NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed amendment to the Rules Relating to Intercity Bus Permit System

Date / Time: October 3, 2013 at 1:00 pm

Location: 345 Adams Street, 3rd Floor
Brooklyn, New York

Contact: Beth Goldman
Deputy Commissioner for Legal Affairs
345 Adams Street, 3rd Floor
Brooklyn, New York 11201
GoldmanBeth@Finance.nyc.gov

Proposed Rule Amendment

Pursuant to the authority vested in the Commissioner of Finance by sections 389 (b) and 1043 of the New York City Charter, sections 237 and 1642-a of the Vehicle and Traffic Law and section 19-203 of the Administrative Code of the City of New York, and in accordance with section 1043 of the New York City Charter, the New York City Department of Finance proposes to adopt the following amendment to the Rules relating to the intercity bus permit system.

The proposed rule amendment is necessary to carry out the powers and duties delegated to the Commissioner of Finance by Chapter 2 of Title 19 of the Administrative Code of the City of New York. The proposed amendment was included in the Fiscal Year 2014 regulatory agenda.

Instructions

- Prior to the hearing, you may submit written comments about this proposed rule amendment to the office of Beth Goldman, Deputy Commissioner for Legal Affairs, 345 Adams Street, 3rd Floor, Brooklyn, New York 11201 on or before
Individuals who want to testify at the hearing should notify Joan Best at (718) 403-3669 at least three days prior to the date scheduled for the hearing.

Individuals who need a sign language interpreter or other accommodation for a disability should notify Joan Best at (718) 403-3669 no later than two weeks prior to the hearing.

Written comments and a summary of oral comments received at the hearing will be available for public review beginning one day after the hearing at the office of Robert S. Dauman, Office of Legal Affairs, 345 Adams Street, 3rd Floor, Brooklyn, New York 11201, between the hours of 9:00 A.M. and 5:00 P.M.

Statement of Basis and Purpose

The intercity bus industry has grown significantly over the last fifteen years. While intercity buses provide a useful service, their on-street operations can cause serious disruption to the local traffic network and risks to public safety. In certain communities within the City, the proliferation of these buses has led to an increase in traffic and sidewalk congestion; a higher concentration of on-street bus parking, double parking or blocking of travel lanes; and the creation of traffic and safety concerns for drivers, travelers, pedestrians and residents.

In an effort to help address these concerns, New York State adopted Vehicle and Traffic Law (VTL) Section 1642-a, which authorized the City to establish an intercity bus permit system inclusive of a schedule of fines or civil penalties for violations of rules related to the system. The Parking Violations Bureau (PVB), a part of the Department of Finance (DOF), is authorized to adjudicate violations of the DOT intercity bus permit system rules pursuant to Section 1642-a and Article 2-B of the VTL.

On April 10, 2013, the Mayor issued a letter designating the DOT to promulgate rules to implement and enforce the intercity bus permit system, and DOT has subsequently promulgated such rules (the “DOT intercity bus permit system rules”), found at 34 RCNY §§ 4-01 and 4-10. The Mayor also designated the DOF and the ECB to promulgate rules setting forth fines or civil penalties for violations of the DOT intercity bus permit system rules.

In coordination with the DOT and the New York City Police Department (NYPD), both DOF and ECB intend to establish penalty schedules for violations of the DOT intercity bus permit system rules as part of a coordinated enforcement scheme. In this rulemaking, DOF will amend 19 RCNY § 39-05 to add civil penalties for such DOT violations returnable to the PVB. Violations of such enforcement codes will result in a civil penalty
of $500 for each violation. It is anticipated that in a separate rulemaking, ECB will amend its DOT penalty schedule to include enforcement codes resulting in a civil penalty for first violations and enhanced penalties for repeat violators of the DOT intercity bus permit system rules, including violators of the DOF enforcement codes.

Violations of the DOT Intercity Bus Permit System Rules

These proposed amendments to the DOT penalty schedule for offenses adjudicated at PVB involve the following violations of the DOT intercity bus permit system rules:

- **Unauthorized passenger pickup or discharge in violation of 34 RCNY § 4-10(c)(1)**
  The intent of implementing an intercity bus permit system is to ensure that intercity bus operators utilizing the City’s curb space inform the DOT of their intended operations, and, once approved for such operations, adhere to permit requirements. In applying for a permit, bus operators will provide DOT with important information related to overall bus operations within the City necessary for administration of the program.

- **Failure of an intercity bus permit holder to prominently display a copy of an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(ii)**
  The prominent display of a copy of the intercity bus permit is necessary to assure that enforcement officers are easily able to identify buses with valid authorization to utilize the City’s curb space.

- **Failure of an intercity bus permit holder to properly display the operator’s name, address and telephone number in violation of 34 RCNY § 4-10(d)(7)(iii)**
  The operator’s name, address, and telephone number must be affixed in characters at least five inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels. The operator’s name, address, and telephone number are necessary to ensure that enforcement officers are easily able to identify buses with valid authorization to utilize the City’s curb space.

- **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 in violation of 34 RCNY § 4-10(d)(7)(v)**
  Intercity bus permits are for the temporary utilization of curb space by approved bus operators in order to expeditiously pick up or discharge passengers. This code is necessary to ensure that permittees do not park or stand their vehicles in curb space and thereby create layover spaces in bus stops not intended for longer-term stops.

- **Altering an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(vi)**
Prohibiting the alteration of an intercity bus permit is necessary to ensure that enforcement officers have the ability to easily determine whether permittees are adhering to permit requirements.

New material is underlined.

**Proposed Amendment to Rules Relating to Intercity Bus Permit System**

Section 1. New subdivisions (s), (t), (u), (v) and (w) are added to section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York) to read as follows:

(s) Unauthorized passenger pickup or discharge in violation of 34 RCNY §4-10(c)(1) $500.00  
(t) Failure of an intercity bus to prominently display a copy of an intercity bus permit in violation of 34 RCNY §4-10(d)(7)(ii) $500.00  
(u) Failure of an intercity bus to properly display the operator’s name, address and telephone number in violation of 34 RCNY §4-10(d)(7)(iii) $500.00  
(v) Stopping or standing by an intercity bus in its assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers in violation of 34 RCNY §4-10(d)(7)(v) $500.00  
(w) Altering an intercity bus permit in violation of 34 RCNY §4-10(d)(7)(vi) $500.00

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S/S_____________________
David M. Frankel
Commissioner of Finance
RULE TITLE: Fines for Violations of Intercity Bus Rules (amended)

REFERENCE NUMBER: 2013 RG 041

RULEMAKING AGENCY: Department of Finance

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: August 14, 2013
Acting Corporation Counsel
CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Fines for Violations of Intercity Bus Rules (amended)

REFERENCE NUMBER: DOF-9

RULEMAKING AGENCY: Department of Finance (DOF)

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) If it establishes or modifies a violation or penalty, provides a cure period, or if it does not provide a cure period, such cure period is not included because the violations it establishes are of an immediate and serious nature that would have potential to threaten public safety if a cure period was allowed.

_/s/ Andrea M. Bender_  August 19, 2013
Mayor’s Office of Operations  Date