

**CAPA REGULATORY AGENDA FY 2013
DEPARTMENT OF TRANSPORTATION**

Pursuant to section 1042 of the Charter, the Department of Transportation sets forth below its regulatory agenda for the City's fiscal year of 2013:

DIVISION OF TRAFFIC AND PLANNING

1. **SUBJECT:** Manhattan Bus Parking
 - A. Reason: The increase in the number of curbside bus departures and the increase in the number of buses looking for layover space associated with this growth has created the need for better curbside management tools. Also, the success of the Lower Manhattan Bus Parking Rule indicates that this rule will help manage curbside bus activity.
 - B. Anticipated contents: Expand the current Lower Manhattan Area Rule to apply to all other parts of Manhattan.
 - C. Objective: Effectively manage the traffic congestion and potential hazards on the City's streets and sidewalks resulting from the proliferation of various private interstate, intrastate and intercity bus services into the City
 - D. Legal basis: Section 2903 (a) of the New York City Charter.
 - E. Types of individuals and entities likely to be affected: Intercity Bus Operators and users.
 - F. Other relevant law: None.
 - G. Approximate schedule: First Quarter FY 2013.

Agency Contact: Guillermo Leiva (718) 786-7300

2. **SUBJECT:** Parking meter zones
 - A. Reason: As DOT is in the process of replacing all single space meters with multiple space meters citywide, DOT wishes to establish parking meter zones that would clarify to motorists which parking rates apply to certain on street and off-street public parking areas regulated by parking meters.
 - B. Anticipated contents:
 - Add the definition of "parking meter" and "parking meter zones" to the Traffic Rules to reflect the fact that the City will no longer have single-space meters.

- Allow DOT to designate parking meter zones with a specific fee structure for each zone to be detailed on the parking meter, parking meter receipt, signage and/or the DOT's website.
 - Allow for the use of parking meter receipts issued from one parking meter zone in other parking meter zones of equal or lower rate structure until such parking meter receipt has expired.
- C. Objective: To create parking meter zones, and clarify certain provisions of §4-08(h) of the Traffic Rules.
- D. Legal basis: Section 2903 (a) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Motorists.
- F. Other relevant law: None.
- G. Approximate schedule: First Quarter FY 2013.

Agency Contact: : Guillermo Leiva (718) 786-7300

3. **SUBJECT**: Adopt-a-Greenway

- A. Reason: Allow for the creation of the Adopt-a-Greenway Program whereby individuals, groups and sponsors provide cleaning and maintenance services and participate in beautification programs along greenway routes, designated by DOT, which are intended for recreational use, and pedestrian and bicycle traffic.
- B. Anticipated contents:
- Add the Adopt-a-Greenway Program's purpose.
 - Add relevant definitions such as, "adopter," "sponsor," "maintenance provider," and "volunteer."
 - Provide general requirements for participation, permitting, signage and maintenance of adopted segments of the greenway.
- C. Objective: Provide guidelines for the creation of the Adopt-a-Greenway Program.
- D. Legal basis: Section 2903 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Participants in the Adopt-a-Greenway Program (sponsors, volunteers and/or maintenance providers).

F. Other relevant law: None.

G. Approximate schedule: First Quarter FY 2013.

Agency Contact: Ted Wright (212) 839-7199

4. **SUBJECT**: Driving on or across bicycle lanes

A. Reason: The existing section 4-12(p)(2) of the Traffic Rules is ambiguous. If a vehicle must cross a bicycle lane running in the same direction as the vehicle in order to make a turn, the vehicle operator should, after checking and confirming there are no cyclists present in the bicycle lane, enter the bicycle lane no more than 100 feet prior to the intersection and make the turn from this position.

B. Anticipated contents: Recommend that subparagraph (iv) of section 4-12(p) of the Traffic Rules be replaced with the following: to prepare for an upcoming turn no more than 100 feet of the intersection if the bicycle lane is on the side of the turn

C. Objective: Safety for both bicyclists and motor vehicle operators.

D. Legal basis: Section 2903(a) of the New York City Charter.

E. Types of individuals and entities likely to be affected: Bicyclists and motorists.

F. Other relevant law: None.

G. Approximate schedule: Second Quarter FY 2013.

Agency Contact: Ryan Russo (212) 839-7229

5. **SUBJECT**: MPT for Bicyclists

A. Reason: To strengthen maintenance and protection of traffic (MPT) requirements for bicycles so that the integrity of existing bike routes are maintained at construction zones (as well as for roadways that are not bike routes). s

B. Anticipated contents: Revising various sections of the Highway Rules, namely sections 2-05, 2-07, 2-11, and 2-16. This may include requiring the installation of more positive guidance to bicyclists and other road users in

order for bicyclists to travel safely and conveniently through or detour around construction zones.

- C. Objectives: To allow bicyclists to travel more safely and conveniently through or detour around construction zones.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: DOT permittees doing construction work that impacts bicyclists.
- F. Other relevant law: None.
- G. Approximate schedule: Third Quarter FY 2013.

Agency Contact: Josh Benson (212) 839-7229

- 6. **SUBJECT**: Repeal of rules relating to snow emergencies.
 - A. Reason: To conform with certain agency protocols and practices pertaining to snow events.
 - B. Anticipated contents: Repeal paragraph (1) of subdivision (c) of section 4-08 and subdivision (k) of section 4-12 of Title 34, Chapter 4 of the Rules of the City of New York.
 - C. Objectives: To eliminate the rule prohibiting a vehicle to stand or park in a street designated by signage as a snow street because, among other reasons, it may impede clean-up operations once a snow emergency has been declared by city officials. Furthermore, DOT proposes to eliminate the provisions relating to snow tires because, among other reasons, these provisions are no longer current given the wide-spread use of radial tires on various vehicle models.
 - D. Legal basis: Section 2903(a) of the New York City Charter.
 - E. Types of individuals and entities likely to be affected: General public.
 - F. Other relevant law: Vehicle and Traffic Law section 1602 and Executive Law section 24.
 - G. Approximate schedule: First Quarter of FY 2013.

Agency Contact: Ryan Russo (212) 839-7229

- 7. **SUBJECT**: Snow and garbage removal.

- A. Reason: To clarify that certain authorized vehicle operators are exempt from complying with traffic rules while performing certain duties.
- B. Anticipated contents: Repeal section 4-02(d)(1)(iii)(A) of Title 34, Chapter 4; and amend sections 4-02(d)(1)(iii)(B) and 4-02(d)(1)(iv) of Title 34, Chapter 4 of the Rules of the City of New York.
- C. Objectives: The proposed rule eliminates a redundancy such that operators of DOT and New York City Department of Sanitation snow plows, sand/salt spreaders and sweepers will now be subject to the general exemption set forth in section 4-02(d)(1)(iv).

Additionally, the proposed rule will include a specific exemption allowing refuse collection trucks authorized by the City of New York to drive in a bicycle lane while collecting refuse and recyclable material placed at the curb for collection, and from curbside litter baskets.

Finally, the proposed rule will remove unnecessary references to the New York State Vehicle and Traffic Law, and clarify its intent.

- D. Legal basis: Section 2903(a) of the New York City Charter
- E. Types of individuals and entities likely to be affected: General public and authorized vehicle operators engaged in certain duties.
- F. Other relevant law: Vehicle and Traffic Law sections 1102 and 1103.
- G. Approximate schedule: First Quarter of FY 2013

Agency Contact : Margaret Forgione (212) 839-6210

8. SUBJECT: Pedestrian Managers

- A. Reason: To codify the concept of pedestrian managers in DOT's Highway Rules.
- B. Anticipated contents: Include definition of "pedestrian manager" and set forth the conditions under which a permittee must deploy a pedestrian manager.
- C. Objectives: To enhance safety at certain construction projects.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: General public, contractors and DOT permittees.

F. Other relevant laws: None.

G. Approximate schedule: Third Quarter of FY 2013.

Agency Contact: Ryan Russo (212) 839-7229

9. **SUBJECT**: Sanitation notification stickers.

A. Reason: To conform with a new local law limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

B. Anticipated contents: Repeal of section 4-08(a)(10)(ii) of the Traffic Rules.

C. Objectives: To comply with Local Law 20 of 2012.

D. Legal basis: Section 2903(a) of the New York City Charter.

E. Types of individuals and entities likely to be affected: General public.

F. Other relevant laws: Local law 20 of 2012.

G. Approximate schedule: First Quarter of FY 2013.

Agency Contact: Guillermo Leiva (718) 786-7300

DIVISION OF ROADWAY REPAIR AND MAINTENANCE

10. **SUBJECT**: Adopt-a-Highway

A. Reason: Allow for the continuation of the Adopt-a-Highway Program, successfully implemented by the City since 1989, through which DOT (1) administers and coordinates the supply of maintenance services by volunteers and sponsors to reduce the amount of litter on the City's highways; and (2) details the installation of signs identifying those volunteers or sponsors adopting particular segments of such highways.

B. Anticipated contents:

- Add the Adopt-a-Highway Program's purpose.
- Add relevant definitions such as, "adopter," "sponsor," "maintenance provider," and "volunteer."
- Provide general requirements for participation, permitting, signage and maintenance of adopted segments of the highway.

- C. Objective: Provide guidelines for the continuation of the Adopt-a-Highway Program.
- D. Legal basis: Section 2903 (b) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Participants in the Adopt-a-Highway Program (sponsors, volunteers and/or maintenance providers).
- F. Other relevant law: None.
- G. Approximate schedule: First Quarter FY 2013.

Agency Contact: Yajaira Ferreira (718) 712-7563

11. SUBJECT: Milling roadway prior to paving

- A. Reason: DOT has frequently observed an overlay of the existing roadway by persons attempting to comply with the paving requirement in Section 2-09 (h)(2) of the Highway Rules. Overlay of the existing roadway is unacceptable because it results in ponding conditions and changes the roadway grade.
- B. Anticipated contents: Require that roadway be milled prior to paving, pursuant to Section 2-09(h)(2) of the Highway Rules.
- C. Objectives: To conform to the general industry practice of milling the roadway prior to paving. Milling prior to paving would help to prevent varying roadway grade levels and drainage and ponding issues.
- D. Legal basis: Section 2903(b) of the New York City Charter and Title 19 of the New York City Administrative Code.
- E. Types of individuals and entities likely to be affected: Owners/Builders installing or repairing roadway pavement, sidewalk and curb pursuant to Section 2-09 of the Highway Rules.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2013

Agency Contact: Scott Roveto (212) 839-4261

DIVISION OF SIDEWALKS & INSPECTION MANAGEMENT

12. SUBJECT: Clarification of commercial refuse container provisions.

- A. Reason: Section 2-14(f) defines commercial refuse containers as containers that are placed in the roadway whose usage is not related or connected to any use or activity for which a Department of Buildings permit and/or a construction activity permit from the Department, pursuant to Section 2-05 of the Highway Rules. Based on some decisions rendered by the Environmental Control Board, the term “placed” has become problematic when issuing multiple Notices of Violation for a container that has not moved, which means that a container may be “placed” for an indefinite amount of time without any continuing consequences. Additionally, the Highway Rules currently state that placement of all protection shall be done upon delivery by the owner of the container. This statement does not require the owner to maintain proper protection for the period of time the container occupies the roadway.
- B. Anticipated contents: Amend Section 2-14(f) of the Highway Rules to clarify provisions relating to commercial refuse containers.
- C. Objectives: To prevent container companies from using the public roadway indefinitely to store containers and to prevent said containers from scarring the roadway because of removed or displaced protection.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Carting companies.
- F. Other relevant laws: Administrative Code Section 19-123.
- G. Approximate schedule: Second Quarter of FY 2013

Agency Contact: Vincent Maniscalco 212-839-8847

13. SUBJECT: Department Standard Details of Construction.

- A. Reason: To clarify and standardize the Department’s Standard Details of Construction.
- B. Anticipated contents: Amend various sections of the Highway Rules related to requirements set forth in the Department’s Standard Details of Construction.
- C. Objectives: To promote uniformity between the Standard Details of Construction and the Highway Rules.
- D. Legal basis: Section 2903 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: DOT permittees.

F. Other relevant laws: Section 19-144 of the Administrative Code.

G. Approximate schedule: First Quarter of FY 2013

Agency Contact: Joseph Yacca (212) 839-8856

14. SUBJECT: Confirmation numbers for protected streets.

A. Reason: To emphasize and amplify the rules regarding when a confirmation number must be secured for a permit issued on a protected street.

B. Anticipated contents: Add a new Section 2-11(b)(3) to the Highway Rules, emphasizing the requirement that a permittee must obtain a confirmation number for all permits issued on a protected street.

C. Objectives: To decrease the amount of inspections on protected streets where: (1) no work has been performed, (2) work was performed only on the sidewalk or (3) the work that was done did not require an excavation. As a result, inspection resources may be used at locations where the permittee actually performed work.

D. Legal basis: Section 2903 (b) of the New York City Charter.

E. Types of individuals and entities likely to be affected: Any DOT permittee who obtains a permit for work on a protected street.

F. Other relevant laws: Administrative Code Section 19-144.

G. Approximate schedule: First Quarter of FY 2013.

Agency Contact: Joseph Yacca (212) 839-8856

15. SUBJECT: Clarification of use of authorized plan for maintenance and protection of traffic.

A. Reason: Some DOT permittees who close a lane of moving traffic are using illustrations of typical applications for work zone set-ups set forth in Part 6 of the Manual on Uniform Traffic Control Devices (MUTCD) as authorized plans in lieu of using flagpeople.

B. Anticipated contents: Amend various sections of the Highway Rules clarifying that a DOT permittee must post a flagperson or utilize a DOT-authorized plan for the maintenance and protection of traffic (MPT).

- C. Objectives: To clarify that flagpersons are required unless a DOT-authorized MPT plan is submitted and that the MUTCD is not a substitute for a DOT-authorized plan.
- D. Legal basis for the proposed rule: Section 2903 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: DOT permittees who close a moving traffic lane requiring traffic to be diverted into another lane.
- F. Other relevant laws: None.
- G. Approximate schedule: Second Quarter of FY 2013.

Agency Contact: Vincent Maniscalco (212) 839-8847

16. SUBJECT: Emergency work during embargo periods.

- A. Reason: Section 2-02 (m) of the current Highway Rules suspends all routine work, with the exception of emergency work pursuant to section 2-11 (street openings and excavations). This provision is silent with respect to underground street access covers (also known as utility access covers). In the past, utility companies have opened these covers during departmental embargos and have argued that the embargo section does not pertain to utility access covers.
- B. Anticipated contents: Amend section 2-02 (m)(1) to include a specific reference to section 2-07 requiring a permittee to obtain an emergency number from DOT if there is emergency work involving an underground street access cover during a DOT embargo period.
- C. Objectives: To prevent permittees from occupying the roadway and or sidewalk during departmental embargo periods.
- D. Legal basis: Section 2903 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Owners of underground street facilities.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2013

Agency Contact: Vincent Maniscalco (212) 839-8847

17. **SUBJECT:** Require roadway occupancy permits for truck cranes (boom trucks) placed on the roadway that obstruct travel and may cause scaring/damage.
- A. **Reason:** Truck cranes (boom trucks, especially those with outriggers) that obstruct travel are likely to cause traffic congestion and may be detrimental to public safety. Additionally, these vehicles may damage/scar the roadway. Therefore, such vehicles should be required to obtain a permit for occupying the roadway so that those who may be responsible for added traffic congestion and or roadway damage are held accountable.
 - B. **Anticipated contents:** Amend section 2-05 of the Highway Rules to require a separate construction activity permit for truck cranes that occupy more than 8 feet in width of any roadway.
 - C. **Objectives:** To prevent truck cranes (boom trucks) that occupy the city's roadways and/or sidewalks from obstructing pedestrian, vehicular and bicyclist travel without a permit. Additionally, this change would hold those permittees responsible for any damage to the street.
 - D. **Legal basis:** Section 2903 of the New York City Charter and Administrative Code Section 19-107.
 - E. **Types of individuals and entities likely to be affected:** Individuals who use truck cranes (boom trucks) and occupy a lane of travel with such vehicles.
 - F. **Other relevant laws:** Administrative Code Section 19-121
 - G. **Approximate schedule:** First Quarter of FY 2013.

Agency Contact: Vincent Maniscalco (212) 839-8847

DIVISION OF PERMIT MANAGEMENT AND CONSTRUCTION
COORDINATION

18. **SUBJECT:** Removal of outdated language relating to permits.
- A. **Reason:** There are certain permit provisions relating to 2008 permit bond amounts and commercial refuse container permits that are no longer relevant and should be removed from the Highway Rules.
 - B. **Anticipated contents:** Repeal portions of section 2-02 of the Highway Rules to delete outdated/unnecessary provisions.

- C. Objectives: To update the permit section of the Highway Rules by deleting outdated provisions.
- D. Legal basis: Section 2903 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: DOT permittees.
- F. Other relevant laws: None.
- G. Approximate schedule: Second Quarter of FY 2013.

Agency Contact: John Martin (212) 839-9639