

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 amend double parking provisions to help reduce traffic congestion in the City of New York.

When and where is the Hearing? The New York City Department of Transportation (DOT) will hold a public hearing on the proposed rule. The public hearing will take place at 1 pm on May 1, 2019. The hearing will be in the 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: This location is 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 Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Eric Beaton, Deputy Commissioner, New York City Department of Transportation, Transportation Planning and Management, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to Eric Beaton, Deputy Commissioner at 212-839-7188.
- **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 May 1, 2019. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline for written comments is 1pm on May 1, 2019.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-839-6500. You must tell us by April 24, 2019.

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, a transcript of the hearing and copies of the written comments are available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4th Floor, New York, NY 10041.

What authorizes DOT to make this rule? Sections 1043 and 2903(a) of the New York City Charter (City Charter) authorizes DOT to make this proposed rule. This proposed rule was included in DOT's regulatory agenda for this fiscal year.

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 City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules regarding parking and traffic operations in the City by Section 2903(a) of the City Charter. The rules that DOT is seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to the "Traffic Rules and Regulations."

The purpose of these proposed rule amendments is to help reduce traffic congestion in the City of New York. Specifically, the amendments to Chapter 4 of Title 34 are the following:

- Section 4-08(f)(1) is amended to clarify double parking restrictions.
- Section 4-08(l)(1) is REPEALED in its entirety.
- Sections 4-08(l)(2) and 4-08(l)(3)(i) are amended to expand the area where double parking is prohibited from 8th Avenue to 12th Avenue.

The Department of Transportation's authority for these rules is found in section 2903(a) of the City Charter.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraph (1) of subdivision (f) of section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(1) Double parking. On the roadway side of a vehicle stopped, standing, or parked at the curb, except a person may stand a commercial vehicle alongside a vehicle parked at the curb at such locations and during such hours that stopping, standing, or parking is not prohibited, for no more than 20 minutes, while [expeditiously] actively engaged in making pickups, deliveries or service calls, provided that there is no unoccupied parking space or designated loading zone on [either] the same side of the street within [100 feet] the same block that can be used for such standing, and provided further that such standing is in compliance with the provisions of §1102 of the State Vehicle and Traffic Law. A person may stand a commercial vehicle along the roadway side of a bicycle lane provided all other conditions of this paragraph are met. No person shall

double park a commercial vehicle when it blocks the only lane of travel in the same direction. No person shall stand, stop or park a vehicle on a street, at any time in such a manner or under such conditions as to leave fewer than 10 feet of roadway width available for the free movement of vehicular traffic. No person may stand a commercial vehicle in or along the roadway side of a bus lane, unless otherwise indicated by posted signs, markings or other traffic control devices, or at the direction of a law enforcement officer or other person authorized to enforce this rule. [For the purposes of this paragraph (f)(1), "expeditiously making pick-ups, deliveries or service calls" shall mean that any period of inactivity at the pick-up, delivery or service-call location does not exceed 30 minutes. However, such definition shall in no way limit the discretion of the Department of Finance Adjudication Tribunal to determine whether a violation of this paragraph has occurred.]

§2. Paragraph (1) of subdivision (1) of section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is REPEALED and a new paragraph (1) is added to read as follows:

(1) [Blue zone, m]Midtown, and other special zones.

[(1) Blue zone.

No person shall park a vehicle upon any of the streets within the area designated as the "Blue Zone," Monday through Friday from 7 a.m. to 7 p.m., except as otherwise posted along the perimeter of and inside the designated area, or when necessary to avoid conflict with other traffic or in compliance with law or upon the direction of any law enforcement officer authorized to enforce these rules. Said area is bounded by the northern property line of Frankfort Street, the northern property line of Dover Street, the eastern property line of South Street, the western property line of State Street, the centerline of Broadway, and the centerline of Park Row.]

(1) Reserved.

§3. Paragraphs (2) and subparagraph (i) of paragraph (3) of subdivision (1) of section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:

(2) Special midtown rule: method of parking. Except where otherwise restricted, between the hours of 7 a.m. and 7 p.m. daily, except Sundays, from 14th to 60th Streets, 1st to [8th] 12th Avenues, all inclusive, in the Borough of Manhattan, no operator of a vehicle or combination of vehicles used for transportation of merchandise shall stop, stand, or park in any of the streets herein designated, other than parallel and close to the curb, and be occupying no more than [ten] 10 feet of roadway space from the nearest curb, and in no case shall any such vehicle be backed in at an angle to the curb.

(3) Special midtown rule: standing time limit.

(i) Between the hours of 7 a.m. and 7 p.m., daily except Sundays, from 14th to 60th Streets, 1st to [8th] 12th Avenues, all inclusive, in the Borough of Manhattan no operator shall stand a vehicle or combination of vehicles for the purpose of making pickups, deliveries or service calls in any one block of streets herein designated for a period of more than three hours unless

otherwise posted, A vehicle or combination of vehicles not being used for expeditious pickups, deliveries or service calls is deemed to constitute a parked vehicle subject to parking rules applicable to that particular location.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

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

RULE TITLE: Amendment of Double Parking Requirements

REFERENCE NUMBER: 2018 RG 092

RULEMAKING AGENCY: Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 2, 2018

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Double Parking Requirements

REFERENCE NUMBER: DOT-47

RULEMAKING AGENCY: Department of Transportation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Cure periods are not provided for traffic violations.

/s/ Adam Barin
Mayor's Office of Operations

August 2, 2018
Date