

## **New York City Department of Transportation**

### **Notice of Adoption**

**NOTICE OF ADOPTION** relating to horse drawn cab boarding areas in Chapter 4 of Title 34 of the Rules of the City of New York.

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the New York City Department of Transportation (DOT) by Section 1043 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby amends Sections 4-01 and 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published on August 31, 2018 and a public hearing was held on October 3, 2018.

### **Statement of Basis and Purpose of Rule**

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The rules that DOT is amending are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to its “Traffic Rules.”

As required by section 19-174 of the New York City Administrative Code, the purpose of this rule is to establish horse drawn cab passenger boarding areas. At the request of the New York City Department of Health and Mental Hygiene, the proposed rule designates specific locations for the horse carriage passenger boarding areas in Central Park. As of June 27, 2018, the Central Park Drives were permanently closed to unauthorized traffic. Limiting boarding of horse drawn cabs to these restricted areas within Central Park will reduce the amount of time that horses spend alongside vehicular traffic, thereby limiting horses’ interaction and potential conflict with vehicular traffic and thus promoting the safety and well-being of the horses, the occupants of horse drawn cabs, and the occupants of motor vehicles.

Specifically, the amendments to the Traffic Rules being proposed are as follows:

- Section 4-01 amends the definition of “horse drawn vehicle” to use the same term (“horse drawn cab”) used in section 19-174 of the New York City Administrative Code.
- Section 4-09(d) is amended to reflect the change from “horse drawn vehicle” to “horse drawn cab.”
- Section 4-11(c)(7) is amended to reflect the change from “horse-drawn carriage” to “horse drawn cab.”
- Section 4-12(t) is a new subdivision that establishes specific locations for horse carriage passenger boarding areas.

In response to the volume of comments received by DOT relating to the specific features available at each passenger boarding area originally proposed, DOT and the New York City Department of Parks and Recreation reviewed, among other things, the slope, shade, and water availability of the proposed sites.

The following changes have been made to the proposed rule, which are reflected in the adopted rules:

- Remove three of the proposed stops: West 67<sup>th</sup> Roundabout, East 72nd Street Entrance and West 72nd Street Entrance.
- Add a new horse drawn cab passenger boarding area at the Sixth Avenue Entrance.

New material is underlined.

[Deleted material is in brackets.]

**Section 1. The definition of horse drawn vehicle in subdivision (b) of Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:**

**Horse drawn [vehicle] cab.** The term “horse drawn [vehicle] cab” shall mean a vehicle drawn by a horse and used for the carriage of passengers for compensation in conformance with a New York City Department of Consumer Affairs license. Where signs limit parking to horse drawn [vehicles] cabs, only those [vehicles] cabs licensed by the New York City Department of Consumer Affairs will be permitted.

**§ 2. Subdivision (d) of section 4-09 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:**

**(d) Lights on horse-drawn [vehicles] cabs and pushcarts.** No person shall drive a horse-drawn [vehicle] cab or propel a pushcart in the roadway between sunset and sunrise unless such [vehicle] horse drawn cab or pushcart displays a white or yellow light visible from 200 feet directly in front and a red light visible from 200 feet directly to the rear.

**§ 3. Paragraph (7) of subdivision (c) of section 4-11 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:**

(7) Within horse-drawn [carriage] cab passenger boarding areas.

**§ 4. Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new subdivision (t) to read as follows:**

**(t) Horse drawn cab passenger boarding areas.**

(1) No person operating a horse drawn cab shall solicit, pick up or discharge passengers at any location other than a location described in paragraph (2) of this subdivision or a location designated by the department by a posted sign as a horse drawn cab passenger boarding area. This subdivision shall not apply to a horse drawn cab ride that is prearranged as described in section 19-174 of the New York City Administrative Code.

(2) Except as otherwise indicated by a posted sign, operators of horse drawn cabs must expeditiously pick up or discharge passengers only at locations within Central Park indicated by sign and on the map below:

(i) Grand Army Plaza. In the center lane at the Grand Army Plaza entrance to Central Park.

(ii) Seventh Avenue Entrance. On the east curb, approximately 20 feet north of Central Park South.

(iii) Sixth Avenue. Between 59<sup>th</sup> Street and Center Drive.



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**(3) Temporary relocation or suspension of horse drawn cab passenger boarding areas in parks.** In exceptional circumstances, the Commissioner of Parks and Recreation or the commissioner, subject to approval of the Commissioner of Parks and Recreation, may temporarily relocate or suspend horse drawn cab passenger boarding areas. For purposes of this paragraph, exceptional circumstances shall include, but not be limited to construction, maintenance, unusually heavy pedestrian or bicycle traffic, existence of any obstructions, a parade, demonstration, special event, or other such similar event or occurrence at or near such location. Temporarily relocated horse drawn cab passenger boarding areas shall be located in Central Park and denoted by appropriate signage.

**§5.** This rule takes effect February 15, 2019, except the commissioner and or the Commissioner of Parks and Recreation will take all actions necessary for its implementation prior to such effective date.