

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION of rule relating to updating provisions of the Traffic Rules to conform with Local Law 175 of 2018, which requires sight-seeing bus operators to apply for on-street Bus Stop Permits from the New York City Department of Transportation and updating the parkway permit rule to allow heavier vehicles on the Belt Parkway.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that DOT hereby amends Sections 4-01, 4-07 and 4-10 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published on October 2, 2019 and a public hearing was held on November 8, 2019. DOT received written and oral comments.

Statement of Basis and Purpose of Final Rule

Local Law 175 of 2018 amended Title 19 of the New York City Administrative Code (the “Ad Code”) by adding a new section 19-175.6, which requires sight-seeing bus operators to apply for on-street Bus Stop Permits from DOT. The proposed changes conform DOT’S Traffic Rules to the aforementioned Ad Code changes and additionally, update the parkway permit restrictions to allow heavier vehicles on portions of the Belt Parkway.

Specifically, the proposed rule:

- Amends Section 4-01(b) by adding a new definition for “Shuttle bus”.
- Amends Section 4-07(j)(3)(i) by removing the weight restriction for the Belt Parkway.
- Amends Section 4-10(c) by requiring that bus stops must be assigned by DOT under a permit system.
- Repeals Section 4-10(j) and replace it with a new section 4-10(j) requiring the owner or operator of a sight-seeing bus, shuttle bus, or public transportation bus, that makes on-street stops to pick up or discharge passengers in the City of New York, to obtain a Bus Stop Permit from DOT for each on-street bus stop location .

Based on DOT’s final review of the rule and comments received from the public, reference to the existing DOT’s Traffic Rules section 4-12(j)(1) was removed, an additional initial application requirement was added, the number of violations issued to an applicant or a Bus Stop Permit holder was changed to take into consideration the number of buses a company has in service, and another reason for suspending or revoking a Bus Stop Permit was added.

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

Section 1. The definition of “Intercity Bus”, as set forth in subdivision (b) of Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York is deleted, paragraph (iii) of the definition of “Bus”, as set forth in such subdivision, is amended, and such definition is amended by adding new paragraphs (iv) and (v), to read as follows:

Bus. "Bus" means every motor vehicle having a seating capacity of more than fifteen passengers, in addition to the operator, and used for the transportation of persons, and every charter bus, school bus and sight-seeing bus, regardless of seating capacity, as defined below.

(iii) Sight-seeing bus. The term "sight-seeing bus" means a bus for hire carrying passengers from a fixed point in the City of New York, at which point the passengers embark and are generally discharged to a place or places of interest, assembly, or amusement in the City of New York, and including a charter bus, as defined in these rules, when engaged in a sight-seeing operation.

(iv) Shuttle bus. The term “shuttle bus” means a bus operating entirely within the City of New York that does not charge a fee to its passengers.

(v) Intercity bus. An “intercity bus” means a bus that transports the general public between the City of New York and any location outside the City of New York in scheduled bus service. Such term does not include a school bus, a bus providing public transportation, or a charter bus.

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§2. Subparagraph (i) of paragraph (3) of subdivision (j) of Section 4-07 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(3) Authorized roadways. Yearly and single issue permits will be granted only for the following parkways or any other area designated by the Department of Transportation:

(i) Belt Parkway[: Except that the roadway between Knapp Street and Rockaway Parkway is limited to vehicles weighing under 5 tons when fully loaded.]

§3. Subdivision (c) of Section 4-10 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(c) Pickup and discharge of passengers and layovers.

(1) *Pickup and discharge of passengers at [designated] assigned bus stops.* Except as provided in paragraph (2) below, no operator of a bus, except a charter or school bus, shall pick up or discharge passengers on a street except at a bus stop [designated] assigned for the use of that operator by the [Commissioner] Department in writing. A bus may only stop at a location that has been assigned to it by the Department. Charter buses, school buses, buses licensed by the New York City Taxi and Limousine Commission, buses operated by the Metropolitan Transportation Authority or any of its subdivisions or buses operating pursuant to a contract or franchise with the City of New York are not required to obtain permits for bus stop assignments. For all other bus types, bus stop assignments will be made by the Department under a permit system in accordance with subdivisions (d) and (j) of this section. [Only buses designated by the Commissioner in writing may stop at such locations] A charter bus may stop on [the] a highway at points of origin and destination for the purpose of expeditiously receiving or discharging passengers, except where prohibited by sign or by the [Commissioner] Department. While [engaging in the] picking up or discharging [of] passengers, a [buses] bus must be within twelve inches of the curb and parallel thereto, except where a bus stop is physically obstructed.

(2) *Pickup and discharge of passengers at locations other than [designated] assigned bus stops.*

(i) (A) At times and along those portions of bus routes [designated] assigned by the [Commissioner] Department, [the] an operator of a bus authorized to operate in the City of New York that provides local or express service along a bus route may discharge a passenger, on such passenger's request, at a curbside location other than a bus stop as described in paragraph (1) above, provided that such location affords the [alighting] passenger getting off the bus a safe point of departure from the bus and provided that complying with such request will not interfere with the flow of traffic.

(B) Prospective passengers shall be picked up only at a bus stop as provided in paragraph (1) above.

(C) The provisions of this subparagraph [(i)] shall be clearly posted, in a format approved by the [Commissioner] Department, in all buses authorized to discharge passengers between [designated] assigned stops.

(D) [This subparagraph] Clause (A) of this subparagraph does not apply to intercity buses.

(ii) A charter bus may stop on [the] a highway at points of origin and destination for the purpose of expeditiously [receiving] picking up or discharging passengers, except where prohibited by sign or by the [Commissioner] Department.

(3) Layovers. No operator of a bus shall make a bus layover, except in locations designated by sign or by the [Commissioner] Department in writing. For the purposes of this rule, layover is defined as follows: for a bus without passengers a layover consists of waiting at a curb or other street location; for a bus with passengers a layover consists of waiting at a curb or other street location for more than five minutes. The [Commissioner] Department may define the terms, including duration and authorized companies, for use of layover areas.

§4. Subdivision (j) of Section 4-10 of Chapter 4 of Title 34 of the Rules of the City of New York, relating to the assignment of sight-seeing Bus Stop Permits, is REPEALED, and a new subdivision (j) is added, to read as follows:

(j) Bus Stop Permits for Non-Intercity Buses.

(1) Permit Required. The owner or operator of a sight-seeing bus, shuttle bus, or public transportation bus, that makes on-street stops to pick up or discharge passengers in the City of New York must obtain a Bus Stop Permit from the Department for each on-street bus stop location. This subdivision does not apply to charter buses, school buses, buses operated by the Metropolitan Transportation Authority or any of its subdivisions or buses operating pursuant to a contract or franchise with the City of New York.

(2) Applications. An initial application for Bus Stop Permit(s) and a renewal application for Bus Stop Permit(s) must be filed with the Department on a form provided by the Department.

(i) Applications must include, but not be limited to, the following information:

(A) Company legal name and any and all assumed name(s); the principal address; the telephone number; the e-mail address; the names of the principal(s) and the title(s); the United States Department of Transportation number and the Federal Motor Carrier Safety Administration MC number; and/or the New York State Department of Transportation number; the New York City Department of Consumer Affairs existing license number for renewal applications; and the vehicle registration for each bus that would stop at the proposed location(s).

(B) Proposed on-street bus stop location(s) and two or more alternative locations for each proposed location if applicable.

(C) Number of stops to be made per day at the proposed location(s).

(D) Proposed bus schedule for the proposed location(s).

(E) Origin and final destination(s) of the proposed bus service.

(F) Maximum passenger capacity of the bus(es) to be used at the proposed location.

(G) Planned garage or other parking location of the bus(es) during periods when the bus(es) is/are not being used to pick up or drop off passengers.

(H) Number of buses planned to be used in the operation of the proposed bus service.

(ii) Renewal applications must be submitted to the Department no earlier than three months and no later than one month prior to the expiration of a Bus Stop Permit.

(3) Review and issuance of Bus Stop Permits.

(i) The [Commissioner] Department may refuse to issue or renew a Bus Stop Permit under this subdivision to an applicant or Bus Stop Permit holder who:

(A) Is in arrears for an amount totaling more than one thousand dollars owed to the City of New York;

(B) Has been issued five or more total violations and/or one or more violations per vehicle in operation pursuant to this subdivision within the preceding year;

(C) Has failed to provide location data or other information as required by this subdivision. This subparagraph applies only to sight-seeing bus applicants or permit holders;

(D) Has been found to operate without a New York City Department of Consumer Affairs license, if such license is required, within the last year or had a license revoked by the New York City Department of Consumer Affairs or has been found in violation of any of the applicable New York City Department of Consumer Affairs rules and regulations;

(E) Has had its Bus Stop Permit(s) revoked within the last two years; or

(F) Is currently not authorized to operate a bus by either the United States Department of Transportation Federal Motor Carrier Safety Administration (or any successor agency) and/or the New York State Department of Transportation (or any successor agency) and/or the New York City Department of Consumer Affairs (or any successor agency).

(ii) The owner or operator of a bus company that has been assigned on-street bus stop location(s) by the Department, which are still in effect upon the effective date of this subdivision will, upon application to the Department, within thirty days of the effective date of this subdivision, be issued a Bus Stop Permit by the Department for a term of up

to three years. Such owner or operator who had previously been assigned on-street bus stop location(s) by the Department and who submits an application within such thirty day period may continue to use such assigned on-street bus stop location(s) for a period of up to ninety days from the effective date of this subdivision, or until a Bus Stop Permit is issued by the Department for such location(s), whichever date is sooner.

(iii) In assigning on-street bus stop locations, the Department will consider criteria: including, but not limited to:

(A) Traffic, pedestrian flow, and public safety;

(B) Preferences of the applicant;

(C) Consultation with the local community board for the district encompassing the location to be authorized, including but not limited to a notice and comment period of 45 days prior to the authorization or permanent amendment;

(D) The number of stops proposed and the viability of a proposed bus stop schedule as determined by the Department;

(E) The availability and location of planned garage or other parking space for periods when buses picking up or discharging passengers at the authorized stops are not in use;

(F) Ongoing and/or upcoming construction projects in the vicinity of the proposed location(s); and

(G) Any other criteria deemed appropriate by the Department.

The Department must approve or deny such authorizations no later than 180 days from the date of the application.

(iv) The Department will notify the local community board for the community district encompassing the location of a proposed on-street bus stop at least forty-five business days prior to the issuance of a Bus Stop Permit, or the permanent relocation of an assigned on-street bus stop location, in order to provide the community board an opportunity to comment on the proposed on-street bus stop location.

(v) If the Department denies an application submitted pursuant to subparagraph (i) of this paragraph, or disapproves of all of an applicant's on-street bus stop locations requested in its application based on the bus stop assignment criteria set forth in subparagraph (iii) of this paragraph, the applicant will have fifteen calendar days to appeal such determination in the form prescribed by the Department or submit alternative bus stop locations. The Department will make a final determination on such appeal within thirty days

(4) Relocation of on-street bus stop locations.

(i) Permanent relocation of on-street bus stops. The Department may relocate an assigned on-street bus stop location based on the criteria provided in subparagraph (iii) of paragraph (3) of this subdivision and upon ninety calendar days' notice to the permit holder.

(ii) Temporary relocation of on-street bus stops. The Department may temporarily relocate an assigned on-street bus stop location for reasons of public safety or other emergency or temporary need as determined by the Department. The Department will notify the local community board for the community district encompassing the location within thirty calendar days of such temporary relocation.

(5) Permit Fees. For any new sightseeing bus stop application, an applicant must pay a fee of five hundred and twenty dollars for each bus stop. For any renewal sightseeing bus stop application, an applicant must pay a fee of one hundred fifty five dollars for each bus stop.

(6) Term of Bus Permits. The Department will fix the term of each Bus Stop Permit, which will not exceed three years.

(7) Permittee obligations. Bus Stop Permit holders must:

(i) Promptly notify the Department of changes to information provided in its application.

(ii) Keep all the Bus Stop Permits in each bus permitted to use the assigned bus stops and present such permits for inspection upon request of any law enforcement officer or other person authorized to enforce this rule.

(iii) Prominently display a list of all Bus Stop Permits and specific bus stop locations authorized by such permits in each bus permitted to use the assigned bus stop in a way that such list can be clearly observed from the closest curb at which the bus is stopped.

(iv) Display on each bus authorized hereunder to stop at an on-street bus stop the owner or operator's name, address and telephone number permanently affixed in characters at least five inches high on both sides of the bus, with such display being in a color contrasting with that of the bus and placed approximately midway vertically on doors or side panels. Bus operators may also meet the display obligations by prominently marking buses in such a way that such markings clearly identify the bus operator when observed from the closest curb at which the bus is stopped.

(v) Pick up and discharge passengers only at on-street bus stop(s) assigned by the Department.

(vi) Not stop or stand in an assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers.

(vii) Not alter any permit issued pursuant to this section.

(viii) Notify the Department of the issuance of any violation, revocation, suspension, or other status change, to the bus operating authority, by the United States Department of Transportation Federal Motor Carrier Safety Administration or the New York State Department of Transportation, or the New York City Department of Consumer Affairs within five calendar days of the issuance thereof.

(ix) Notify the Department of the issuance of any traffic or parking violations within thirty calendar days of the issuance thereof and the issuance of any traffic violation committed by a driver while operating the sight-seeing bus that could be the basis for the assignment of points within three calendar days of the issuance thereof.

(x) Not transfer, sell, give or otherwise reassign the Bus Stop Permit(s) except as authorized by the Department.

(xi) Provide the Department, in the form prescribed by the Department, with quarterly reports containing Global Positioning System data for each bus operated by the permit holder, recorded at one-minute intervals, including, but not limited to, vehicle identification number, time and date of ping, time zone, latitude and longitude, ignition status, speed, and odometer reading, except as authorized by the Department. This subparagraph applies only to sight-seeing Bus Stop Permit holders.

(8) Suspension and revocation of Bus Stop Permits.

(i) The Department may suspend or revoke a Bus Stop Permit:

(A) For failure to comply with any of the requirements of this subdivision;

(B) In the event of suspension or termination of the authorization to operate a bus by either the United States Department of Transportation Federal Motor Carrier Safety Administration or the New York State Department of Transportation or the New York City Department of Consumer Affairs;

(C) Based on any grounds listed in subparagraph (i) of paragraph (3) of this subdivision;

(D) If an operator does not provide a bus service for a period of one month.

(ii) Prior to suspending or revoking a Bus Stop Permit, the Department will give the bus company an opportunity to be heard upon at least two business days' notice.

(iii) If the Department determines that an imminent peril to life or property exists, the Department may suspend or revoke a bus stop authorization without providing the permittee an opportunity to be heard prior to such suspension or revocation. Upon

request of the permittee, the Department will provide the permittee an opportunity to present its objections to such suspension or revocation within five business days after the Department receives the request. Any such request by a permittee must be made within thirty business days of such suspension or revocation.