

NOTICE OF RULE MAKING

Pursuant to the power vested in me as Commissioner of Finance by New York City Charter Code sections 26-045, 26-509 and 26-605 and sections 1043 and 1504 of the New York City Charter, I hereby promulgate the rule authorizing Officers of the Federal Protection Service, who are part of the United States Department of Homeland Security, to issue parking summonses in New York City. This rule was published in the proposed form on March 30, 2016. A hearing for public comment was held on May 2, 2016.

S/S _____
Jacques Jiha, Commissioner of Finance

STATEMENT OF BASIS AND PURPOSE

There are times when vehicles are parked near federal facilities in New York City in violation of parking regulations. Currently, Law Enforcement Security Officers, Criminal Investigators and police officers of the Federal Protective Service do not have the authority to issue parking violations to these vehicles. These officers, however, are currently designated as state peace officers pursuant to the New York State Criminal Procedure Law and are authorized to execute criminal process in New York State. This designation makes these officers eligible to receive this authority to issue parking violations. This rule seeks to enhance public safety in and around federal facilities in New York City by giving these officers the authority to issue parking violations.

Specifically, the rule amends the definition of “Notice of violation (summons)” contained in section 39-01 of the Rules Relating to Parking Violations by adding Officers of the Federal Protective Service of the United States Department of Homeland Security as authorized issuing agents who may issue notices of violation (summonses) in the City of New York.

Matter underlined is new. Matter in brackets [] is to be deleted.

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

Amendment to Rule Relating to Parking Violations

§1. Paragraph (2) of the definition of “Notice of violation (summons)” of Section 39-01 of Chapter 39 of Title 19 of the Rules of the City of New York is amended to read as follows:

(2) For purposes of this definition, authorized issuing agents shall be members of the Police Department, Fire Department, Department of Transportation, Traffic Enforcement Agents, Department of Sanitation, the Sheriff, Under Sheriff and Deputy Sheriffs of the Department of Finance's Office of the City Sheriff, Fraud and Associate Fraud Investigators of the Department of Finance, Department of Business Services, Business Integrity Commission, New York City Housing Authority Police, Port Authority of New York and New Jersey Police, Police of the Metropolitan Transportation Authority and its subsidiary authorities, United States Park Police, Department of Buildings Special Patrolmen, State Regional Park Police, Taxi and Limousine Commission, Waterfront Commission of New York Harbor, Department of Parks and Recreation, Department of Correction, Roosevelt Island Security Organization, Sea Gate Association Police, Snug Harbor Rangers with peace officer status, officers of the Co-op City Department of Public Safety, Amtrak Police Officers, Office of Court Administration Court Officers, Department of Health Police Officers, Health and Hospitals Corporation Police Officers, New York State Office of Mental Health Safety Officers, New York State Office of Mental Retardation and Developmental Disabilities Police Officers, Triborough Bridge and Tunnel Authority Police Officers, State University Maritime College Public Safety Officers, Department of Environmental Protection Police Officers, [and] managers of the New York City Transit Authority, and Officers of the Federal Protective Service of the United States Department of Homeland Security.