

**Department of Sanitation's Proposed Rules Governing the Removal and Disposal of Derelict Bicycles Public Hearing Record**

- Summary of Public Hearing
- Copy of DSNY Opening Statement
- Copy of Proposed Rules
- Copy of Sign-In Sheet
- Copy of all Written Comments received:
  - Councilmember Rosie Mendez (In Support)

**Summary of Public Hearing on the Department of Sanitation's Proposed Rules Governing  
the Removal and Disposal of Derelict Bicycles**

**February 22, 2012, 125 Worth Street, Room 819, NY, NY  
9:30 A.M. to 11:30 A.M.**

- Hearing Begins at 9:45 A.M.
- DSNY Opening Statement
- Hearing Adjourned at 11:30 A.M.

**OPENING STATEMENT OF  
MADELYNN LIGUORI, ASSOICATE COUNSEL  
BUREAU OF LEGAL AFFAIRS  
NEW YORK CITY DEPARTMENT OF SANITATION**

**PUBLIC HEARING ON PROPOSED RULES GOVERNING  
THE REMOVAL AND DISPOSAL OF DERELICT BICYCLES**

**WEDNESDAY, FEBRUARY 22, 2012  
9:30 A.M. TO 11:30 A.M.  
125 WORTH STREET, ROOM 819, NY, NY**

Good morning and welcome. My name is Madelynn Liguori. I am Associate Counsel with the Bureau of Legal Affairs at the New York City Department of Sanitation. Thank you for attending the Department's hearing this morning.

The Department is conducting this hearing in accordance with the requirements of the City Administrative Procedure Act. The purpose of this hearing is to receive comments from the public on the Department's proposed rules governing the removal and disposal of derelict bicycles. The Department published the proposed rules in the *City Record* on January 17, 2012. It also electronically transmitted copies of the rules to all New York City local elected officials, all fifty-nine community board managers, several media organizations in the City and interested parties.

Pursuant to §753 of the New York City Charter, the Sanitation Commissioner is authorized to adopt rules relating to street and sidewalk cleanliness. Additionally, sections 16-122 and 16-128 of the New York City Administrative Code empower the Department to remove "movable property", also referred to as "encumbrances", from public property.

The purpose of the proposed rule is to add bicycle racks to the definition of public property so as to allow the Department of Sanitation to remove derelict bicycles from these racks.

Since the initial rules regarding the removal of derelict bicycles from public property became effective on October 3, 2010, the City has received numerous complaints regarding derelict bicycles being affixed to bicycle racks. To alleviate the concerns of interested parties, including residents, community groups and bicycle owners, the Department is amending its definition of public property to include those bicycle racks that are installed by the Department of Transportation, its contractors, permittees or any other entity authorized to do so by the Department of Transportation,

The definition of public property will not include those docks or stations installed under authority of the Department of Transportation's Bikeshare Program, since the equipment utilized under the Program would be owned and operated by the vendor, who would be responsible for the maintenance of all Program bicycles.

You may present an oral statement or submit written comments concerning the proposed rules. Please sign in at the entrance of the room if you wish to present an oral statement today. We have been accepting written comments on the proposed rules since their publication in the City Record and will continue to do so through the close of business today.

The Department will make available a copy of all written comments received by the Department, together with a summary of the comments received at today's hearing, for viewing on its website later this week.

The Department will carefully consider all the comments it receives through the close of business today. Following that consideration, we will issue proposed final rules and publish them in the City Record. The rules will then become effective thirty days after this publication.

Beginning with elected officials, I will be calling those of you who wish to speak this morning in the order in which you have signed in. When you speak, please state your name and affiliation. Also, please speak slowly and clearly so that the court reporter can understand and accurately record your statement. We also ask that you limit your statement to five minutes.

Now I will begin by calling upon the public officials who wish to speak.

I will begin by asking \_\_\_\_\_ to speak first.

## NOTICE OF PUBLIC HEARING

**Subject:** Opportunity to comment on the proposed amendments to the rule governing the removal and disposal of derelict bicycles.

**Date / Time:** February 22, 2012  
9:30 A.M. to 11:30 A.M

**Location:** 125 Worth Street, Room 819,  
New York, New York

**Contact:** Madelynn Liguori, Associate Counsel  
Bureau of Legal Affairs  
New York City Department of Sanitation  
125 Worth Street, Room 710  
New York, New York 10013  
[mliguori@dny.nyc.gov](mailto:mliguori@dny.nyc.gov)

### Proposed Rule Amendment

NOTICE IS HEREBY GIVEN in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by section 753(a) and (b) of the New York City Charter and by sections 16-122 and 16-128 of the New York City Administrative Code that the Department proposes to adopt the following rule governing the removal and disposal of derelict bicycles. This rule amends Section 1-05.1 of Chapter 1 of Title 16 of the Rules of the City of New York.

- The Commissioner of the New York City Department of Sanitation is authorized to adopt rules relating to street cleanliness pursuant to section 753(a) and (b) of the New York City Charter. Additionally, sections 16-122 and 16-128 of the New York City Administrative Code empower the Department to remove “movable property”, also referred to as “encumbrances”, from public property.

## Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment to the office of the Deputy Commissioner for Legal Affairs, New York City Department of Sanitation, 125 Worth Street, Room 710, New York, New York 10013 by mail or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) by February 22, 2012.
- Persons seeking to testify are requested to notify the Deputy Commissioner at the above address.
- To request a sign language interpreter or other reasonable accommodation for a disability at the hearing, please contact Edna Luna by February 15, 2012 by fax at (212) 788-3876 or by mail at 125 Worth Street, Room 710, New York, New York 10013.
- Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between 9:00 a.m. and 5:00 p.m., at the office of the Deputy Commissioner.

The rule was not included in the Department's FY 2012 regulatory agenda because it was not contemplated at the time the Department published its FY 2012 regulatory agenda in the *City Record* on May 27, 2011.

### **STATEMENT OF BASIS AND PURPOSE**

The purpose of the proposed rule is to add bicycle racks to the definition of public property so as to allow the Department of Sanitation to remove derelict bicycles from these racks.

Since the initial rules regarding the removal of derelict bicycles from public property became effective on October 3, 2010, the City has received numerous complaints regarding derelict bicycles being affixed to bicycle racks. To alleviate the concerns of interested parties, including residents, community groups and bicycle owners, the Department is amending its definition of public property to include those bicycle racks that are installed by the Department of Transportation, its contractors, permittees or any other entity authorized to do so by the Department of Transportation,

The definition of public property will not include those docks or stations installed under authority of the Department of Transportation's Bikeshare Program, since the equipment utilized under the Program would be owned and operated by the vendor, who would be responsible for the maintenance of all Program bicycles.

Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

Section 1. Paragraph (3) of subdivision (a) of section 1-05.1 of Chapter 1 of title 16 of the rules of the city of New York is amended to read as follows:

§ 1-05.1 Removal of derelict bicycles.

(a) Definitions. When used in this section,

\* \* \*

(3) “Public property” shall mean city property or property maintained by the city, or any public sidewalk or roadway, including, but not limited to any bicycle rack, light pole, bus pole, parking meter, tree, tree pit, railing or similar structure. For purposes of this section, [public property shall not include any bicycle rack installed by the department of transportation,] public property shall include any bicycle rack installed by the department of transportation, its contractors, permittees or other entity authorized by the department of transportation. Public property shall not include those docks or stations installed under authority of the department of transportation’s Bikeshare Program.

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Amendment of Rules Governing Removal and Disposal of Derelict Bicycles**

**REFERENCE NUMBER: 2011 RG 115**

**RULEMAKING AGENCY: Department of Sanitation**

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: January 3, 2012**

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Rules Governing Removal and Disposal of Derelict Bicycles**

**REFERENCE NUMBER: DSNY-1**

**RULEMAKING AGENCY: DSNY**

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 Navarro  
Mayor's Office of Operations

January 3, 2012  
Date

**PUBLIC HEARING ON THE DEPARTMENT OF SANITATION'S PROPOSED RULES GOVERNING  
THE REMOVAL AND DISPOSAL OF DERELICT BICYCLES**

**FEBRUARY 22, 2012, 125 WORTH STREET, ROOM 819  
9:30 A.M. TO 11:30 A.M.**

<u>Name</u>	<u>Agency/ Organization</u>	<u>Address Or Email Address (For Mailing List)</u>	<u>Do You Wish To Testify or Submit Written Testimony? If Yes, Please indicate which.</u>
Peter Moskowitz	CUNY Grad. Journalism	Peter.Moskowitz@gmail.com	
A. Silluk	NYU	desk@nynews.com	
T. Mann	WSJ	ted.mann@wsj.com	
C. Gross	NYU	Cathryn.gross@nyu.com	
Cristina Loboquenero	Eldorado	MARIA.loboquenero@eldiario.com	

**ROSIE MENDEZ**  
COUNCIL MEMBER, 2<sup>ND</sup> DISTRICT

**DISTRICT OFFICE**  
237 FIRST AVENUE, #504  
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FAX: (212) 677-1990

**CITY HALL OFFICE**  
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NEW YORK, NY 10007  
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FAX: (212) 442-2738

rmendez@council.nyc.gov



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**Testimony to the New York City Department of Sanitation on  
Amending the Rules  
Governing the Removal and Disposal of Derelict Bicycles  
February 22, 2012**

My name is Rosie Mendez and I am pleased to serve as the New York City Councilwoman for the Second District which includes parts of the Lower East Side, the East Village, Gramercy Park, Kips Bay, and Murray Hill in Manhattan. Thank you for this opportunity to submit testimony on this very important subject matter.

In August 2010, I submitted testimony supporting the Department of Sanitation's (DSNY) rule that effectively removes and disposes of derelict bicycles from city-owned street furniture. In my testimony, I urged the DSNY to re-consider the rule and to include derelict bikes from bike racks owned and managed by the Department of Transportation (DOT) CityRacks program. Today, I am pleased that the city will take the necessary steps to close this significant loophole.

By committing to the removal of abandoned and derelict bikes from DOT racks, DSNY will assist in addressing the issue of the limited bike space. Bike racks will remain free for bikers who seek to legitimately park their bikes for short periods of time, consistent with the purpose of the racks.

I am confident that this rule as amended will make a considerable difference in both the cleanliness and access to our sidewalks and our public bike racks. Thank you for your consideration in this matter.