

## New York City Department of Transportation

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The proposed rule would allow oversized trucks hauling sealed shipping containers to travel to or from New Jersey across the Goethals Bridge to or from the Howland Hook Global Container Terminal (GCT) in Staten Island on a legal, safe route along the streets of New York City without adversely impacting roadways and neighborhoods that are not designed for this cargo.

**When and where is the Hearing?** DOT will hold a public hearing on the proposed rule. The public hearing will take place at 1pm on December 6, 2017. The hearing will be in the DOT Bid Room at 55 Water Street, Concourse Level, New York, NY 10041. The entrance to the Bid Room is located on the southeast corner of 55 Water Street facing the NYC Vietnam Veterans Memorial Plaza.

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

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov).
- **Mail.** You can mail comments to Charles C. N. Ukegbu, Ed.D, Assistant Commissioner, Regional and Strategic Planning, 55 Water Street, 6th Floor, NY, NY 10041.
- **Fax.** You can fax comments to Charles C. N. Ukegbu, Ed.D, Assistant Commissioner, Regional and Strategic 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 212-839-6500. You can also sign up in the hearing room before the hearing begins on December 6, 2017. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline for written comments is 1pm on December 6, 2017.

**What if I need assistance to participate in the Hearing?** You must tell the Office of the General Counsel 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 or TTY 212-504-4115. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by November 29, 2017.

This location has the following accessibility option(s) available: Wheelchair accessibility

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the

hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the DOT Office of the General Counsel, 55 Water Street, 9<sup>th</sup> Floor, New York, NY 10041.

**What authorizes DOT to make this rule?** Sections 1043 and 2903 of the City Charter and Sections 385 and 1642 of the New York State Vehicle & Traffic Law authorize DOT to make this proposed rule.

**Where can I find DOT's rules?** DOT's rules are in Title 34 of the Rules of the City of New York at <http://rules.cityofnewyork.us>. The rules that DOT seeks to amend are contained within Chapter 4 of Title 34, entitled "Traffic Rules and Regulations."

**What laws 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 use of sealed shipping containers for the transportation of goods has led to a global transformation of maritime shipping operations. The efficiency and security afforded by sealed shipping containers has remained an important factor in choice of seaports and the availability of container servicing facilities and jobs. Access to the port facilities is a major determinant of the sustainable growth and development of port regions and the roadway transportation systems leading to the ports must be adequate to accommodate the container loads.

Trucks hauling sealed shipping containers from New Jersey across the Goethals Bridge to the Howland Hook Global Container Terminal (GCT) in Staten Island require a route that can safely accommodate this sealed shipping container cargo without adversely impacting roadways and neighborhoods that are not designed for this cargo. The Howland Hook GCT supports approximately 300 well-paid jobs, moves 150,000 containers each year, and is the City and State's largest international cargo gateway.

Due to roadway design and geometric constraints, existing New York City Department of Transportation (NYCDOT) regulations prohibit trucks weighing more than 80,000 pounds and trucks that are longer than 55 feet in total length from using portions of certain highways, except when they receive appropriate permit(s). The current regulations put the Howland Hook GCT and the greater New York City area at a disadvantage when competing against other seaports in the area for maritime-based jobs and economic activity even as investments in modern crane lifts and container handling equipment are being made, and channel dredging for improved access to the port is underway. The proposed rule would support the growth of maritime cargo jobs in New York City.

The proposed rule would expand the transportation network through designated routes in Staten Island to permit trucks hauling sealed shipping containers to operate safely and legally on New York City streets. It would:

- Provide a clearly defined, safe route for drivers to haul sealed containers to and from Howland Hook GCT, exclusively using specified highways and streets;
- Permit trucks that are up to 73-1/2 feet in length that are carrying sealed shipping containers to weigh up to 90,000 pounds to utilize the specified route

DOT's rules would not be affected by these proposed amendments with respect to the existing prohibition on trucks with overweight and oversized trailers from being operated on any non-designated highway or street in New York City, such as destinations off the designated routes in Staten Island. Moreover, loads transported across streets and structures not regulated by New York City may still require additional authorization.

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

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraph 10 of subdivision (b) of section 4-15 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(10) Weight on three axles. A single vehicle or a combination of vehicles having 3 axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed 34,000 pounds, plus 1,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle. Axles shall be counted as provided in paragraph (5) of this subdivision (b). In no case, however, shall the total weight exceed 80,000 pounds, except for a combination of vehicles that are operating pursuant to subdivision (j)(3) of this section where the total weight shall not exceed 90,000 pounds, without any tolerance for enforcement purposes.

§ 2. Paragraph 1 of subdivision (j) of section 4-15 of Chapter 4 of Title 34 of the Rules of the City of New York is amended 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[.];
- vii. that portion of interstate 278 between the Goethals Bridge and Gulf Avenue;
- viii. that portion of interstate 278 between Goethals Road North and Goethals Bridge;
- ix. that portion of Gulf Avenue between the Goethals Bridge and Edward Curry Avenue;
- x. that portion of Edward Curry Avenue between Gulf Avenue and South Avenue;
- xi. that portion of South Avenue between Edward Curry Avenue and Goethals Road North;
- xii. that portion of Forest Avenue between Gulf Avenue and Goethals Road North;
- xiii. that portion of Goethals Road North between South Avenue and Forest Avenue;
- xiv. that portion of Goethals Road North between Forest Avenue and Western Avenue; and
- xv. that portion of Western Avenue between Goethals Road North and Richmond Terrace.

§ 3. Subdivision (j) of section 4-15 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph 3 to read as follows:

(3) A combination of vehicles operating pursuant to subparagraphs (vii) through (xv) of paragraph 1 of this subdivision must not exceed a total weight of 90,000 pounds, over or on any bridge or other structure when the total weight is over 80,000 pounds, and must be on a trip that involves only the pickup or drop off of sealed shipping containers used for the transfer of freight transported in ocean-going commerce, bearing the seal of the United States Customs and Border Protection, the seal of another governmental agency, or seal of the shipper.

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

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

**RULE TITLE:** Development of Routes for Oversized Trucks Hauling Sealed Shipping Containers

**REFERENCE NUMBER:** DOT-40

**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/ Gaëlle Pierre  
Mayor's Office of Operations

October 25 2017  
Date

**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:** Development of Routes for Oversized Trucks Hauling Sealed Shipping Containers

**REFERENCE NUMBER:** 2017 RG 055

**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: October 25, 2017