

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 102-01 of subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding violation reclassification.

This rule was first published on October 21, 2009 and a public hearing thereon was held on November 23, 2009.

Dated: 12-2-2009
New York, New York



Robert D. LiMandri
Commissioner

Subdivision (j) of Section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding, in numerical order, new entries relating to New York City Administrative Code Sections 28-504.3, 28-504.3(2), 28-504.6, and 28-504.7, to read as follows:

Section of Law	Classification	Violation Description
<u>28-504.3</u>	<u>Class 2</u>	<u>Failure to complete/implement/amend bicycle access plan or provide request for exception.</u>

Section of Law	Classification	Violation Description
<u>28-504.3(2)</u>	<u>Class 2</u>	<u>Failure to implement the terms and conditions of bicycle access plan/letter of exception as prescribed in 34 RCNY 2-19.</u>

Section of Law	Classification	Violation Description
<u>28-504.6</u>	<u>Class 2</u>	<u>Failure to post a bicycle access plan/letter of exception/notice of availability of plan/letter.</u>

Section of Law	Classification	Violation Description
<u>28-504.7</u>	<u>Class 2</u>	<u>Failure to timely file bicycle access plan or amendment with DOT as prescribed in 34 RCNY 2-19.</u>

Statement of Basis and Purpose

The foregoing rule amendment is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

The proposed amendments to Section 102-01 of the Department's rules result from the enactment of Local Law 52 of 2009, which was signed into law on August 13, 2009 and takes effect on December 11, 2009.

Local Law 52 amends Chapter 5 of Title 28 of the New York City Administrative Code by adding a new Article 504 relating to bicycle access in office buildings. The new Article 504 applies to buildings, "the main occupancy of which is offices, that (i) are in existence on the effective date of this article, or for which a permit has been issued but which have not yet been completed, and (ii) have a freight elevator that either complies with ASME 17.1 with regard to the carrying of passengers on freight elevators, as referenced in chapter thirty-five of the New York city building code, or is operated by a freight elevator operator, and (iii) are not subject to the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution of the city of New York." The law presumes that "if a freight elevator is available for carrying freight, it is available for carrying bicycles."

The Department and the Department of Transportation ("DOT") will jointly enforce this new law. The Commissioner of Buildings has delegated authority to DOT to enforce the provisions of Article 504. DOT inspectors will issue violations using the Building Department's forms and penalty structure.

In accordance with the changes made by Local Law 52, the Department proposes to add four new infractions to Subdivision (j) of 1 RCNY 102-01 and the Department's Penalty Schedule in order to adequately and effectively enforce this new law. In addition, prior to the effective date of Local Law 52, DOT plans to promulgate 34 RCNY 2-19, which will outline a plan for the implementation of this law.