

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The purpose of the proposed rule is to establish horse carriage passenger boarding areas.

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 1 pm on October 3, 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 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.
- **Mail.** You can mail comments to Sean Quinn, Senior Director, Office of Bicycle and Pedestrian Programs, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to Sean Quinn, Senior Director of Bicycle and Pedestrian Programs, 212-839-9685.
- **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 October 3, 2018. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline for written comments is October 3, 2018.

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 September 26, 2018.

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 and copies of all written comments concerning the

proposed rule will be 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 1043 and 2903(a) of the City Charter and section 19-174 of the Administrative Code 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 the Department of Transportation 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(b) 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 issue 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 seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to its "Traffic Rules."

At the request of the New York City Department of Health and Mental Hygiene, DOT is commencing rulemaking, as required by section 19-174 of the New York City Administrative Code. The purpose of this proposed rule is to establish horse carriage passenger boarding areas. 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.

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.

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”] “horse drawn 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] horse drawn cabs and pushcarts. No person shall drive a [horse-drawn vehicle] horse drawn 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] horse drawn 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 sections 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) East 72nd Street Entrance. On the north curb approximately 50 feet west of 5th Avenue.

(iii) West 72nd Street Entrance. On the east curb approximately 130 feet east of Central Park West.

(iv) West 67th Roundabout. On the north curb of the roundabout.

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



 Horse drawn cab passenger boarding areas

(3) Temporary relocation or suspension of horse drawn cab passenger boarding areas in parks. In exceptional circumstances, the Commissioner of the Department of Parks and Recreation or the commissioner, subject to approval of the Commissioner of the Department 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.

**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: Rules Governing Horse Carriage Passenger Boarding Areas

REFERENCE NUMBER: 2018 RG 103

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: August 28, 2018

**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: Rules Governing Horse Carriage Passenger Boarding Areas

REFERENCE NUMBER: DOT-48

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) Cure periods are not practicable under the circumstances.

/s/ Francisco Navarro
Mayor's Office of Operations

August 28, 2018
Date