

**CAPA REGULATORY AGENDA FY 2020
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 2020:

DIVISION OF TRANSPORTATION PLANNING AND MANAGEMENT

1. **SUBJECT:** Restricted and Limited Use Streets (i.e. Shared 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 2020.

Agency Contact: Emily Weidenhof
 (212) 839-4325

2. **SUBJECT:** Pedestrian Plaza Seating
 - A. Anticipated contents: Amend section 4-16 of the Traffic Rules to allow for up to 20% of all seating in pedestrian plazas (where there is a concession) to be exclusive, subject to DOT review and approval.
 - B. Reason: To support concession activity in pedestrian plazas.
 - C. Objectives: To bolster the viability of pedestrian plaza concessions with a small portion of exclusive seating in plazas with limited concession opportunities, limited partner capacity, and where activation is greatly needed for the overall management of the space, such as at Fordham Plaza in the Bronx.

- D. Legal basis: Section 2903(a) of the New York City Charter and section 19-157 of the New York City Administrative Code.
- E. Other relevant laws: New York City Department of City Planning privately owned public spaces (POPs) guidelines.
- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: First Quarter of FY 2020.

Agency Contact: Emily Weidenhof
(212) 839-4325

3. SUBJECT: Cargo Bicycles

- A. Anticipated contents: Amend various sections of the Traffic Rules, including but not limited to:
 - Section 4-01 adds a new definition for “cargo bicycle” and clarifies the definition of “bicycle” to include cargo bicycles for recreational and commercial uses.
 - Section 4-08 adds provisions for parking of cargo bicycles used for commercial purposes.
 - Section 4-12 adds provisions for permits related to cargo bicycles used for commercial purposes.
- B. Reason: Provide a clear definition of cargo bicycles for recreational and commercial use.
- C. Objectives: The current DOT Traffic Rules require some clean up and re-organization, adding clearer and more concise language to define where cargo bicycles can operate and park.
- 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: Second Quarter of FY 2020.

Agency Contact: Diniece Mendes
(212) 839-7704

4. **SUBJECT:** Extended Painted Sidewalk

- A. Anticipated contents: Amend various sections of the Traffic Rules, including but not limited to:
- In Section 4-01, add a new definition for “extended painted sidewalk” as a closed area marked by a double solid line or bound by a double solid line and the curb that is only intended to provide additional sidewalk, median, or refuge space for pedestrians.
 - In Section 4-04, clarify that “extended painted sidewalk” must be treated as sidewalk for the purposes of traffic operations and not as the “roadway”, i.e. pedestrians have the right of way to enter and stand in them at all times, etc., and provide any special rules or restrictions as to activities conducted there within.
 - In Section 4-07, clarify that no vehicle is to cross a double solid line (double solid already defined in MUTCD 3B.04.30, but ambiguously defined as a lane line, i.e. between travel lanes, not explicitly at the edge of the roadway).
 - In Section 4-08(e), clarify that no vehicle shall be parked/standing/stopping in an “extended painted sidewalk”, since they are considered sidewalk.
- B. Reason: To provide a clear definition of term “extended painted sidewalk” and to define the prohibited activities within them.
- C. Objectives: To prevent any operation of a vehicle, including parking, standing, and stopping, in areas marked by a double solid line or bound by a double solid line and the curb or edge of traveled way that is intended to provide additional sidewalk, median, or refuge space and to empower enforcement activities against such operations.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: Federal Manual on Uniform Traffic Control Devices section 3B.04.30
- F. Types of individuals and entities likely to be affected: General public.
- G. Approximate schedule: Third Quarter of FY 2020.

Agency Contact: Roger Weld
(646) 892-1040

5. **SUBJECT:** Amend Truck Routes

- A. Anticipated contents: Amend Section 4-13 of the Traffic Rules to reflect changes in truck routes citywide.

- B. Reason: Various truck routes are being updated and changed as part of the Smart Truck Management Plan.
- 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 2020.

Agency Contact: Diniece Mendes
(212) 839-7704

6. SUBJECT: Update Traffic Rules

- A. Anticipated contents: Amend various sections of the Traffic Rules, including but not limited to Sections 4-01 (Definitions), 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, updating language based on new local laws, updating parking meter definition, updating bus stop permit provisions, 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: Second Quarter of FY 2020.

Agency Contact: Eric Beaton
(212) 839-6697

7. SUBJECT: Carwashes

- A. Anticipated contents: Amend section 4-08(n)(2) of the Traffic Rules to clarify that mobile or pop-up commercial 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 2020.

Agency Contact: TBD

DIVISION OF TRAFFIC OPERATIONS

8. SUBJECT: Amend the Street Light and Power Rules (proposed jointly with Division of Sidewalk Management and Inspection)

- 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 accessibility 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 2020.

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

9. SUBJECT: Cobblestone Restoration

- A. Anticipated contents: Amend section 2-11 of the Highway Rules requiring permittees to restore a cobblestone roadway in accordance with a new Standard Detail of Construction Drawing that is being developed with DDC.
- B. Reason: The Highway Rules do not currently provide specific restoration requirements for cobblestone roadways other than replacing in kind. This amendment will refer permittees to a specific drawing that will establish clear restoration requirements.
- C. Objectives: To establish restoration requirements for cobblestone roadways.
- 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 2020.

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

10. SUBJECT: Repair of Damaged Roadway Unrelated to Construction Restoration

- A. Anticipated contents: Amend the Highway Rules requiring DOT permittees who damage the roadway unrelated to roadway construction to repair the damage they have caused.

- B. Reason: The Highway Rules do not currently include a provision requiring DOT permittees to repair defective conditions that do not fall within a restoration or 12 inches of hardware.
- C. Objectives: To establish a new rule that would require permittees to properly repair and maintain roadway defects they cause.
- 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, DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2020.

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

11. SUBJECT: 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 2020.

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 2020.

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 2020.

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

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 2020.

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 2020.

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 2020.

Agency Contact: Joseph T. Yacca
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(212) 839-6426

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.
- B. Reason: Portions of the Highway Rules do not reflect current policies and procedures.

- C. Objectives: To update and reconcile DOT’s SCARA requirements with applicable policies and procedures, including Americans with Disabilities Act of 1990 (ADA) provisions.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: 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 2020.

Agency Contact: Rosa Rijos
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18. SUBJECT: Update Accessibility Requirements

- A. Anticipated contents: Amend the Highway Rules to establish a specific accessibility section that would address accessibility in its entirety, including but not limited to requiring that all work performed in corner quadrants be ADA compliant and drawings and other written documentation (as required by DOT) demonstrating accessibility be submitted pre- and post- construction to DOT for approval, defining various terms such as “corner quadrant”.
- B. Reason: DOT is enhancing its accessibility program, including its pedestrian ramp program and as a result the Highway Rules must be updated to reflect various accessibility requirements.
- C. Objectives: To combine and update all accessibility requirements into one cohesive and comprehensive section of the Highway Rules so that work being performed in the public right-of-way is compliant with DOT guidelines, operations and procedures.
- 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: Utility companies, contractors, developers, governmental entities, and CitiBike conducting work in the public right-of-way.

G. Approximate schedule: Fourth Quarter of FY 2020.

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 update its Penalty Schedule to include new penalty codes, increase certain penalty amounts, 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: General public, DOT permittees.
- G. Approximate schedule: Third Quarter of FY 2020.

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

20. SUBJECT: Update Highway Rules

- A. Anticipated contents: Amend various sections of the Traffic Rules, including but not limited to Sections 2-02 (Permits), 2-05 (Construction Activity) 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 2020.

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

EXECUTIVE DIVISION

21. SUBJECT: Micromobility Device Sharing Systems [NEW]

- A. Anticipated contents: Amend Sections 4-01 and 4-12(p) of the Traffic Rules to define “micromobility device” and “micromobility device sharing system” and establish requirements associated with operating a micromobility device sharing system in New York City.
- B. Reason: To make sure that no micromobility device sharing systems are operated in New York City without prior written authorization from DOT.
- C. Objectives: To clarify that operating a micromobility device sharing system in New York City without prior written 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: TBD

22. 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 2020.

Agency Contact: John Martin
(212) 839-9639

23. SUBJECT: Repeal of Chapter 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 Chapter 8.
- B. Reason: As part of the City’s Retrospective Rules Review, Chapter 8 (Employee Commute Options Program) of Title 34 of the Rules of the City of New York was 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 2020.

Agency Contact: TBD

DIVISION OF LEGAL AFFAIRS--
OFFICE OF CITYSCAPE AND FRANCHISES

24. SUBJECT: Vault Program

- A. Anticipated contents: Amend Section 2-13 of the Highway Rules to broaden the circumstances in which vault licenses are issued and to clarify appropriate vault uses.
- B. Reason: The current rules require vault licenses only for new vaults or enlargement of existing vaults. The amendment would expand this requirement to require vaults that are altered or repaired as well. In addition, it would clarify the appropriate uses of new building vaults.

- C. Objectives: Revise and clarify the vault rules relating to the issuance of vault licenses and uses of vaults.
- 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: Property owners who alter or repair vaults that were built before 1991 and property owners constructing new vaults.
- G. Approximate schedule: Third Quarter of FY 2020.

Agency Contact: Michelle Craven
(212) 839-4478

25. SUBJECT: Update 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 2020.

Agency Contact: Michelle Craven
(212) 839-4478

26. 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 2020.

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