

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Transportation (DOT) is amending its rules to set forth boarding requirements for the Staten Island Ferry.

When and where is the Hearing? DOT will hold a public hearing on the proposed rule. The public hearing will take place at 2pm on Wednesday, February 8, 2017. The hearing will be in the Bid Room at 55 Water Street, Concourse Level, New York, NY 10041.

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 written comments to rules@dot.nyc.gov.
- **Mail.** You can mail written comments to Kyle Griswold, DOT Staten Island Ferry, 1 Ferry Terminal Drive, Staten Island, NY 10301.
- **Fax.** You can fax written comments to Kyle Griswold, DOT Staten Island Ferry at 646-892-5001.
- **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 February 8, 2017. You can speak for up to three minutes.

Is there a deadline to submit written comments? Written comments are due no later than 5pm on February 8, 2017.

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 February 1, 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, 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? Section 2903 of the City Charter authorizes 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 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 Staten Island Ferry currently requires that passengers board the ferry via the boarding doors on the ferry's upper level, unless otherwise instructed. However, certain passengers (such as persons with disabilities that seriously impair their mobility) are also allowed to board the ferry via the boarding doors on the ferry's lower level. These rules set forth the general boarding requirements, as well as the procedure for permitting lower level boarding access.

The New York City Department of Transportation's authority for these rules is found in section 2903 of the New York City Charter.

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.

Section 1. Chapter 1 of Title 34 of the Rules of the City of New York is amended by adding a new section 1-07 to read as follows:

§1-07 Boarding.

(a) All passengers must board a ferry through the boarding doors on the ferry's upper level, unless otherwise authorized by this section.

(b) Notwithstanding subdivision (a), the following passengers may board a ferry through the boarding doors on the ferry's lower level:

(1) a person instructed to board on the lower level by ferry personnel or official Department-issued signage;

(2) a person with a disability that seriously impairs his or her mobility who requires the use of a device to assist his or her movement, where such device is visible to ferry personnel (e.g., a wheelchair or walker); and

(3) a person possessing a letter issued pursuant to subdivision (c) of this section.

(c) Lower level boarding access letter.

(1) Applicants. The following persons may apply for lower level boarding access:

(i) a person with a disability that seriously impairs his or her mobility who requires the use of a device to assist his or her movement, where such device is not visible to ferry personnel (e.g., a pacemaker); and

(ii) a person with a disability that seriously impairs his or her mobility who does not require the use of a device to assist his or her movement.

(2) Applications. An application must be submitted to the Department, on a form provided by the Department on its website, with certification from a physician licensed in one of the fifty states that the applicant has a disability that seriously impairs the applicant's mobility.

(i) The application must include the following information:

(A) applicant's legal name, address, and telephone number(s);

(B) applicant's date of birth; and

- (C) a government-issued identification card number for the applicant and its expiration date.
- (ii) Upon receipt of a completed application, including the certification, DOT will, within 30 days of receipt, send the applicant a letter granting lower level boarding access. The letter may be used only by the applicant.
- (3) Period of authorization. Any letter issued pursuant to this subdivision shall be valid for up to two (2) years from the date of issuance.
- (4) Revocation. The Department will revoke the letter of any person who abuses any privilege, benefit, or consideration granted by the letter (e.g., altering the letter in any way or letting someone other than the applicant use the letter).

**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: Staten Island Ferry Boarding Requirements

REFERENCE NUMBER: DOT-33

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

December 16, 2016
Date

**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: Staten Island Ferry Boarding Requirements

REFERENCE NUMBER: 2016 RG 002

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: December 16, 2016