

## **NOTICE OF RULE MAKING**

Pursuant to the power vested in me as Commissioner of Finance by section 237 of the New York State Vehicle and Traffic Law, section 19-203 of the Administrative Code of the City of New York, and sections 1043 and 1504 of the New York City Charter, I hereby promulgate the rule amending the Schedule of Parking Violation Fines concerning fines for parking in violation of officially posted street cleaning rules. This rule was published in proposed form on November 29, 2019. A hearing for public comment was held on January 3, 2020. The Department of Finance (“DOF”) received written comments.

S/S

Jacques Jiha, Commissioner of Finance

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

Section 19-203(b) of the Administrative Code of the City of New York allows DOF to provide for penalties for parking violations. The Department’s rule in 19 RCNY § 39-05 (“Rule 39-05”) codifies all fines pertaining to parking violations issued in violation of 34 RCNY §§ 4-08 and 4-10. DOF collects and processes these fines, remitting the fines to the Commissioner.

Currently, the fine for parking in violation of officially posted street cleaning rules as set forth in 34 RCNY § 4-08(d)(1) is \$50 in the “Restricted Area,” which is Manhattan from 96<sup>th</sup> Street and south, between the Hudson and East Rivers. The fine for street cleaning violations outside the Restricted Area is \$30.

Moving vehicles for alternate side parking allows the Department of Sanitation (“DSNY”) to sweep the streets, keeping neighborhoods healthy, safe and clean. Alternate side parking regulations also free up curb space for other municipal functions that include roadway striping and utility work.

There is a need for greater enforcement to clear vehicles from these parking zones in Northern Manhattan and the other four boroughs in New York City to permit efficient and effective street cleaning. Between Fiscal Years (“FY”) 2016 and 2018, 94% of street cleaning parking summonses issued by DSNY were for violations that occurred outside of the Restricted Area and were only issued to vehicles that were preventing street sweeping operations. Over time, the number of street cleaning parking summonses that DSNY issued has increased, from 189,000 in FY 2015 to 323,000 in FY 2019, a 71% increase.

Making the fines inside and outside the Restricted Area the same citywide will encourage motorists to move their vehicles out of these zones in Northern Manhattan and the other four boroughs so that DSNY equipment can operate more effectively and efficiently in order to meet its goal of providing clean streets in these neighborhoods for New York City residents and workers.

New material is underlined.  
 [Deleted material is in brackets.]

“Shall” 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**

Section 1. Section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York is amended to read as follows:

§ 39-05 Amount of Fines.

*Scheduled fines.* The following schedule of fines shall apply to violations listed below:

Violation	
(a) Stopping, standing or parking where stopping is prohibited, unless otherwise specifically enumerated in this schedule	\$100.00
(b) Standing or parking where standing is prohibited, unless specifically enumerated in this schedule	\$100.00
(c) Parking where parking is prohibited, unless otherwise specifically enumerated in this schedule	\$30.00
(d) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(6)	\$80.00
(e) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(11)	\$50.00
(f) Standing or parking in violation of 34 RCNY 4-08(b)(4), (c)(8), (f)(2), (3), (5), or (k)(2)	\$80.00
(g) Standing or parking in violation of 34 RCNY 4-08(j)	\$50.00
(h) Standing or parking of unaltered vehicle with commercial plates in violation of 34 RCNY 4-08(k)(1)	\$100.00
(i) Standing or parking of vehicle with commercial plates without the name and address of the owner properly marked on the vehicle in violation of 34 RCNY 4-08(k)(1)	\$100.00
(j) Parking in violation of 34 RCNY 4-08(n)(8)	\$50.00
(k) All parking meter violations	\$20.00
(l) All parking violations concerning parking permits for people with disabilities	\$150.00
(m) Parking a commercial vehicle in violation of 34 RCNY 4-08(k)(5) or (6), unless otherwise specifically enumerated in this schedule	\$50.00
(n) Parking a commercial vehicle that is a tractor-trailer combination, tractor, truck trailer or semi-trailer in violation of 34 RCNY 4-08(k)(6)	

First offense	\$250.00
Any subsequent offense within a six month period	\$500.00
(o) Parking in violation of officially posted street cleaning rules, unless such rules have been suspended by the Commissioner of Transportation or his or her designee	<del>[\$30.00]</del> \$50.00
(p) Parking where parking is prohibited by officially posted rule other than street cleaning rules	\$45.00
(q) Obstructing traffic at an intersection in violation of 34 RCNY § 4-08(e)(12)	\$100.00
(r) Idling an engine in violation of 34 RCNY 4-08(p)	\$100.00
(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

As used in this section, the term "Restricted Area" means all of Manhattan south of the building line on the north side of 96th Street, and between the Hudson River and the East River. Within the Restricted Area, the fine for violations enumerated in paragraphs (c), (k), (o) and (p) is \$50.00 and for paragraph (j) the fine is \$45.00.