

## DEPARTMENT OF TRANSPORTATION

**Notice of Adoption** of rules relating to revocable consents for loading docks of governmental organizations.

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE** Commissioner of Transportation by sections 362(d), 364 and 1043 of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby adopts amendments to subdivision (a) of section 7-04 of Chapter 7 of Title 34 of the Official Compilation of the Rules of the City of New York.

This rule was first published on May 6, 2013, and a public hearing was held on June 6, 2013. This rule shall take effect 30 days from the date hereof.

New material is indicated by underlining; deleted material is in brackets [ ].

### STATEMENT OF BASIS AND PURPOSE

Pursuant to sections 362(d), 364 and 1043 of the New York City Charter, the Department of Transportation is authorized to promulgate rules regarding the granting of revocable consents for the use or improvement of property under its jurisdiction.

Section 7-04 of the Department's rules lists the uses of and improvements on the City's streets that the Department may permit on a revocable basis upon due consideration and review. The Department is amending these rules to provide for the issuance of a revocable consent to a foreign, domestic or multinational governmental entity for the creation of a loading dock, bay or other like facility extending into the street for the loading and unloading of goods and materials, provided that the New York City Police Department has judged the location of such facility to be necessary and appropriate due to the security concerns of the entity and the City. This amendment will allow the Department to consider applications for revocable consents for such purpose and grant them, with appropriate terms and conditions, where it finds the consent to be warranted.

### Background

Currently loading docks, bays or other like facilities are not a category of improvements or uses that are included within Title 34, Section 7-04 of the Rules of the City of New York. The location of such facilities may be a security concern for governmental entities situated in the City of New York.

New text is underlined, and deleted material is in [brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise.

**§1. Subdivision (a) of section 7-04 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (35), to read as follows:**

(35) Portions of the street used in connection with loading docks, bays or other like facilities for loading and unloading of goods and materials of or for the use of foreign, domestic or multinational governmental entities, where, in the judgment of the New York City Police Department, the location of such facility is necessary due to security concerns applicable to such entity.

(i) To be referred to DCP to determine whether the improvement has land use impacts.

(ii) Annual rate. An amount determined by the Department to be adequate compensation.

**§2. Paragraph (33) of subdivision (a) of section 7-04 of Title 34 of the Rules of the City of New York is amended by adding a new subparagraph (iii), to read as follows:**

(iii) This paragraph shall not be construed to apply to any improvement(s) listed in paragraph 35 of subdivision (a) of Section 7-04 of Title 34 of these Rules.