

EXECUTIVE ORDER No. 79

December 15, 2005

PROCLAMATION OF A STATE OF EMERGENCY  
REGARDING TRANSIT STRIKE

Whereas, employees of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, and the MTA Bus Company (the “Union”) have threatened to commence an unlawful strike on December 16, 2005, and such strike would effectively cease all subway and bus services provided by the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, and the MTA Bus Company; and

Whereas, it is necessary to insure public safety and the orderly transportation of people and goods in the City of New York; and

Whereas, on December 10, 2005, the Union authorized a strike; and

Whereas, on December 13, 2005, the Hon. Theodore T. Jones, Justice of the New York State Supreme Court, enjoined the Union from violating section 210 of the Civil Service Law by conducting, engaging or participating in a strike; and

Whereas, the strike would cause an increase in the response time of emergency vehicles, endangering the lives and health of the City’s residents, commuters and visitors, the loss of instructional time for more than one million students, wide-scale inability to gain access to routine medical care, massive disruptions in the criminal and civil court systems, the loss of wages for hundreds of thousands of persons, the loss, on a daily basis, of hundreds of millions of dollars for businesses in the City, the loss of millions of dollars per day of revenues for the City and the Department of Education, and the increased expenditure of millions of dollars per day by the City of New York; and

Whereas, these circumstances constitute an imminent peril to the public health and safety requiring the adoption of special rules, regulations, procedures, and restrictions as emergency measures; and

Whereas, Executive Law §24 authorizes the Mayor to promulgate local emergency orders upon a finding that the public safety is imperiled by the event of a public emergency or in the event of reasonable apprehension of immediate danger thereof, to protect life and property and to bring an emergency situation under control;

Now, therefore:

Section 1. Pursuant to the powers vested in me by the New York State Executive Law Article 2-B, including Executive Law §24, I hereby declare a State of Emergency in the five boroughs of New York City.

§ 2. Manhattan traffic restrictions.

a. The Manhattan Central Business District shall be, for purposes of this Order, defined as Manhattan south of 96<sup>th</sup> Street. The entries into the Manhattan Central Business District are defined as follows:

1. River crossings into the Manhattan Central Business District:

- A. Brooklyn-Battery Tunnel
- B. Brooklyn Bridge
- C. Manhattan Bridge
- D. Williamsburg Bridge
- E. Queens-Midtown Tunnel
- F. Queensboro Bridge
- G. Lincoln Tunnel
- H. Holland Tunnel

2. 96<sup>th</sup> Street Crossings into the Manhattan Central Business District:

- A. 2<sup>nd</sup> Avenue
- B. Lexington Avenue
- C. Park Avenue
- D. 5<sup>th</sup> Avenue
- E. FDR Drive
- F. Central Park West
- G. Columbus Avenue
- H. Broadway
- I. West End Avenue
- J. Riverside Drive

b. All passenger vehicles containing fewer than four persons (including the driver) are hereby prohibited from entering the Manhattan Central Business District from 5 a.m. to 11 a.m. Monday through Friday. The prohibition set forth immediately above shall not include: authorized emergency vehicles; buses; motorcycles; and paratransit vehicles.

c. All passenger vehicles containing fewer than four persons (including the driver) are hereby prohibited from entering Central Park West Drive at 110<sup>th</sup> Street, from 5 a.m. to 11 a.m. Monday through Friday. The prohibition set forth immediately above shall not include: authorized emergency vehicles; buses; motorcycles; and paratransit vehicles.

- d. Vehicles with commercial plates are hereby prohibited from entering the Manhattan Central Business District from the hours of 5 a.m. to 11 a.m. Monday through Friday.
- e. From 5 a.m. to 8 p.m., Monday through Friday, reserved streets in Manhattan north of Chambers Street may be used only by authorized emergency vehicles; buses; motorcycles; and paratransit vehicles.

The following are designated as reserved streets in Manhattan north of Chambers Street:

- A. Fifth Avenue from 96<sup>th</sup> to 23<sup>rd</sup> Street.
- B. Madison Avenue from 23<sup>rd</sup> to 96<sup>th</sup> Street.
- C. 26<sup>th</sup> Street from First Avenue to 12<sup>th</sup> Avenue
- D. 29<sup>th</sup> Street from First Avenue to 12<sup>th</sup> Avenue
- E. 49<sup>th</sup> Street from First Avenue to 12<sup>th</sup> Avenue
- F. 50<sup>th</sup> Street from First Avenue to 12<sup>th</sup> Avenue

- f. From 5 a.m. to 8 p.m., Monday through Friday, reserved streets in Manhattan south of and inclusive of Chambers Street may be used only by authorized emergency vehicles, except that Trinity Place/Church Street shall be used only by authorized emergency vehicles and buses.

The following are designated as reserved streets in Manhattan south of and inclusive of Chambers Street:

- A. Nassau Street from Wall Street to Spruce Street.
- B. Rector Street from West Street to Broadway.
- C. Vesey Street from Church Street to Park Row.
- D. Trinity Place/Church Street south of Barclay Street.
- E. Maiden Lane/Cortland Street from Water Street to Church Street.
- F. Warren Street from West Street to Broadway.

- g. All parking and truck loading/unloading privileges on the reserved streets are suspended from 5 a.m. to 8 p.m., Monday through Friday.

§ 3. Additional occupancy requirements for passenger vehicles.

Passenger vehicles with fewer than four occupants (including the driver) are prohibited on the following roadways from 5 a.m. to 11 a.m. Monday through Friday. The prohibition set forth immediately above shall not include: authorized emergency vehicles; buses; motorcycles; and paratransit vehicles.

- a. Long Island Expressway from the Grand Central Parkway to the Queens-Midtown Tunnel in the westbound direction. The Bus/HOV3 EZ Pass lane is designated for buses and emergency vehicles only.
- b. Bruckner Expressway from the Bruckner Interchange to the Triborough Bridge in the westbound direction.
- c. Harlem River Drive from Dyckman Street to the FDR Drive at 125<sup>th</sup> Street in the southbound direction.

- d. FDR Drive from the Harlem River Drive to east 96<sup>th</sup> Street in the southbound direction.
- e. Henry Hudson Parkway from Mosholu Parkway to west 72<sup>nd</sup> Street in the southbound direction.
- f. Belt Parkway from 4<sup>th</sup> Avenue to the merge with the Gowanus Expressway at 60<sup>th</sup> Street in the northbound direction.
- g. Gowanus Expressway from 92<sup>nd</sup> Street to the interchange with the Brooklyn-Queens Expressway in the northbound direction. The Bus/HOV3 EZ Pass lane is designated for buses and emergency vehicles only.
- h. Brooklyn-Queens Expressway from the Gowanus Expressway to the Manhattan Bridge in the northbound direction.
- i. Prospect Expressway from Church Avenue to the Gowanus Expressway in the northbound direction.

§ 4. Restrictions of road repairs and street openings. All non-emergency excavations, including non-emergency utility cover openings, shall be prohibited.

§ 5. Restrictions on ferries. No private ferry or boat shall be permitted to board or discharge passengers at a City-owned dock or pier unless prior approval has been granted by the Office of Private Ferry Operations of the New York City Department of Transportation.

§ 6. Taxi and for-hire vehicle provisions. The following provisions of this Emergency Order shall apply to vehicles licensed by the New York City Taxi and Limousine Commission:

- a. The Chair of the Taxi and Limousine Commission is authorized, for the duration of the emergency, to allow all for-hire vehicles and commuter vans licensed as such by the Taxi and Limousine Commission, to pick up passengers with or without pre-arrangement (“street hails”). In such event, street hails shall be permissible only at bus stops where regularly scheduled service is not in operation, and at authorized Park and Ride locations or Carpool Staging Areas established by the City’s contingency plan.
- b. The Chair of the Taxi and Limousine Commission is authorized, for the duration of the emergency, to allow all commuter vans licensed as such by the Taxi and Limousine Commission to operate outside of the geographical area set forth in their operation authorization, and to accept and discharge passengers on streets which otherwise constitute bus routes and at points which otherwise constitute bus stops.
- c. The Chair of the Taxi and Limousine Commission is authorized, for the duration of the emergency, to suspend the Commission’s inspection requirements for any licensed vehicle.

d. The Chair of the Taxi and Limousine Commission is authorized, for the duration of the emergency, to: (i) permit sharing of rides in all licensed vehicles without the passenger's consent, and to set rates of fares for such ride sharing; (ii) establish group ride locations and establish per person or per trip rates of fare for trips in vehicles licensed by the TLC originating at such locations; and (iii) prohibit cruising in designated areas by taxicabs or other vehicles licensed by the Taxi and Limousine Commission.

e. No TLC-licensed driver or TLC-licensed business shall charge or permit the charging of any passenger a fare in excess of the authorized rate of fare for any trip. The maximum rate of fare may be set by the Chair of the Taxi and Limousine Commission.

f. All drivers of for-hire vehicles and commuter vans licensed as such by the Taxi and Limousine Commission are required to display their TLC operator's license and the name of the affiliated base or authority inside the vehicle in a manner that is easily visible or accessible to the passengers.

§ 7. Temporary storage of bicycles in commercial buildings. Buildings designated for business or commercial use shall, notwithstanding the provisions of any lease or similar agreement to the contrary, make arrangements for storage of bicycles within the building or the building's garage, or permit employees working in the building to store bicycles in spaces designated for such purpose by their employers.

§ 8. Anyone who knowingly violates any provision of this Order shall be guilty of a class B misdemeanor, which shall be punishable by imprisonment not to exceed three months and/or a fine of \$500 for an individual or \$2000 for a corporation.

§ 9. Sections 1 of this Order shall take effect at 12:01 a.m. on December 16, 2005. The remaining sections of this Order shall take effect immediately in the event the strike action by transit workers is commenced, as determined by the Mayor. This Order shall remain in effect for five days unless it is terminated at an earlier date.

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Michael R. Bloomberg  
Mayor