

CAPA REGULATORY AGENDA FY 2019
DEPARTMENT OF TRANSPORTATION

Pursuant to section 1042 of the Charter, the New York City Department of Transportation (DOT) sets forth below its regulatory agenda for the City's fiscal year of 2019:

DIVISION OF TRANSPORTATION PLANNING AND MANAGEMENT

1. SUBJECT: Amend Traffic Rules relating to double parking.

- A. Anticipated contents: Amend section 4-08(f)(1) and 4-08(l) of the Traffic Rules.
- B. Reason: The current double parking rules allow 30 minutes of inactivity making enforcement difficult.
- C. Objectives: To modify the rule on double parking for more effective enforcement and to prohibit commercial vehicle double parking in the Financial District.
- D. Legal basis: Section 2903 (a) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: All motorists.
- G. Approximate schedule: First Quarter of FY 2019.

Agency Contact: Eric Beaton
(212) 839-6697

2. SUBJECT: Updated Provisions Relating to Restricted and Limited Use Streets

- A. Anticipated contents: Amend Section 4-12(r) of the Traffic Rules to update the provisions relating to restricted and limited use streets, including adding the concept of shared streets.
- B. Reason: DOT has started implementing a new street use type as an event, but also with interim materials.
- C. Objectives: To define the design, use and regulation of a shared street.
- D. Legal basis for the proposed rule: Section 2903(a) of the New York City Charter.
- E. Other relevant law: None.

- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: Second Quarter of FY 2019.

Agency Contact: Eric Beaton
(212) 839-6697

3. SUBJECT: Amend Truck Routes

- A. Anticipated contents: Amend the Traffic Rules to reflect changes in truck routes citywide.
- B. Reason: Various truck routes are being updated and changed.
- C. Objectives: To provide the public notice of a change to a particular segments of the citywide truck routes.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Charles Ukegbu
(212) 839-6675

4. SUBJECT: Update DOT Traffic Rules

- A. Anticipated contents: Amend various sections of the Traffic Rules, including but not limited to Sections 4-01 (Words and Phrases); 4-02 (Compliance With and Effect of Traffic Rules); 4-05 (Turns); 4-07 (Other Restrictions on Movement); 4-08 (Parking, Stopping, Standing); 4-10 (Buses); 4-11 (Taxis, Commuter Vans, For-Hire and Certain Diplomatic and Consular Vehicles); 4-12 (Miscellaneous); 4-13 (Truck Routes); 4-14 (Parkways and Parks); and 4-15 (Limitations Upon Dimensions and Weights of Vehicles) of the Traffic Rules.
- B. Reason: The current DOT Traffic Rules require some clean-up and re-organization, such as removing obsolete provisions, adding clearer and more concise language and adding a new bicycle section. Some of these updates were identified through the City's Retrospective Rules Review.
- C. Objectives: As part of a general clean-up of the DOT Traffic Rules, DOT intends to move current provisions applicable to bicyclists to a new bicycle section; clarify certain provisions; and remove obsolete provisions.

- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: Various sections in the New York State Vehicle and Traffic Law.
- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: First Quarter of FY 2019.

Agency Contact: Eric Beaton
(212) 839-6697

5. SUBJECT: Carwashes

- A. Anticipated contents: Amend section 4-08(n)(2) of the Traffic Rules to clarify that mobile or pop-up carwashes cannot operate on a city street, bridge or in municipal parking facility.
- B. Reason: The Car Wash Accountability Act and its associated rules promulgated by the Department of Consumer Affairs require carwashes to operate under a licensing scheme. The law and rules do not explicitly prohibit mobile or pop-up carwashes from operating on a city street, bridge or municipal parking facility, accordingly, DOT wants to clearly and plainly prohibit such activities.
- C. Objectives: To clarify that mobile or pop-up carwashes cannot operate on a city street, bridge or in a municipal parking facility.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: Local Law 62 of 2015 and Chapter 2 of Title 6 of the Rules of the City of New York.
- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: TBD

DIVISION OF TRAFFIC OPERATIONS

6. SUBJECT: Amend the Street Light and Power Rules

- A. Anticipated contents: Amend various provisions of section 2-20 of the Highway Rules to clarify accessibility requirements, including provisions relating to guys, anchors and wooden poles.
- B. Reason: As part of its enhanced pedestrian ramp program, DOT wants to clarify certain accessibility requirements affecting all poles on the sidewalk.
- C. Objectives: To clarify accessibility requirements affecting poles on the sidewalk.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees, utility companies, and other government agencies.
- G. Approximate schedule: Fourth Quarter of FY 2019.

Agency Contact: Ernest Athanailos
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DIVISION OF SIDEWALK MANAGEMENT AND INSPECTION—
HIGHWAY INSPECTION QUALITY ASSURANCE UNIT

7. SUBJECT: Update Restoration Requirements.

- A. Anticipated contents: Amend Section 2-11(f)(4)(ii) of the Highway Rules to include all phases of restoration so that it is clear that DOT may inspect any phase of restoration.
- B. Reason: Currently the restoration requirements for protected streets as they relate to DOT inspections do not include all phases of restoration.
- C. Objectives: To assure the proper restoration of protected streets.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Second Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
(212) 839-8856

8. SUBJECT: Skid-Resistant Plates.

- A. Anticipated contents: Amend section 2-11(e)(10)(vi) of the Highway Rules to include clarifying language requiring skid-resistance on 100% of the plate.
- B. Reason: Some DOT permittees are not making the entirety of their plates skid-resistant.
- C. Objectives: To provide clear requirements for skid-resistant plates.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Second Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
(212) 839-8856

9. SUBJECT: Clarify Confirmation Number and Notification Requirements.

- A. Anticipated contents: Amend the Highway Rules to require that a confirmation number is obtained prior to a backfill or a base installation. Additionally, amend the Highway Rules to require that all permittees notify DOT via the NYCStreets Permit Management System when they commence and complete the actual work authorized by their DOT permits.
- B. Reason: Currently some DOT permittees are required to notify the department prior to backfilling but DOT wants to broaden this requirement.
- C. Objectives: To monitor permittee compliance.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Second Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
(212) 839-8856

10. SUBJECT: Placement and Removal of “Raise Plow” or “Steel Plates Ahead” Signage.

- A. Anticipated contents: Amend section 2-11(e)(10)(vii) of the Highway Rules to require that in addition to removing all plating and decking when work is complete, the permittee must also remove any “Raised Plow” or “Steel Plates Ahead” signs. Additionally clarify the height at which “Raised Plow” or “Steel Plates Ahead” signs must be placed.
- B. Reason: DOT permittees and their subcontractors frequently do not remove their “Raise Plow” or “Steel Plates Ahead” signs and at times these signs are not conspicuously placed.
- C. Objectives: To include a height requirement for the placement of these signs and to require their removal.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
(212) 839-8856

11. SUBJECT: Final Wearing Course Restoration Requirements

- A. Anticipated contents: Amend section 2-11(e)(12) by adding a new subparagraph that clearly describes the restoration requirements for the final wearing course. The amendment will require that the final completed wearing course provide a smooth riding surface and be free of defects, including but not limited to pitting, cracking, rutting and raveling. The final wearing course must be properly maintained throughout the life of the guarantee period.
- B. Reason: The Highway Rules do not currently specify the final wearing course restoration requirements.
- C. Objectives: To clarify restoration requirements.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.

G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
(212) 839-8856

12. SUBJECT: Temporary Construction Signs

- A. Anticipated contents: Amend section 2-11(e)(12) to include a new subparagraph requiring that a permittee add their permittee identification number to every No Parking/No Standing temporary construction sign. This amendment will also require that the permittee remove such sign upon expiration of the permit.
- B. Reason: The Highway Rules do not currently address any requirements relating to temporary No Parking/No Standing temporary construction signs. This type of signage is usually addressed through permit stipulations, however, adding the permittee identification number on these types of signs will more readily identify the permittee responsible for installing and removing these signs.
- C. Objectives: To identify the appropriate entity that has installed a No Parking/No Standing temporary construction sign for the purposes of notification and removal of such sign.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
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13. SUBJECT: Container Permits

- A. Anticipated contents: Amend various sections of the Highway Rules to clarify the conditions under which a container permit is required. The amendments would no longer make a distinction between a “commercial refuse container” and a “construction debris container”.
- B. Reason: The existing rules relating to who is responsible for obtaining permits for commercial refuse containers and containers obtained for construction activities are overly complex.
- C. Objectives: To simplify and clarify requirements for container permits.

- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
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14. SUBJECT: Advance Warning Signs for Obstructed Bicycle Lane

- A. Anticipated contents: Amend sections 2-11(g) and 2-07 of the Highway Rules to require the placement of advance warning signs when a bicycle lane is obstructed due to certain street construction work.
- B. Reason: The Highway Rules do not currently require the placement of advance warning signs indicating that a bicycle lane is obstructed due to work during non-restricted hours or under an emergency street opening permit.
- C. Objectives: To inform bicyclists that certain street construction work is obstructing the bicycle lane so that they are provided with advance warning.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
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15. SUBJECT: Requirement to Notify DOT If Utility Access Cover Work Is Obstructing Bike Share Station

- A. Anticipated contents: Amend section 2-07 of the Highway Rules requiring owners of utility access covers to notify DOT if utility access cover work is going to obstruct a bike share station.
- B. Reason: The Highway Rules do not currently provide for such notification. This amendment would assist DOT in monitoring and informing the bike share operator of any work that might impact a bike share station.

- C. Objectives: To monitor and inform the bike share operator of any utility access cover work that obstructs a bike share station.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: Utility companies.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
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16. SUBJECT: Pedestrian Accessibility at Work Sites.

- A. Anticipated contents: Amend section 2-02(h) of the Highway Rules to establish a standard at street construction sites as they relate to pedestrian safety and accessibility. Additionally, require that work site safety includes barricading an obstruction on all four sides.
- B. Reason: The Highway Rules do not specify clear standards for pedestrian safety and accessibility that should be used at street construction sites.
- C. Objectives: To clarify work site safety so there is pedestrian accessibility through and around work zones.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: 23 CFR Part 655, Subpart F (federal Manual on Uniform Traffic Control Devices) and 17 NYCRR Chapter V, Americans with Disabilities Act of 1990 (ADA), Rehabilitation Act of 1973, ADA Accessibility Guidelines for Buildings and Facilities adopted in 2010 by the US Department of Justice.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: First Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
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17. SUBJECT: Update DOT's Sidewalk, Curb and Roadway Application (SCARA) Requirements

- A. Anticipated contents: Amend section 2-09 of the Highway Rules to update the SCARA requirements to reflect provisions of the Americans with Disabilities Act of 1990 (ADA).
- B. Reason: Portions of the Highway Rules do not reflect current ADA provisions.
- C. Objectives: To update and reconcile DOT's SCARA requirements with applicable ADA provisions.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: Americans with Disabilities Act of 1990 (ADA), Rehabilitation Act of 1973, ADA Accessibility Guidelines for Buildings and Facilities adopted in 2010 by the US Department of Justice.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Rosa Rijos
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18. SUBJECT: Pedestrian Ramps

- A. Anticipated contents: Amend the Highway Rules to establish a specific pedestrian ramp section, to include various definitions associated with pedestrian ramps, such as "corner quadrant", and to include a specific pedestrian ramp permit fee in DOT's current schedule of fees.
- B. Reason: DOT is enhancing its pedestrian ramp program and as a result the Highway Rules must be updated to reflect the various requirements associated with pedestrian ramps.
- C. Objectives: To combine and update all pedestrian ramp requirements into one cohesive and comprehensive section of the Highway Rules.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: Americans with Disabilities Act of 1990 (ADA), Rehabilitation Act of 1973, ADA Accessibility Guidelines for Buildings and Facilities adopted in 2010 by the US Department of Justice.
- F. Types of individuals and entities likely to be affected: DOT permittees.

G. Approximate schedule: Fourth Quarter of FY 2019.

Agency Contact: Rosa Rijos
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19. SUBJECT: DOT Penalty Schedule

- A. Anticipated contents: Amend Chapter 3 of Title 34 of the Rules of the City of New York, specifically DOT's Penalty Schedule at the Office of Administrative Hearings and Trials (OATH).
- B. Reason: DOT wants to review and update its Penalty Schedule to include any new penalty codes and update amended rule language.
- C. Objectives: To update DOT's Penalty Schedule.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
(212) 839-8856

20. SUBJECT: Highway Rules Update.

- A. Anticipated contents: Amend various sections of the Traffic Rules, including but not limited to Sections 2-05 (Construction Activity), 2-07 (Underground Street Access Covers), and 2-20 (Street Light and Power).
- B. Reason: Certain updates were identified through the City's Retrospective Rules Review.
- C. Objectives: To use clearer and more concise language in the Highway Rules.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees.

G. Approximate schedule: Second Quarter of FY 2019.

Agency Contact: Joseph T. Yacca
(212) 839-8856

EXECUTIVE DIVISION

21. **SUBJECT**: Update Insurance Requirements.

- A. Reason: The insurance requirements regarding the City as an additional insured are not current.
- B. Anticipated contents: Amend section 2-02(a)(3)(i)(F) of the Highway Rules to revise the reference to an ISO Form.
- C. Objectives: To obtain sufficient and accurate insurance coverage from DOT permittees.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Types of individuals and entities likely to be affected: DOT permittees.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2019.

Agency Contact: John Martin
(212) 839-9639

22. **SUBJECT**: Repeal of Chapters 5 and 8 of Title 34 of the Rules of the City of New York.

- A. Anticipated contents: Amend Title 34 of the Rules of the City of New York by repealing obsolete Chapters 5 and 8.
- B. Reason: As part of the City's Retrospective Rules Review, Chapter 5 (Paratransit Program Access-A-Ride) and Chapter 8 (Employee Commute Options Program) of Title 34 of the Rules of the City of New York were identified as containing obsolete provisions.
- C. Objectives: To update Title 34 of the Rules of the City of New York.
- D. Legal basis: Section 2903 of the New York City Charter.

- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: Fourth Quarter of FY 2019.

Agency Contact: TBD

DIVISION OF LEGAL AFFAIRS--
OFFICE OF CITYSCAPE AND FRANCHISES

23. SUBJECT: Update to Revocable Consent Rules

- A. Anticipated contents: Amend various section of Chapter 7 of Title 34 of the Rules of the City of New York relating to revocable consents.
- B. Reason: The current DOT Revocable Consent Rules require some updating, such as adding clearer and more concise language. Some of these updates were identified through the City's Retrospective Rules Review.
- C. Objectives: To clarify and update the rules on revocable consents.
- D. Legal basis: Section 364 of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: Current revocable consent holders and prospective revocable consent holders.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Michelle Craven
(212) 839-4478

24. SUBJECT: Revocable Consent Renewals

- A. Anticipated contents: Amend Chapter 7 of Title 34 of the Rules of the City of New York to include a provision relating to renewals of revocable consents.
- B. Reason: To clarify and set forth the process for renewing revocable consents including the calculation of the annual fee.
- C. Objectives: Establish the formal procedure for renewing revocable consents.
- D. Legal basis: Section 364 of the New York City Charter.

- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: Current revocable consent holders and prospective revocable consent holders.
- G. Approximate schedule: Third Quarter of FY 2019.

Agency Contact: Michelle Craven
(212) 839-4478

25. SUBJECT: Bike Share /Dockless Bike Share Pilot and other Programs

- A. Anticipated contents: Amend Sections 4-01 and 4-12(p) of the Traffic Rules to define “bicycle sharing company” and establish requirements associated with operating a dockless bicycle sharing program in New York City.
- B. Reason: DOT is interested in conducting a dockless bicycle sharing pilot and other related programs.
- C. Objectives: To clarify that operating a bicycle sharing program in New York City without prior authorization from DOT is prohibited.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: Fourth Quarter of FY 2019.

Agency Contact: Michelle Craven
(212) 839-4478