



**THE CITY OF NEW YORK
DEPARTMENT OF FINANCE**

NOTICE OF ADOPTION

Pursuant to the power vested in me as Commissioner of Finance by sections 237 and 1642-a of the Vehicle and Traffic Law, sections 389(b) and 1043 of the New York City Charter, and section 19-203 of the Administrative Code of the City of New York, I hereby promulgate the within Rules of the Commissioner of Finance Relating to Intercity Bus Permit System. These rules were published in proposed form on August 28, 2013. A hearing for public comment was held on October 3, 2013.

S/S
Beth E. Goldman
Commissioner of Finance

Statement of Basis and Purpose

The intercity bus industry has grown significantly over the last fifteen years. While intercity buses provide a useful service, their on-street operations can cause serious disruption to the local traffic network and risks to public safety. In certain communities within the City, the proliferation of these buses has led to an increase in traffic and sidewalk congestion; a higher concentration of on-street bus parking, double parking or blocking of travel lanes; and the creation of traffic and safety concerns for drivers, travelers, pedestrians and residents.

In an effort to help address these concerns, New York State adopted Vehicle and Traffic Law (VTL) Section 1642-a, which authorized the City to establish an intercity bus permit system inclusive of a schedule of fines or civil penalties for violations of rules related to the system. The Parking Violations Bureau (PVB), a part of the Department of Finance (DOF), is authorized to adjudicate violations of the DOT intercity bus permit system rules pursuant to Section 1642-a and Article 2-B of the VTL.

On April 10, 2013, the Mayor issued a letter designating the DOT to promulgate rules to implement and enforce the intercity bus permit system, and DOT has subsequently promulgated such rules (the "DOT intercity bus permit system rules"), found at 34 RCNY §§ 4-01 and 4-10. The Mayor also designated the DOF and the ECB to promulgate rules setting forth fines or civil penalties for violations of the DOT intercity bus permit system rules.

In coordination with the DOT and the New York City Police Department (NYPD), both DOF and ECB intend to establish penalty schedules for violations of the DOT intercity bus permit system rules as part of a

coordinated enforcement scheme. In this rulemaking, DOF is amending 19 RCNY § 39-05 to add civil penalties for such DOT violations returnable to the PVB. Violations of such enforcement codes will result in a civil penalty of \$500 for each violation. It is anticipated that in a separate rulemaking, ECB will amend its DOT penalty schedule to include enforcement codes resulting in a civil penalty for first violations and enhanced penalties for repeat violators of the DOT intercity bus permit system rules, including violators of the DOF enforcement codes.

Violations of the DOT Intercity Bus Permit System Rules

These amendments to the DOT penalty schedule for offenses adjudicated at PVB involve the following violations of the DOT intercity bus permit system rules:

- Unauthorized passenger pickup or discharge in violation of 34 RCNY § 4-10(c)(1)
The intent of implementing an intercity bus permit system is to ensure that intercity bus operators utilizing the City's curb space inform the DOT of their intended operations, and, once approved for such operations, adhere to permit requirements. In applying for a permit, bus operators will provide DOT with important information related to overall bus operations within the City necessary for administration of the program.
- Failure of an intercity bus permit holder to prominently display a copy of an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(ii)
The prominent display of a copy of the intercity bus permit is necessary to assure that enforcement officers are easily able to identify buses with valid authorization to utilize the City's curb space.
- Failure of an intercity bus permit holder to properly display the operator's name, address and telephone number in violation of 34 RCNY § 4-10(d)(7)(iii)
The operator's name, address, and telephone number must be affixed in characters at least five inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels. The operator's name, address, and telephone number are necessary to ensure that enforcement officers are easily able to identify buses with valid authorization to utilize the City's curb space.
- Unlawful stopping or standing in an assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers by an intercity bus permit holder in violation of 34 RCNY § 4-10(d)(7)(v)
Intercity bus permits are for the temporary utilization of curb space by approved bus operators in order to expeditiously pick up or discharge passengers. This code is necessary to ensure that permittees do not park or stand their vehicles in curb space and thereby create layover spaces in bus stops not intended for longer-term stops.
- Altering an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(vi)
Prohibiting the alteration of an intercity bus permit is necessary to ensure that enforcement officers have the ability to easily determine whether permittees are adhering to permit requirements.

New material is underlined.

Amendment to Rules Relating to Intercity Bus Permit System

Section 1. New subdivisions (s), (t), (u), (v) and (w) are added to section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York) to read as follows:

- (s) Unauthorized passenger pickup or discharge in violation of 34 RCNY §4-10(c)(1) \$500.00
- (t) Failure of an intercity bus to prominently display a copy of an intercity bus permit in violation of 34 RCNY §4-10(d)(7)(ii) \$500.00
- (u) Failure of an intercity bus to properly display the operator's name, address and telephone number in violation of 34 RCNY §4-10(d)(7)(iii) \$500.00
- (v) Stopping or standing by an intercity bus in its assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers in violation of 34 RCNY §4-10(d)(7)(v) \$500.00
- (w) Altering an intercity bus permit in violation of 34 RCNY §4-10(d)(7)(vi) \$500.00