

The 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 relocate the Department of Transportation (DOT) Penalty Schedule from the Office of Administrative Trials and Hearings Environmental Control Board (OATH/ECB) rules in Section 3-124 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York to a new Chapter 3 of Title 34 of the Rules of the City of New York. It should be noted that the repeal of the DOT Penalty Schedule from OATH/ECB's rules will be coordinated with the promulgation of these rules. The proposed rule would also update the penalty schedule to reflect changes in the law and recently adopted rules.

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 on Monday, July 31, 2017 at 2pm. 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 accessible.

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:

Vincent Maniscalco, Assistant Commissioner
New York City Department of Transportation
55 Water Street, 7th Floor
New York, NY 10041
- **Fax.** You can fax comments to Assistant Commissioner Vincent Maniscalco at 212-839-8867.
- **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 Monday, July 31, 2017. You can speak for up to three minutes.

Is there a deadline to submit comments? The deadline to submit comments is Monday, July 31, 2017.

Do you need assistance to participate in the hearing? You must tell the DOT Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing other than the one(s) indicated above. 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. Please tell us by Monday, July 24, 2017.

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 DOT Office of the General Counsel, 55 Water Street, 9th Floor, New York, NY 10041.

What authorizes DOT to make this rule? Sections 1043 and 2903 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 New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

The Commissioner of the New York City Department of Transportation is authorized to issue rules regarding parking and traffic operations and highway operations in the City pursuant to Sections 1043 and 2903 of the New York City Charter.

The purpose of the proposed rule is to:

- relocate the Department of Transportation (DOT) Penalty Schedule from the Office of Administrative Trials and Hearings Environmental Control Board (OATH/ECB) rules in Chapter 3 of Title 48 of the Rules of the City of New York to DOT's rules in Title 34 of the Rules of the City of New York;
- update the schedule as needed to reflect recently adopted rules and changes to the law; and
- provide clearer, more concise language including by replacing abbreviations 'w/o' and 's/w' with 'without' and 'sidewalk', respectively.

Although OATH/ECB is empowered to impose penalties under the New York City Charter and has until now promulgated penalty schedules, enforcement agencies like DOT have the expertise to recommend appropriate penalties based on the severity of each violation and its effect on City residents. Moving the penalty schedule will also make it easier for the public to find the

penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the proposed rule relocation will speed up the rulemaking process by eliminating the need for OATH/ECB approval of proposed or amended penalties for agency rules that have already gone through the City Administrative Procedure Act (CAPA) rulemaking process. The public will still have the opportunity to comment on proposed penalties during this process.

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and to simplify and update content to help support public understanding and compliance. The proposed repeal of 48 RCNY § 3-124, the current rule containing OATH/ECB's DOT penalty schedule, was identified as meeting the criteria for this initiative.

In addition to being relocated into Title 34 of the Rules of the City of New York, the DOT penalty schedule has been updated to add new penalties and default amounts for the following: Administrative Code sections 19-151, 19-176.2, 19-191, 19-196 as well as sections 2-07(a)(2), 2-07(b)(2), 2-09(g)(1)(i), 2-11(c)(1)(iii), 2-11(e)(10)(vii), 2-11(e)(10)(viii), 2-11 (e)(12)(ix), 2-20(q)(7), and 4-16 of the Rules of the City of New York (RCNY). These new penalty amounts range from \$250 to \$20,000.

The descriptions for the following sections have been updated to reflect recently adopted language: 2-11(e)(2), 2-11(e)(11)(iv), 2-11(e)(13)(vi), 2-11(e)(16)(iii), 2-11(f)(4)(v). The penalties for these sections have not been changed.

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.

Proposed Rule Amendment

Section 1. Title 34 of the Rules of the City of New York is amended by adding a new chapter 3 to read as follows:

CHAPTER 3

PENALTY SCHEDULE

§ 3-01. Department of Transportation Penalty Schedule.

All citations are to the Administrative Code of the City of New York or to this Title.

Except as otherwise noted or provided in the relevant rule or law, a second or subsequent violation is a violation by the same respondent of the same provision of law, with a date of occurrence within 6 months of the date of occurrence of the previous violation.

When a respondent is found in violation of any of the following provisions of the Administrative Code or this Title, any civil penalty recommended by the Hearing Officer under 48 RCNY, § 6-17(c)(3), any default penalty imposed pursuant to 48 RCNY § 6-20(b) and subject to § 1049-a(d)(1)(d) of the Charter, and any civil penalty imposed for admissions of violation(s) pursuant to 48 RCNY §6-09(a) or late admissions pursuant to 48 RCNY § 3-17 will be imposed in accordance with the following penalty schedule:

<u>Section</u>	<u>Description</u>	<u>Penalty (\$)</u>	<u>Default (\$)</u>
<u>Admin. Code 10-157 (b), (c), (e)</u>	<u>Failure to provide appropriate equipment to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>	<u>100</u>	<u>100</u>
<u>Admin. Code 10-157 (b), (c), (e)</u>	<u>Failure to provide appropriate equipment to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>250</u>	<u>250</u>
<u>Admin. Code 10-157(d)</u>	<u>Failure to produce or maintain a roster by a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>	<u>100</u>	<u>100</u>
<u>Admin. Code 10-157(d)</u>	<u>Failure to produce or maintain a roster by a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>250</u>	<u>250</u>
<u>Admin. Code 10-157(f)</u>	<u>Failure to properly equip bicycle used on behalf of a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>	<u>100</u>	<u>100</u>

<u>Admin. Code 10-157(f)</u>	<u>Failure to properly equip bicycle used on behalf of a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>250</u>	<u>250</u>
<u>Admin. Code 10-157.1</u>	<u>Failure to post Commercial Bicyclist Safety Poster containing required information (FIRST OFFENSE)</u>	<u>100</u>	<u>100</u>
<u>Admin. Code 10-157.1</u>	<u>Failure to post Commercial Bicyclist Safety Poster containing required information (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>250</u>	<u>250</u>
<u>Admin. Code 19-102(i)</u>	<u>Use/opening of street without DOT permit</u>	<u>1,500</u>	<u>5,000</u>
<u>Admin. Code 19-102(i)</u>	<u>Use/opening of protected street without DOT permit</u>	<u>1,800</u>	<u>5,000</u>
<u>Admin. Code 19-102(i)</u>	<u>Working without DOT permit on controlled access highway</u>	<u>4,000</u>	<u>5,000</u>
<u>Admin. Code 19-102(ii)</u>	<u>Failure to comply with terms and conditions of DOT permit</u>	<u>1,200</u>	<u>3,600</u>
<u>Admin. Code 19-102(ii)</u>	<u>Failure to comply with terms and conditions of DOT permit on controlled access highway</u>	<u>4,000</u>	<u>5,000</u>
<u>Admin. Code 19-107</u>	<u>Street closing without DOT permit</u>	<u>1,800</u>	<u>5,000</u>
<u>Admin. Code 19-108</u>	<u>Failure to have DOT permit on site or in field office</u>	<u>50</u>	<u>150</u>
<u>Admin. Code 19-109(a)</u>	<u>Failure to provide adequate protection at worksite</u>	<u>1,200</u>	<u>3,600</u>
<u>Admin. Code 19-109(b)</u>	<u>Identifying signs improperly displayed or missing</u>	<u>100</u>	<u>300</u>
<u>Admin. Code 19-117(a)</u>	<u>Constructing vault without license or revocable consent</u>	<u>500</u>	<u>1,500</u>
<u>Admin. Code 19-119</u>	<u>Vault opening without proper protection</u>	<u>250</u>	<u>750</u>
<u>Admin. Code 19-121(a)</u>	<u>Construction materials/equipment stored on street without DOT permit</u>	<u>750</u>	<u>2,250</u>
<u>Admin. Code</u>	<u>Debris/construction materials obstructing gutters/sidewalk,</u>	<u>250</u>	<u>750</u>

<u>19-121(b)(2)</u>	<u>etc.</u>		
<u>Admin. Code 19-121(b)(3)</u>	<u>Construction material/equipment without proper reflective markings</u>	<u>250</u>	<u>750</u>
<u>Admin. Code 19-121(b)(4)</u>	<u>Material/equipment without name & address of owner</u>	<u>100</u>	<u>300</u>
<u>Admin. Code 19-121(b)(5)</u>	<u>Construction material/equipment within 5 feet of surface of railroad tracks</u>	<u>500</u>	<u>1,500</u>
<u>Admin. Code 19-121(b)(6)</u>	<u>No street protection under construction material/equipment</u>	<u>250</u>	<u>750</u>
<u>Admin. Code 19-121(b)(7)</u>	<u>Obstruction of fire hydrant or bus stop</u>	<u>500</u>	<u>1,500</u>
<u>Admin. Code 19-122</u>	<u>Sand/dirt/rubbish/debris not removed from site within 7 days</u>	<u>250</u>	<u>750</u>
<u>Admin. Code 19-123</u>	<u>Commercial refuse container stored on the street without DOT permit</u>	<u>750</u>	<u>2,250</u>
<u>Admin. Code 19-123</u>	<u>No street protection under commercial refuse container</u>	<u>250</u>	<u>750</u>
<u>Admin. Code 19-124(a)</u>	<u>Canopy without DOT permit</u>	<u>100</u>	<u>300</u>
<u>Admin. Code 19-125</u>	<u>Post/pole/flagpole socket/lamppost without DOT permit/consent</u>	<u>100</u>	<u>300</u>
<u>Admin. Code 19-126</u>	<u>Use/movement/removal of crane/building/structure without DOT permit</u>	<u>1,000</u>	<u>3,000</u>
<u>Admin. Code 19-133</u>	<u>Unauthorized projections and encroachments on City property</u>	<u>250</u>	<u>750</u>
<u>Admin. Code 19-133.1</u>	<u>Maintaining an unlawful sidewalk ATM booth (Automated Teller Machine Booth) (FIRST DAY OF VIOLATION)</u>	<u>2,500</u>	<u>5,000</u>
<u>Admin. Code 19-133.1</u>	<u>Failure to remove an unlawful sidewalk ATM booth (CONTINUING VIOLATION- for every 5-day period the violation remains)</u>	<u>5,000</u>	<u>5,000</u>
<u>Admin. Code 19-136</u>	<u>Goods/wares/merchandise obstructing sidewalk</u>	<u>150</u>	<u>500</u>

<u>Admin. Code</u> <u>19-136(b)</u>	<u>Vehicle(s) on sidewalk</u>	<u>50</u>	<u>300</u>
<u>Admin. Code</u> <u>19-138(b)</u>	<u>Defacement of roadway or sidewalk</u>	<u>250</u>	<u>750</u>
<u>Admin. Code</u> <u>19-147(d)</u>	<u>Failure to replace loose, slippery or broken utility maintenance hole (manhole) covers, castings</u>	<u>250</u>	<u>750</u>
<u>Admin. Code</u> <u>19-151</u>	<u>Failure to comply with commissioner's order</u>	<u>250</u>	<u>400</u>
<u>Admin. Code</u> <u>19-176(b)</u>	<u>Unlawful bicycle riding</u>	<u>50</u>	<u>100</u>
<u>Admin. Code</u> <u>19-176(c)</u>	<u>Riding bicycle on sidewalk in manner which endangers any person or property (FIRST OFFENSE)</u>	<u>100</u>	<u>300</u>
<u>Admin. Code</u> <u>19-176(c)</u>	<u>Riding bicycle on sidewalk in manner which endangers any person or property (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>200</u>	<u>600</u>
<u>Admin. Code</u> <u>19-176(c)</u>	<u>Riding bicycle on sidewalk in manner which endangers any person or property and causes physical contact with a person (FIRST OFFENSE)</u>	<u>200</u>	<u>500</u>
<u>Admin. Code</u> <u>19-176(c)</u>	<u>Riding bicycle on sidewalk in manner which endangers any person or property and causes physical contact with a person (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>400</u>	<u>1,000</u>
<u>Admin. Code</u> <u>19-176.2(b)</u>	<u>Operation of motorized scooter within the city of New York</u>	<u>500</u>	<u>500</u>
<u>Admin. Code</u> <u>19-190(a)</u>	<u>Right of way - failure to yield</u>	<u>100</u>	<u>100</u>
<u>Admin. Code</u> <u>19-190(b)</u>	<u>Right of way - failure to yield, physical injury</u>	<u>250</u>	<u>250</u>
<u>Admin. Code</u> <u>19-191(a)</u>	<u>Leaving the scene - property damage (FIRST OFFENSE)</u>	<u>500</u>	<u>1,000</u>
<u>Admin. Code</u> <u>19-191(a)</u>	<u>Leaving the scene – property damage (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>1,000</u>	<u>2,000</u>
<u>Admin. Code</u> <u>19-191(b)</u>	<u>Leaving the scene - physical injury (FIRST OFFENSE)</u>	<u>2,000</u>	<u>2,000</u>
<u>Admin. Code</u> <u>19-191(b)</u>	<u>Leaving the scene – physical injury (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>5,000</u>	<u>5,000</u>

<u>Admin. Code 19-191(b)</u>	<u>Leaving the scene - serious physical injury (FIRST OFFENSE)</u>	<u>10,000</u>	<u>10,000</u>
<u>Admin. Code 19-191(b)</u>	<u>Leaving the scene – serious physical injury (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>15,000</u>	<u>15,000</u>
<u>Admin. Code 19-191(b)</u>	<u>Leaving the scene - death (FIRST OFFENSE)</u>	<u>15,000</u>	<u>15,000</u>
<u>Admin. Code 19-191(b)</u>	<u>Leaving the scene – death (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>20,000</u>	<u>20,000</u>
<u>Admin. Code 19-196</u>	<u>Operating an all-terrain vehicle in the city of New York (FIRST OFFENSE)</u>	<u>500</u>	<u>500</u>
<u>Admin. Code 19-196</u>	<u>Operating an all-terrain vehicle in the city of New York (SECOND OR SUBSEQUENT OFFENSE REGARDLESS OF INTERVAL BETWEEN OFFENSES)</u>	<u>1,000</u>	<u>1,000</u>
<u>34 RCNY 2-02(a)(1)(ii)</u>	<u>Failure to provide name and telephone number of emergency contact</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-02(c)(2)</u>	<u>Failure to display required signs at work site</u>	<u>250</u>	<u>350</u>
<u>34 RCNY 2-02(m)</u>	<u>Illegally working on a street during an embargo</u>	<u>1,200</u>	<u>3,600</u>
<u>34 RCNY 2-04(f)(1)</u>	<u>Canopy erected/maintained on a restricted street</u>	<u>150</u>	<u>450</u>
<u>34 RCNY 2-05(d) (8) (vi)</u>	<u>Divisible construction materials or equipment stored on the roadway at a height greater than 5 feet</u>	<u>500</u>	<u>1,500</u>
<u>34 RCNY 2-05(d) (8) (vi)</u>	<u>Divisible construction materials or equipment stored on the sidewalk at a height greater than 5 feet</u>	<u>500</u>	<u>1,000</u>
<u>34 RCNY 2-05(d)(10)</u>	<u>Failure to provide space for loading & unloading of materials on the roadway</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-05(d)(12)</u>	<u>Mixing mortar on roadway without protection</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-05(d)(16)</u>	<u>Failure to house overhead cables/hoses/wires with 14 feet minimum clearance on the sidewalk</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-05(h)(1)</u>	<u>Construction shanty/trailer without DOT permit</u>	<u>150</u>	<u>450</u>
<u>34 RCNY 2-05(h)(4)</u>	<u>Failure to remove shanties/trailers from roadway/sidewalk</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-05(i)(1)</u>	<u>Crossing sidewalk with a motorized vehicle without DOT permit</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-07(a)(2)</u>	<u>Opening a utility access cover without an authorization number during an embargo.</u>	<u>1,500</u>	<u>5,000</u>
<u>34 RCNY 2-07(a)(4)</u>	<u>Restricting more than 11 feet of roadway by opening covers/gratings</u>	<u>500</u>	<u>1,600</u>
<u>34 RCNY 2-07(a)(5)</u>	<u>Opening more than two consecutive covers/gratings</u>	<u>500</u>	<u>1,600</u>

<u>34 RCNY 2-07(a)(6)</u>	<u>Toolcart stored on sidewalk failed to provide a 5 foot minimum walkway</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-07(a)(6)</u>	<u>Toolcart stored on roadway without a DOT permit</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-07(a)(6)</u>	<u>Toolcart stored on sidewalk obstructing hydrant, bus stop, or driveway</u>	<u>500</u>	<u>500</u>
<u>34 RCNY 2-07(b)(2)</u>	<u>Failure to repair defective street condition found within an area extending 12 inches outward from the perimeter of the cover/grating</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-07(b)(2)</u>	<u>Failure to obtain DOT permit for street plate covering defective condition</u>	<u>1,500</u>	<u>5,000</u>
<u>34 RCNY 2-07(b)(3)</u>	<u>Utility cover/street hardware not flush with surrounding area</u>	<u>1,000</u>	<u>3,000</u>
<u>34 RCNY 2-07(c)(1)</u>	<u>Doing non-emergency work on a critical roadway during restricted hours</u>	<u>2,000</u>	<u>3,000</u>
<u>34 RCNY 2-07(c)(4)(i)</u>	<u>Opening a utility access cover without an authorization number</u>	<u>2,000</u>	<u>3,000</u>
<u>34 RCNY 2-07(c)(4)(iv)</u>	<u>Failure to perform emergency work around the clock(covers/gratings)</u>	<u>1,000</u>	<u>3,000</u>
<u>34 RCNY 2-07(c)(4)(v)</u>	<u>Failure to notify DOT of completion of emergency work (covers/gratings)</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-09(f)(4)(v)</u>	<u>Except as in NYC Administrative Code § 19-152, failure to install or seal expansion joints as per subsection</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-09(f)(4)(viii)</u>	<u>Except as in NYC Administrative Code § 19-152, failure to fully replace defective sidewalk flag</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-09(f)(4)(xiv)</u>	<u>Except as in NYC Administrative Code § 19-152, failure to install pedestrian ramp as per DOT drawings</u>	<u>400</u>	<u>1,000</u>
<u>34 RCNY 2-09(f)(4)(xvi)</u>	<u>Except as in NYC Administrative Code § 19-152, failure to obtain DOT approval for distinctive sidewalk</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-09(f)(4)(xvi)(C)</u>	<u>Failure to replace distinctive sidewalk in kind</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-09(g)(1)(i)</u>	<u>Failure to install curb before commencing any roadway paving operation or sidewalk construction</u>	<u>250</u>	<u>500</u>

<u>34 RCNY 2-11(c)(1)(iii)</u>	<u>Failure to mark out proposed excavation area; failure to limit geographical area to be marked out and/or use of excessive or oversized markings.</u>	<u>1,500</u>	<u>5,000</u>
<u>34 RCNY 2-11(e)(1)</u>	<u>Failure to notify City 24 hours before street work</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-11(e)(2)</u>	<u>Failure to use only hand held tools, rockwheels or other DOT approved tools to precut pavement</u>	<u>250</u>	<u>400</u>
<u>34 RCNY 2-11(e)(3)(i)</u>	<u>Excavation down 5 feet or greater without shoring/sheeting/bracing</u>	<u>1,500</u>	<u>4,500</u>
<u>34 RCNY 2-11(e)(3)(ii)</u>	<u>Tunneling/jacking without a DOT permit</u>	<u>400</u>	<u>1,200</u>
<u>34 RCNY 2-11(e)(4)(ii)</u>	<u>Failure to plate excavation in driving lane or intersection</u>	<u>1,200</u>	<u>3,600</u>
<u>34 RCNY 2-11(e)(4)(v)</u>	<u>Failure to post flagperson at worksite to give directions</u>	<u>800</u>	<u>2,400</u>
<u>34 RCNY 2-11(e)(5)</u>	<u>Failure to maintain a 5-foot pedestrian walkway on sidewalk</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-11(e)(8)(i)</u>	<u>Unsuitable backfill material used</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-11(e)(8)(vi)</u>	<u>Restoration sunken more than 2 inches</u>	<u>500</u>	<u>1,000</u>
<u>34 RCNY 2-11(e)(9)(i)</u>	<u>Temporary pavement not flush with surrounding area</u>	<u>500</u>	<u>1,000</u>
<u>34 RCNY 2-11(e)(10)(ii)</u>	<u>Failure to properly place and ramp plating and decking</u>	<u>1,200</u>	<u>3,600</u>
<u>34 RCNY 2-11(e)(10)(iii)</u>	<u>Failure to properly fasten plating and decking</u>	<u>1,200</u>	<u>3,600</u>
<u>34 RCNY 2-11(e)(10)(v)</u>	<u>Failure to post “Steel Plates Ahead” or “Raise Plow” sign; failure to countersink plates flush with roadway</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-11(e)(10)(vi)</u>	<u>Failure to use skid resistant plating and/or decking on roadway</u>	<u>1,000</u>	<u>5,000</u>
<u>34 RCNY 2-11(e)(10)(vii)</u>	<u>Failure to remove plating and decking after final restoration or prior to DOT permit expiration.</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-11(e)(10)(viii)</u>	<u>Failure to add required identifying information to plating and decking</u>	<u>250</u>	<u>500</u>

<u>34 RCNY 2-11 (e)(11)(iv)</u>	<u>Failure to restore concrete-base roadway to same depth and strength as the original base concrete</u>	<u>400</u>	<u>1,000</u>
<u>34 RCNY 2-11 (e)(11)(v)</u>	<u>Failure to restore concrete base at same grade as existing base</u>	<u>400</u>	<u>1,000</u>
<u>34 RCNY2-11 (e)(11)(vi)</u>	<u>Installing asphalt other than binder as a base course</u>	<u>400</u>	<u>1,000</u>
<u>34 RCNY 2-11 (e) (11) (vi)</u>	<u>Failure to install and compact binder in a maximum of four inch lifts</u>	<u>400</u>	<u>1,000</u>
<u>34 RCNY 2-11 (e)(11)(vii)</u>	<u>Failure to install protective plating over shallow conduit</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-11 (e) (11) (viii)</u>	<u>Binder base or temporary restoration not flush with surrounding area</u>	<u>750</u>	<u>1,000</u>
<u>34 RCNY 2-11(e)(12)(ii)</u>	<u>Wearing course not flush with surrounding area</u>	<u>750</u>	<u>2,250</u>
<u>34 RCNY 2-11 (e)(12)(iii)</u>	<u>Failure to provide minimum thickness of wearing course on full depth asphalt restoration</u>	<u>400</u>	<u>1,000</u>
<u>34 RCNY 2-11 (e)(12)(v)</u>	<u>Failure to restore entire pavement between street opening and curb</u>	<u>400</u>	<u>1,000</u>
<u>34 RCNY 2-11 (e)(12)(vi)</u>	<u>Failure to restore street in kind (non-historic district)</u>	<u>750</u>	<u>1,000</u>
<u>34 RCNY 2-11(e)(12)(vii)</u>	<u>Failure to restore pavement in kind in designated historic district</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-11(e)(12)(viii)</u>	<u>Failure to properly seal and maintain the wearing course</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-11 (e)(12)(ix)</u>	<u>Failure to obtain DOT permit for any changes to, or installation of, temporary roadway pavement markings and temporary construction, parking or regulatory signs and supports</u>	<u>750</u>	<u>1,000</u>
<u>34 RCNY 2-11(e)(12)(ix)</u>	<u>Failure to restore in kind all roadway pavement markings, and any parking or regulatory signs or supports</u>	<u>750</u>	<u>1,000</u>
<u>34 RCNY 2-11(e)(12)(x)</u>	<u>Failure to permanently restore cut within required time</u>	<u>800</u>	<u>2,400</u>
<u>34 RCNY 2-11(e)(13)(ii)</u>	<u>Failure to restore concrete pavement at the same depth, strength and finish as original pavement</u>	<u>400</u>	<u>1,000</u>

<u>34 RCNY 2-11 (e)(13)(v)</u>	<u>Installing asphalt on a concrete street or concrete bus stop area</u>	<u>700</u>	<u>1,000</u>
<u>34 RCNY 2-11 (e)(13)(vi)</u>	<u>Failure to conform to the applicable Standard Detail Drawing #H-1042 or DOT approved standard (concrete roadways)</u>	<u>750</u>	<u>1,000</u>
<u>34 RCNY 2-11(e)(14)(i)</u>	<u>Failure to apply color code identifying DOT permittee</u>	<u>50</u>	<u>150</u>
<u>34 RCNY 2-11(e)(14)(iii)</u>	<u>Failure to install a color coding marker at the end of the restoration</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-11(e)(16)(i)(A)</u>	<u>Failure to submit a street opening location form (“cutform”) upon DOT’s request</u>	<u>50</u>	<u>150</u>
<u>34 RCNY 2-11(e)(16)(iii)</u>	<u>Failure to comply with all applicable sections of the Highway Rules, the Standard Specifications, Standard Detail Drawings, and all other applicable laws or rules</u>	<u>750</u>	<u>1,000</u>
<u>34 RCNY 2-11(f)(2)(ii)</u>	<u>Failure to obtain a confirmation number prior to expiration of DOT street opening permit (protected street)</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-11(f)(4)(i)</u>	<u>Failure to obtain a confirmation number two hours prior to the commencement of a backfill on a protected street</u>	<u>750</u>	<u>2,250</u>
<u>34 RCNY 2-11 (f) (4) (v)</u>	<u>Failure to conform to the applicable Standard Detail Drawing #H-1042 or DOT approved standard (protected street)</u>	<u>750</u>	<u>1,000</u>
<u>34 RCNY 2-11(g)(1)(i)</u>	<u>Working without a valid emergency number</u>	<u>1,000</u>	<u>3,000</u>
<u>34 RCNY 2-11(g)(1)(ii)</u>	<u>Doing non-emergency work with an emergency authorization number</u>	<u>1,000</u>	<u>3,000</u>
<u>34 RCNY 2-11(g)(2)(i)</u>	<u>Failure to begin emergency work within 2 hours after authorization</u>	<u>500</u>	<u>1,500</u>
<u>34 RCNY 2-11(g)(2)(ii)</u>	<u>Failure to perform emergency work around the clock</u>	<u>1,000</u>	<u>3,000</u>
<u>34 RCNY 2-11(g)(2)(viii)</u>	<u>Failure to apply for DOT permit within two business days of emergency work</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-13(l)(2)</u>	<u>Failure to repair sidewalk covering a vault</u>	<u>250</u>	<u>400</u>
<u>34 RCNY 2-14(b)(1)</u>	<u>Displaying or installing banners without DOT permit</u>	<u>150</u>	<u>450</u>
<u>34 RCNY 2-14 (e)(2)(v)</u>	<u>Failure to maintain and/or replace weatherproof receptacles as necessary for holiday/temporary lighting.</u>	<u>150</u>	<u>300</u>

<u>34 RCNY 2-14 (e)(2)(viii)</u>	<u>Failure to obtain and maintain the required insurance for holiday/temporary lighting.</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-14 (e)(2)(ix)</u>	<u>Failure to obtain a DOT permit prior to commencing work for holiday/temporary lighting.</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-14 (e)(2)(x)</u>	<u>Failure to remove temporary lighting and related equipment when required for holiday/temporary lighting.</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-14 (e)(2)(xiii)</u>	<u>Use of electrical service exceeding 120 volts and/or fused larger than 15 amperes for holiday/temporary lighting.</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-14 (e)(2)(xiv)</u>	<u>Failure to comply with minimum height clearances for holiday/temporary lighting.</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-14 (e)(2)(xv)</u>	<u>Supporting or securing holiday/temporary lighting to a fire escape or drainpipe; failure to insulate temporary lighting.</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-14 (e)(2)(xviii)</u>	<u>Failure to obtain DOT approval for adjustments to work on holiday/temporary lighting.</u>	<u>200</u>	<u>400</u>
<u>34 RCNY 2-14 (e)(2)(xix)</u>	<u>Failure to perform changes mandated by DOT on holiday/temporary lighting.</u>	<u>150</u>	<u>300</u>
<u>34 RCNY 2-14 (e)(2)(xxi)</u>	<u>Failure to certify work for holiday/temporary lighting.</u>	<u>150</u>	<u>300</u>
<u>34 RCNY 2-14 (f)(2)(i)</u>	<u>Commercial refuse container stored or placed in an unauthorized area</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(2)(ii)</u>	<u>Commercial refuse container stored or placed within 15 feet of a hydrant</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(2)(iv)</u>	<u>Commercial refuse container placed in a crosswalk or pedestrian ramp</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(3)</u>	<u>Commercial refuse container causing obstruction or interference</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(4)</u>	<u>Unlabeled or improperly labeled commercial refuse container</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(5)</u>	<u>Commercial refuse container not parallel to the curb or extended more than 9 feet into the roadway</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(6)</u>	<u>Failure to have the proper street protection under commercial refuse container</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(7)</u>	<u>Commercial refuse container without proper reflective markings on all four sides</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-14 (f)(8)</u>	<u>Commercial refuse container/debris obstructing sidewalks, gutters, crosswalks or driveway</u>	<u>250</u>	<u>750</u>
<u>34 RCNY 2-20 (a) (1)</u>	<u>Item attached to City electrical equipment without DOT permit</u>	<u>250</u>	<u>500</u>

<u>34 RCNY 2-20 (a) (2)</u>	<u>Unauthorized person working within 3 feet of City electrical equipment</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (a) (6)</u>	<u>Failure to notify DOT's Electrical Inspection Unit at least 72 hours prior to the commencement of non-emergency work</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (a) (7)</u>	<u>Breaking, defacing, removing, or interfering with equipment as per section</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (b) (2)</u>	<u>Installation of an overhead or wrap-around shunt without a DOT permit</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (b) (4)</u>	<u>Failure to replace shunt with permanent connection within 90 days</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (b) (9)</u>	<u>Failure to maintain overhead shunt or supports at minimum clearances</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (e) (7)</u>	<u>Failure to protect conductor against accidental contact or possible interference</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (n) (2)</u>	<u>Anchor guy attached to City property without DOT approval</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (n) (3) (i)</u>	<u>Anchor guy attached to City property within 25 feet of intersecting street</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (n) (3) (ii)</u>	<u>Anchor guy attached to City property where head guys or pole guys and cribbed poles sufficient</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (n) (3) (iii)</u>	<u>Anchor guy attached to City property interfering with the entrance of a building or garage</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20 (n) (4)</u>	<u>Anchor guy attached to City property not protected by approved shield</u>	<u>250</u>	<u>500</u>
<u>34 RCNY 2-20(q)(7)</u>	<u>Failure to install or relocate street poles within 80 to 130 feet apart, unless authorized by DOT</u>	<u>500</u>	<u>500</u>
<u>34 RCNY 4-10(c)(1)</u>	<u>Unauthorized passenger pickup or discharge (FIRST OFFENSE)</u>	<u>500</u>	<u>500</u>
<u>34 RCNY 4-10(c)(1)</u>	<u>Unauthorized passenger pickup or discharge (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>2,500</u>	<u>2,500</u>
<u>34 RCNY 4-10(d)(7)(ii)</u>	<u>Failure of an intercity bus permit holder to prominently display a copy of an intercity bus permit (FIRST OFFENSE)</u>	<u>500</u>	<u>500</u>
<u>34 RCNY 4-10(d)(7)(ii)</u>	<u>Failure of an intercity bus permit holder to prominently display a copy of an intercity bus permit (SECOND OR</u>	<u>2,500</u>	<u>2,500</u>

	<u>SUBSEQUENT OFFENSE)</u>		
<u>34 RCNY 4-10(d)(7)(iii)</u>	<u>Failure of an intercity bus permit holder to properly display the operator's name, address and telephone number (FIRST OFFENSE)</u>	<u>500</u>	<u>500</u>
<u>34 RCNY 4-10(d)(7)(iii)</u>	<u>Failure of an intercity bus permit holder to properly display the operator's name, address and telephone number (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>2,500</u>	<u>2,500</u>
<u>34 RCNY 4-10(d)(7)(v)</u>	<u>Unlawful stopping or standing in an assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers by an intercity bus permit holder (FIRST OFFENSE)</u>	<u>500</u>	<u>500</u>
<u>34 RCNY 4-10(d)(7)(v)</u>	<u>Unlawful stopping or standing in an assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers by an intercity bus permit holder (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>2,500</u>	<u>2,500</u>
<u>34 RCNY 4-10(d)(7)(vi)</u>	<u>Altering an intercity bus permit (FIRST OFFENSE)</u>	<u>500</u>	<u>500</u>
<u>34 RCNY 4-10(d)(7)(vi)</u>	<u>Altering an intercity bus permit (SECOND OR SUBSEQUENT OFFENSE)</u>	<u>2,500</u>	<u>2,500</u>
<u>34 RCNY 4-16 (b), (c), (d), and (e)</u>	<u>Failure to comply with DOT Pedestrian Plaza Rules</u>	<u>500</u>	<u>500</u>

PENALTY SCHEDULE RELATED TO NEWSRACKS

<u>Admin. Code 19-128.1(b)(1)</u>	<u>Newsrack exceeds size limits</u>	<u>100</u>	<u>500</u>
<u>Admin. Code 19-128.1(b)(2)</u>	<u>Newsrack used for impermissible advertising/promotional purposes</u>	<u>100</u>	<u>500</u>
<u>Admin. Code 19-128.1(b)(3)</u>	<u>Failure to keep coin return mechanism in good working order</u>	<u>100</u>	<u>500</u>
<u>Admin. Code 19-128.1(b)(4)</u>	<u>Failed to affix correct name/address/telephone number to newsrack as per subsection</u>	<u>100</u>	<u>500</u>
<u>Admin. Code 19-128.1(b)(5),(6)</u>	<u>Newsrack placed/installed/maintained in improper location</u>	<u>250</u>	<u>500</u>
<u>Admin. Code 19-128.1(b)(7)</u>	<u>Failure to place/install newsrack in a manner so that it cannot be tipped over</u>	<u>250</u>	<u>500</u>
<u>Admin. Code 19-128.1(c)(1)</u>	<u>Failure to notify DOT of newsrack information and compliance as per subsection</u>	<u>3,000</u>	<u>4,000</u>
<u>Admin. Code 19-128.1(c)(2)</u>	<u>Failure to notify DOT of required newsrack information for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1,000 + racks</u>	<u>3,000</u>	<u>4,000</u>
<u>Admin. Code 19-128.1(d)</u>	<u>Failure to maintain/provide required indemnification/insurance information for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1000+ racks</u>	<u>3,000</u>	<u>4,000</u>
<u>Admin. Code 19-128.1(e)(1)</u>	<u>Failure to/inaccurately certified graffiti-removal info for:</u>		

	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1000 + racks</u>	<u>3,000</u>	<u>4,000</u>
<u>Admin. Code 19-128.1(e)(1)</u>	<u>Failure to maintain accurate logs/records as per subsection for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1000 + racks</u>	<u>3,000</u>	<u>4,000</u>
<u>Admin. Code 19-128.1(e)(1)</u>	<u>Failure to provide maintenance logs/records as per subsection for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1000 + racks</u>	<u>3,000</u>	<u>4,000</u>
<u>Admin. Code 19-128.1(e)(2)</u>	<u>Failure to remove refuse from newsrack as per subsection</u>	<u>100</u>	<u>500</u>
<u>Admin. Code 19-128.1(e)(3)</u>	<u>Newsrack empty/unsecured door for impermissible time</u>	<u>100</u>	<u>500</u>
<u>Admin. Code 19-128.1(e)(4)</u>	<u>Failure to correct newsrack damaged/in need of repair as per subsection</u>	<u>100</u>	<u>500</u>
<u>Admin. Code 19-128.1(e)(5)</u>	<u>Failure to repair damage to City property/sidewalk caused by newsrack</u>	<u>100</u>	<u>500</u>
<u>34RCNY 2-08 (e)(3)</u>	<u>Failure to remove refuse from newsrack as per paragraph</u>	<u>100</u>	<u>500</u>
<u>34RCNY 2-08 (e)(5)</u>	<u>Newsrack empty/unsecured door for impermissible time</u>	<u>100</u>	<u>500</u>
<u>34RCNY 2-08 (e)(4)</u>	<u>Failure to correct newsrack damaged/in need of repair as per paragraph</u>	<u>100</u>	<u>500</u>

<u>34RCNY 2-08 (b)(3)</u>	<u>Failure to repair damage to City property/sidewalk caused by newsrack</u>	<u>100</u>	<u>500</u>
<u>34RCNY 2-08 (d)(2)</u>	<u>Failure to affix correct name/address/telephone number to newsrack as per paragraph</u>	<u>100</u>	<u>500</u>
<u>34RCNY 2-08 (d)(1)</u>	<u>Newsrack exceeds size limits</u>	<u>100</u>	<u>500</u>
<u>34RCNY 2-08 (d)(3)</u>	<u>Newsrack used for impermissible advertising/promotional purposes</u>	<u>100</u>	<u>500</u>
<u>34RCNY 2-08 (c)</u>	<u>Newsrack placed/installed/maintained in improper location</u>	<u>250</u>	<u>500</u>
<u>34RCNY 2-08 (b)(1)</u>	<u>Failure to place/install newsrack in a manner so that it cannot be tipped over</u>	<u>250</u>	<u>500</u>
<u>34RCNY 2-08 (b)(4) (i) and (ii)</u>	<u>Failure to notify DOT of newsrack information and compliance as per paragraph</u>	<u>3,000</u>	<u>4,000</u>
<u>34 RCNY 2-08(b)(4)(iii), (iv) and (v)</u>	<u>Subsequent to the initial notification to DOT, failure to notify DOT in accordance with rule requirements for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1,000 or more racks</u>	<u>3,000</u>	<u>4,000</u>
<u>34 RCNY 2-08(e)(2)</u>	<u>Failure to maintain accurate logs/records per DOT requirements for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1,000 or more racks</u>	<u>3,000</u>	<u>4,000</u>
<u>34 RCNY 2-08(e)(2)</u>	<u>Failure to provide maintenance logs/records to DOT on request for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>

	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1,000 or more racks</u>	<u>3,000</u>	<u>4,000</u>
<u>34 RCNY 2-08(f)</u>	<u>Failure to maintain/provide proper indemnification/insurance information for:</u>		
	<u>1-99 racks</u>	<u>375</u>	<u>500</u>
	<u>100-249 racks</u>	<u>550</u>	<u>750</u>
	<u>250-499 racks</u>	<u>1,100</u>	<u>1,500</u>
	<u>500-749 racks</u>	<u>1,700</u>	<u>2,250</u>
	<u>750-999 racks</u>	<u>2,300</u>	<u>3,000</u>
	<u>1,000 or more racks</u>	<u>3,000</u>	<u>4,000</u>



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Zachary Carter
Corporation Counsel

(212) 788-1087

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

RULE TITLE: Promulgation of Transportation Penalty Schedule

REFERENCE NUMBER: 2016 RG 071

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

Date: April 20, 2017

Acting Corporation Counsel

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: Promulgation of Transportation Penalty Schedule

REFERENCE NUMBER: DOT-36

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 a cure period is not practicable under the circumstances and/or may pose significant risks to public health and safety.

/s/ Francisco X. Navarro

Mayor's Office of Operations

April 21, 2017

Date