised hand, or upraised hand with a pedestrian countdown display, or any other internationally recognized representation concerning the movement of pedestrians, such signals shall indicate as follows:

(1) [WALK, green hand symbol or green] Steady walking [figure] person. Pedestrians facing such signal may proceed across the roadway in the direction of [the] such signal [in any crosswalk. Vehicular], and other traffic [shall] must yield the right of way to such pedestrians.

(2) Flashing [DON'T WALK, red] upraised hand [symbol] or [red standing figure] flashing upraised hand with pedestrian countdown display. Pedestrians facing such signal are [warned] advised that there [is] may be insufficient time to cross the roadway [and no pedestrian shall enter or cross the roadway]. Pedestrians already in the roadway [shall] must proceed to the nearest safety island or sidewalk in the direction of such signal. [Vehicular] Other traffic [shall] must yield the right of way to [such] pedestrians proceeding across the roadway within the crosswalk towards such signal for as long as such signal remains flashing.

(3) Steady [DON'T WALK red] upraised hand [symbol or red standing figure. Pedestrians facing such signal shall not enter or cross the roadway]. No pedestrians shall start to cross the roadway in the direction of such signal; provided, however that any pedestrians who have partially completed their crossing on a steady walking person signal or any flashing upraised hand signal must proceed to the nearest sidewalk or safety island in the direction of such signal while such steady upraised hand signal is showing.

§ 4. Subdivision (a) of section 4-04 of title 34 of the rules of the city of New York is amended to read as follows:

(a) Pedestrians subject to traffic rules, except as otherwise provided herein. Pedestrians shall be subject to traffic control signals and pedestrian control signals as provided in §§4-03(a) and [4-03(b)] 4-03(c) of these rules and to the lawful orders and directions of any law enforcement officer, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this section.

**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: Pedestrian Control Signals

REFERENCE NUMBER: 2016 RG 086

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: November 21, 2016

**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: Pedestrian Control Signals

REFERENCE NUMBER: DOT-37

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

November 21, 2016
Date