

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Transportation (NYC DOT) is proposing to amend subdivision (b)(4) and adopt new subdivision (j) in Section 4-15 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules and Regulations, to expand the permissible routes in New York City for operating trucks with 53 foot trailers.

When and where is the Hearing? NYC DOT will hold two public hearings on the proposed rule. The public hearings will take place at:

1. 11:00 am on October 29, 2014 at 1400 Williamsbridge Road, 1st Floor Conference Room, Bronx, NY 10461
2. 2:00 pm on October 30, 2014 at 120-55 Queens Boulevard, 2nd Floor, Kew Gardens, New York 11424

How do I comment on the proposed rules? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to DOT through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@dot.nyc.gov.
 - **Mail.** You can mail written comments to Stacey Hodge, Director, Office of Freight Mobility Division, Division of Traffic and Planning, 55 Water Street, 6th Floor, New York, New York 10041.
 - **Fax.** You can fax written comments to Stacey Hodge, Director, Office of Freight Mobility Division, Division of Traffic and Planning, (212) 839-7188.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 839-6523. You can also sign up in the hearing room before the hearing begins. You can speak for up to three minutes.

Is there a deadline to submit written comments? Anyone who wants to comment on the proposed rule must submit written comments by October 30, 2014.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us

if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 839-6500. You must tell us by October 20, 2014.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments are available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4th Floor, New York, NY 10041.

What authorizes DOT to make this rule? Sections 385 and 1642 of the New York State Vehicle and Traffic Law and Section 2903(a)(1) of the New York City Charter authorize DOT to make this proposed rule. This proposed rule was not included in DOT's regulatory agenda for this fiscal year because it was not contemplated when DOT published the agenda.

Where can I find DOT's rules? DOT's rules are in Title 34 of the Rules of the City of New York.

What rules govern the rulemaking process? DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The air cargo industry at John F. Kennedy International Airport (JFK) is an important source of jobs and economic activity in New York City. Air cargo employment at JFK depends on safe, convenient truck access to the airport.

For safety reasons, existing New York City Department of Transportation (NYC DOT) regulations have prohibited trucks with trailers longer than 55 feet in total combined length from using portions of certain highways that provide access to JFK. However, a 2008 engineering study conducted by NYC DOT and the New York State Department of Transportation demonstrated that trucks with trailers up to 73 ½ feet in total combined length – including trucks with 53-foot trailers, the standard tractor trailer combination used in the air cargo industry – can be operated safely between the George Washington Bridge and JFK using the route described in this proposed rule. Thus, the current regulations put JFK, and New York City as a whole, at a disadvantage when competing against other airports in the area for airport-based jobs and economic activity, at a time when the New York City Economic Development Corporation and the Port Authority of New York and New Jersey are planning to invest in modern, on-airport cargo facilities.

The proposed rule will expand the transportation network upon which trucks with 53-foot trailers can operate in New York City. It will:

- Provide a clearly defined, safe route for drivers to haul 53-foot trailers from the George Washington Bridge to JFK Airport, exclusively using designated highways instead of local streets;
- Support the growth of air cargo jobs at JFK; and
- Continue to prohibit trucks with 53-foot trailers from being operated on any non-designated highway or street in New York City, such as destinations off the airport property in southern Queens.

The New York City Department of Transportation’s authority for these rules is found in sections 385 and 1642 of the New York State Vehicle and Traffic Law and section 2903(a)(1) of the New York City Charter.

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.

Section 1. Paragraph 4 of subdivision (b) of Section 4-15 of Title 34 of the Rules of the City of New York is amended to read as follows:

(4) Length of combinations of vehicles. The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than 55 feet, except that the combination of vehicle, load and bumper of vehicles hauling poles, girders, columns or other similar objects of great length which are indivisible, shall not be more than 60 feet. The provisions of this paragraph (4) shall not apply to any fire vehicle or to a vehicle or combination of vehicles that is disabled and unable to proceed under its own power and is being towed for a distance of not more than ten miles for the purpose of repair or removal from the highway. The provisions of this paragraph (4) shall not apply to a combination of vehicles that are operating pursuant to subdivision (j) of this section.

§2. Section 4-15 of Title 34 of the Rules of the City of New York is amended by adding a new subdivision (j) to read as follows:

(j) Routes for Trailers in Excess of Forty-eight Feet

(1) Any semitrailer with a length in excess of forty-eight feet, but not exceeding fifty-three feet, if the distance between the kingpin of the semitrailer and the centerline of the rear axle does not exceed forty-three feet and if the semitrailer is equipped with a rear-end protective device of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than twenty-two inches from the surface as measured with the vehicle empty and on a level surface, may be operated on:

- i. that portion of interstate 95 between the Bronx-Westchester county line and interstate 295;
- ii. that portion of interstate 295 which connects interstate 95 with interstate 495;
- iii. that portion of interstate 495 between interstate 295 and the Nassau-Queens county line;
- iv. that portion of interstate 678 between interstate 95 and John F. Kennedy International Airport;
- v. that portion of interstate 95 between interstate 695 and the New Jersey State Line on the upper level of the George Washington Bridge; and
- vi. that portion of interstate 695 between interstate 95 and interstate 295.

(2) The total length of a combination of vehicles operating pursuant to this subdivision, inclusive of load and bumpers, shall not be more than seventy three and one half feet.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Routes for Operation of Large Trailers

REFERENCE NUMBER: 2014 RG 032

RULEMAKING AGENCY: Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: September 11, 2014

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Routes for Operation of Large Trailers

REFERENCE NUMBER: DOT-21

RULEMAKING AGENCY: Department of Transportation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Jee Kwon
Mayor's Office of Operations

September 11, 2014
Date