

## The New York City Department of Transportation

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

**What are we proposing?** Amending the Traffic Rules related to agency-authorized parking placards to clarify acceptable use of agency-authorized parking placards and impose a penalty for violation.

**When and where is the hearing?** The New York City Department of Transportation (DOT) will hold a public hearing on the proposed rule. The public hearing will take place at 2 p.m. on May 22, 2018. 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.

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

**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:

Michael Marsico  
DOT Assistant Commissioner  
Bureau of Parking  
34-02 Queens Boulevard, Room 256  
Long Island City, NY 11101

- **Fax.** You can fax comments to Michael Marsico, (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 May 22, 2018. You can speak for up to three minutes.

**Is there a deadline to submit comments?** The deadline for written comments is May 22, 2018.

**What if I 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by May 15, 2018.

**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, 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 Office of Legal Affairs.

**What authorizes DOT to make this rule?** Section 1043 of the City Charter authorizes 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.

**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 Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules regarding parking and traffic operations in the City by Section 2903(a) of the New York City Charter. The rules that DOT is seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to "Traffic Rules and Regulations."

The purpose of these proposed rule amendments is to make clear that misuse of certain parking permits is a violation of DOT rules.

The amendments to Chapter 4 of Title 34 are detailed more specifically below:

- Section 4-08(a)(1) is amended to clarify that agency vehicles must follow parking rules.
- Section 4-08(o)(3) is amended to clarify eligibility for agency-authorized permits.
- Section 4-08(o)(3) is amended to add a violation for misuse of an agency-issued parking permit as a separate violation of DOT rules.
- Section 4-08(o)(3) is amended to add a violation for use of a fraudulent parking permit as a separate violation of DOT rules.

The New York City Department of Transportation's authority for these rules is found in section 1043 and 2903(a) 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. subdivision (a)(1) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new subparagraph (ii) to read as follows:**

(a)(1)(ii) Government agency vehicles must comply with the rules in this section.

**§2. Subdivision (o)(3) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:**

**(3) [Yearly] Agency-authorized permits for parking in contradiction to rules on city streets.**

[Yearly] Agency-authorized permits are issued [on dates determined] by the Department of Transportation or any other agency authorized by the Department. Permits may be issued to non-profit organizations [needing to park in contradiction to parking rules] for certain essential purposes such as medical services, blood delivery and human services programs and to governmental agencies and officials for governmental purposes. Permits may be issued when the vehicle is essential to the performance of [their] organizational functions. [These organizations generally are medical, blood, government and human services programs.] Such permits shall be displayed in a place where it is visible through the vehicle’s windshield only when a vehicle is parked in areas specified on the permit or electronically linked to the permit. An IVPS must be activated to authorize parking.

- (i) **Parking permitted.** Parking with [yearly] agency-authorized permits and the display of a permit in the windshield of a vehicle is permitted in areas specified on or [programmed into] electronically linked to the permit and may include some or all of the following:
  - (A) Meters.
  - (B) Truck loading and unloading zones.
  - (C) No Standing/Parking Except Authorized Vehicles, when the organization or agency named on the permit [matches] is indicated on the signs, and
  - (D) "No Parking" areas.
- (ii) **Parking not permitted.** Parking with [yearly] and display of agency-authorized permits in the windshield of a vehicle is not permitted at:
  - (A) "No Standing" areas.
  - (B) "No Stopping" areas.
  - (C) Fire hydrants.
  - (D) Bus stops.
  - (E) Areas on the roadway side of a vehicle stopped, standing, or parked at the curb (i.e., Double parking).
  - (F) Driveways.

- (G) Bridges and highways, and
- (H) Areas where a traffic hazard would be created.

**(iii) Duration.** [Yearly] Agency-authorized permits are issued for the minimum hours and days essential for the activity. Such permits are issued on an annual basis on dates determined by the Department of Transportation. [The Commissioner or his/her designee may, at his/her discretion, issue, extend or revoke these permits.]

**(iv) Misuse and fraudulent use of parking permits.** A violation of this subdivision will be issued in addition to any other violation issued for parking in contravention of posted signs or written regulations. It shall be unlawful:

(A) to display an agency-authorized permit in the windshield of a vehicle and park with the intent to avoid compliance with posted signs and written regulations. In any proceeding relating to the violation of this provision such intent shall be implied where:

- a. the permit displayed in the windshield of the vehicle does not authorize parking in such space in contravention of posted signs or written regulation.
- b. the permit is displayed on a vehicle other than the one described in the permit
- c. the permit displayed in the windshield of the vehicle is copied, altered, or displayed in a manner that obscures the locations to which it applies.
- d. the permit displayed in the windshield of the vehicle is expired.

(B) to display a fraudulent parking permit in the windshield of a vehicle and park in contravention of posted signs or written regulations. For the purposes of this section a fraudulent parking permit may be a counterfeit of a department issued permit, resemble an official department permit or contain language falsely purporting to authorize parking in areas restricted by posted signs or written regulations.

**(v) Revocation of an agency-authorized permit.** The Commissioner or his/her designee may, at his/her discretion revoke or suspend agency-authorized permits.

(A) **Notice.** Except as otherwise provided herein prior to such revocation or suspension the permit holder will be notified of the proposed suspension or revocation and the grounds and may appeal such determination in accordance with item (B) within 15 days after the date set forth in such notice. If no appeal is filed within such 15 day period such revocation or suspension shall be effective upon the conclusion of the time for appeal. If an appeal is filed within such 15 day period such revocation or suspension shall be effective upon notice of the determination of the appeal unless such determination is in favor of the permittee.

Notwithstanding the foregoing where the Commissioner finds that the continued use of an agency-authorized permit is a danger to public safety, such revocation or suspension shall be effective immediately upon the date of notice of the suspension or revocation of such permit. Grounds for revocation or suspension may include:

- a. Multiple violations of this subdivision;
- b. Any violation of (o)(3)(iv);
- c. Unpaid parking or traffic violations associated with the license plate or individual permit holder in excess of \$350.

(B) **Appeal.** A vehicle owner may appeal the determination to revoke or suspend an agency-authorized permit in writing within fifteen (15) days after the date of a notice provided in accordance with item (A) in the manner described such notice.

The department will respond to the appeal within sixty (60) days except that where the revocation or suspension was effective immediately upon the date of such notice the department shall respond to such appeal within fifteen (15) days.

|

**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:** Misuse of Authorized Parking Placards

**REFERENCE NUMBER:** 2017 RG 097

**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: March 27, 2018

**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:** Misuse of Authorized Parking Placards

**REFERENCE NUMBER:** DOT-42

**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) Provides a cure period and mechanism in the text of the rule.

/s/ Shifra Goldenberg  
Mayor's Office of Operations

March 27, 2018  
Date