

**CAPA REGULATORY AGENDA FY 2014  
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 2014:

**DIVISION OF TRAFFIC AND PLANNING**

1. **SUBJECT:** Intercity Bus Permit System
  - A. **Reason:** The intercity bus industry has grown significantly over the last fifteen years. While such buses provide a useful service, they can cause serious disruption to the local traffic network and risks to public safety. In an effort to help address these concerns, the State Legislature adopted in 2012 Vehicle and Traffic Law § 1642-a, which authorizes the City to promulgate rules to establish an intercity bus permit system.
  - B. **Anticipated contents:**
    - The proposed rule would amend section 4-01 of DOT's Traffic Rules by amending the definition of "bus" and "charter bus" and by adding definitions for "chartered party," "intercity bus," and "public transportation" based on the definitions found in Vehicle and Traffic Law section 1642-a.
    - In addition, Section 4-10 of DOT's Traffic Rules, which governs buses, would be amended to:
      - Clarify that bus operators are only allowed to pick up and discharge passengers at on-street bus stops designated for that operator by the Commissioner and to provide that intercity buses do not fall into an exception to that provision;
      - Clarify that bus owners/operators that have been granted authorized on-street bus stops prior to the effective date of these amendments have a grace period to submit an application for an Intercity Bus Permit; and
      - Amend subdivision d of section 4-10 of Chapter 4 of Title 34 of the Rules of the City of New York to establish the intercity bus permit system, in accordance with section 1642-a.
  - C. **Objectives:** To establish an intercity bus permit system to effectively manage traffic congestion and safety concerns on the City's streets resulting from the proliferation of intercity bus services into the City.
  - D. **Legal basis:** Section 2903(a) of the New York City Charter and section 1642-a of the New York State Vehicle and Traffic Law.
  - E. **Types of individuals and entities likely to be affected:** Intercity bus operators and users.
  - F. **Other relevant laws:** None.

G. Approximate schedule: First Quarter of FY 2014.

Agency Contact: Thomas Maguire (212) 839-6675

2. **SUBJECT**: Updating of rules related to stopping, standing and parking to reflect new, simplified signage
  - A. Reason: Reflect new, simplified signage
  - B. Anticipated contents: Define dedicated use signs
  - C. Objectives: Provide rules for new, simplified category of signs
  - D. Legal basis: Section 2903 (a) of the New York City Charter.
  - E. Types of individuals and entities likely to be affected: All drivers
  - F. Other relevant laws: None.
  - G. Approximate schedule: Second Quarter of FY 2014.

Agency Contact: Ryan Russo Telephone: (212) 839-7229

3. **SUBJECT**: Update of various DOT Traffic Rules
  - A. Reason: The current DOT Traffic Rules require some clean-up and re-organization, such as removing obsolete provisions, and adding a bicycle section. The proposed rules are not intended to alter existing obligations, but rather to make clear what obligations currently exist.
  - B. Anticipated contents: Amendments to Section 4-01(b) (Definitions); 4-02 (Compliance With and Effect of Traffic Rules); 4-03 (Traffic Signals); 4-04 (Pedestrians); 4-05 (Turns); 4-07 (Other Restrictions on Movement); 4-08 (Parking, Stopping, Standing); 4-10 (Buses); 4-12 (Miscellaneous).
  - C. Objectives: As part of a general clean-up of the DOT Traffic, DOT intends to add definitions; move current provisions applicable to bicyclists to a new bicycle section; remove obsolete provisions, and, where applicable, add operators of bicycles to provisions which require certain behavior from operators of vehicles.
  - D. Legal basis: Section 2903(a) of the New York City Charter.

- E. Types of individuals and entities likely to be affected: Road users, including motorists, bicyclists, pedestrians, and other individuals who travel upon the street.
- F. Other relevant laws: New York State Vehicle and Traffic Law
- G. Approximate schedule: Second Quarter of FY 2014.

Agency Contact: Bruce Schaller (212) 839-6662

4. **SUBJECT**: Changes to Truck Routes

- A. Reason: Implementation of 2007 Truck Study Recommendations, requests from the local trucking industry, and the data analysis and stakeholder outreach associated with the Maspeth Bypass project.
- B. Anticipated contents:
  - Brooklyn Truck Routes – various additions and removals
  - Queens Truck Routes – various additions and removals
  - Staten Island Truck Routes – various additions and removals
- C. Objectives: To improve the network to meet current truck network demand while also balancing a goal of reducing community impacts by trucks.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Residents, trucking industry, and local business owners.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2014.

Agency Contact: Stacey D. Hodge (212) 839-6523

5. **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 of FY 2014.

Agency Contact: Ryan Russo (212) 839-7229

6. **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: Second Quarter of FY 2014.

Agency Contact: Guillermo Leiva (718) 786-7300

7. **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: Second Quarter of FY 2014.

Agency Contact: Guillermo Leiva (718) 786-7300

8. **SUBJECT**: Adopt-an-Underpass

A. Reason: Allow for the creation of the Adopt-an-Underpass Program whereby individuals, groups and sponsors provide cleaning and maintenance services and potentially participate in beautification programs of underpasses designated by DOT for adoption under the program. The City has limited capacity to maintain the cleanliness of underpasses and various community groups have expressed interest in increased maintenance in these areas.

B. Anticipated contents:

- Detail the Adopt-an-Underpass Program's purpose
- Provide relevant definitions such as "adopter," "sponsor" and "maintenance provider."
- Provide general requirements for participation, permitting, signage and maintenance of adopted underpass locations by sponsors and volunteers.
- Provide requirements related to signage acknowledging sponsors or volunteers
- Detail required qualifications for maintenance providers

- C. Objective: Provide guidelines for the creation of the Adopt-an-Underpass 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-an-Underpass Program (sponsors, volunteers and/or maintenance providers).
- F. Other relevant law: None.
- G. Approximate schedule: Second Quarter of FY 2014.

Agency Contact: Christopher Hrones (718) 222-7271

### **DIVISION OF ROADWAY REPAIR AND MAINTENANCE**

- 9. **SUBJECT**: Milling roadway prior to paving
  - A. Reason: DOT has frequently observed an overlay of the existing roadway (an additional layer of asphalt) 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 2014.

Agency Contact: Scott Roveto (212) 839-4261

**DIVISION OF SIDEWALKS & INSPECTION MANAGEMENT**

10. **SUBJECT:** Clarification of commercial refuse container provisions.
- A. Reason: Based on some decisions rendered by the Environmental Control Board, the definition of “commercial refuse containers” must be clarified with respect to the use of the word “placement”. Additionally, the Highway Rules currently do not specifically require the owner of such containers 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 2014.

Agency Contact: Vincent Maniscalco 212-839-8847

11. **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 2014.

Agency Contact: Joseph Yacca (212) 839-8856

**12. 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 2014.

Agency Contact: Vincent Maniscalco (212) 839-8847

**13. 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 2014.

Agency Contact: Vincent Maniscalco (212) 839-8847

14. **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: Third Quarter of FY 2014.

Agency Contact: Vincent Maniscalco (212) 839-8847

### **DIVISION OF PERMIT MANAGEMENT AND CONSTRUCTION COORDINATION**

15. **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: Third Quarter of FY 2014.

Agency Contact: John Martin (212) 839-9639

### **DIVISION OF LEGAL AFFAIRS**

16. **SUBJECT**: Revocable consent fees for climate mitigation structures
- A. Reason: Exempt certain climate mitigation structures installed on DOT property pursuant to a revocable consent from annual rates.
  - B. Anticipated contents:
    - Add standards for climate mitigation structures

- Add an annual rate of \$0 for structures meeting the newly created standards for climate mitigation
- C. Objectives of the proposed rule: Create standards for climate mitigation structures that would be exempt from revocable consent annual rates.
- D. Legal basis: Section 364 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Owners and tenants of real property adjacent to inalienable property of the City on which a climate mitigation structure would be placed.
- F. Other relevant laws: Title 34, Chapter 7 of the Rules of the City of New York; Executive Order No. 22 of 1995; Title 27 of the Administrative Code of the City of New York
- G. Approximate schedule: First Quarter of FY 2014.

Agency Contact: Michelle Craven (212) 839-4478

**17. SUBJECT: Loading bays, docks or like facilities**

- A. Reason: Currently loading docks, bays or other like facilities are not a category of improvements within DOT's Revocable Consent Rules. The location of such facilities can be a security concern for governmental entities situated in the City of New York.
- B. Anticipated contents: Clarify and add to DOT's Revocable Consent Rules provisions which address security concerns of governmental entities.
- C. Objectives of the proposed rule: Facilitate security of governmental entities.
- D. Legal basis: Chapters 362(d) and 364 of the New York City Charter and Title 34, Chapter 7 of the Rules of the City of New York.
- E. Types of individuals and entities likely to be affected: Foreign, domestic and international government entities.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2014.

Agency Contact: Michelle Craven (212) 839-4478