

## New York City Department of Transportation

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The proposed rule amends the New York City Department of Transportation (“DOT”) Traffic Rules in relation to the implementation of a carshare parking pilot program. This notice was originally published in the City Record on June 19, 2017 and has now been revised to clarify the requirements pertaining to permit fees being proposed in section 4-08(o)(6)(iii). There will be an application fee of \$765 per carshare organization. For carshare parking spaces in municipal parking facilities, a carshare organization would be required to pay an additional quarterly or monthly permit fee charged by each municipal parking facility.

**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 Tuesday, August 1, 2017. The hearing will be in the DOT 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 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 website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov).
- **Mail.** You can mail comments to Alex Keating, Director of Special Projects, New York City Department of Transportation, Transportation Planning & Management, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to Alex Keating, Director of Special Projects, at 212-839-9685.
- **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 August 1, 2017. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline for written comments is 5pm on August 1, 2017.

**Do you need assistance to participate in the Hearing?** You must tell the Office of the General Counsel 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 July 25, 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, 4<sup>th</sup> Floor, New York, NY 10041.

**What authorizes DOT to make this rule?** New York State Vehicle & Traffic Law section 1642, City Charter sections 1043 and 2903(a) and Local Laws No. 47 and 50 for the year 2017 authorize DOT to make this proposed rule. This proposed rule was not included in DOT's regulatory agenda 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 at <http://rules.cityofnewyork.us>. The rules that DOT seeks to amend are contained within Chapter 4 of Title 34, entitled "Traffic Rules and Regulations."

**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 purpose of these proposed rule amendments is to implement a carshare parking pilot program at designated on-street and off-street locations. Carsharing is a program involving vehicles that are owned or leased by organizations whose members rent these vehicles for short periods of time, and provides these members access to a car without the expense of car ownership. By designating parking locations specifically for carshare vehicles of these organizations, this new rule would expand access to carshare and provide an affordable mobility option to more New Yorkers.

Research in other cities shows that carshare programs reduce personal car ownership and vehicle miles travelled among carshare members. Fewer cars on the road and fewer vehicle miles travelled means less congestion, as well as lower carbon emissions and air pollution—key priorities of the City's *OneNYC* Plan, which sets measurable goals for a strong, sustainable, resilient and equitable city. In accordance with Local Law No. 47, DOT will evaluate the impact of the pilot program on car ownership rates, mobility, and other relevant factors, including the potential of the pilot to reduce neighborhood parking demand.

Specifically, DOT proposes adding:

- requirement that carsharing organizations apply for permits allowing the use of dedicated parking spaces, either on-street or in a municipal parking facility, within carshare parking zones;
- requirement that carsharing organizations pay a permit fee
- conditions of the carshare permit
- process by which a carshare permit is assigned
- data reporting requirements

The Department of Transportation's authority for these rules is found in section 2903(a) of the New York City Charter and Title 19 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (6) to read as follows:

(6) Permit for Carshare Parking.

(i) Definitions. For the purposes of this section, these are the meanings of the following terms:

**Carsharing organization or CSO.** The term “carsharing organization” or “CSO” means an organization that operates a program in which access to a fleet of vehicles is provided to members of the organization on an hourly or other short-term basis.

**Carsharing vehicle.** The term “carsharing vehicle” means a vehicle used by a carsharing organization member that is owned or leased and registered by the carsharing organization.

**One-way carshare service.** The term “one-way carshare service” means a system where a carsharing member can pick up a carsharing vehicle at one location and drop it off at the end of the trip at a curbside location within the CSO’s service area.

**Round-trip carshare service.** The term “round-trip carshare service” means a system where a carshare member must drop off each carsharing vehicle at the same location where it was picked up in order to complete the trip.

**Carshare parking space.** The term “carshare parking space” means a location on-street or in a municipal parking facility that the Department reserves for the exclusive use by a carsharing organization and its members.

**Carshare parking zone.** The term “carshare parking zone” means an area within a neighborhood in which the Department allocates on-street carshare parking spaces.

**Hand control adapted carshare vehicle.** The term “hand control adapted carshare vehicle” means a vehicle equipped with permanently installed hand controls allowing for the use of the vehicle by carshare members with mobility impairments. These hand controls must have the capability of being activated and deactivated for carshare members’ needs and do not prevent the operation of the vehicle using foot pedals.

**Municipal parking facility.** The term “municipal parking facility” means a City-owned parking facility regulated by the Department and operated by the City or by a contractor on behalf of the City that is available for public use. The term “municipal parking facility” does not include any parking facility operated by a City agency that is intended for use exclusively by agency employees or by the public to conduct business with the agency.

(ii) Permit required. A CSO must obtain a permit from the Department for its members generally to use any carshare parking space, either on-street or in a municipal parking facility that has been designated as part of the carshare program.

(iii) Permit fee. In order to participate in the Department's carsharing program, a CSO must pay an application permit fee of \$765 per CSO.

(A) For carshare parking spaces in municipal parking facilities, a CSO must pay an quarterly or monthly permit fee charged by each municipal parking facility, which is posted on the Department's website.

(iv) Application. An application for a permit must be submitted on a form prescribed by the Department which will include, but not be limited to, the following information:

(A) Legal name of the CSO; its "Doing Business As" (DBA) certificate; certified copy of the Certificate of Incorporation and proof of registration with the New York State Department of State; company address; contact name; contact telephone number; contact e-mail address;

(B) Proof of automobile insurance for all carsharing vehicles intended for use in a carsharing parking space;

(C) Make, model, and length of carsharing vehicles intended for use in a carsharing parking space;

(D) Information about the CSO's New York City-specific operations, including carsharing vehicle fleet size, how the CSO intends to incorporate carshare parking space(s) into its operational model, and whether the CSO intends to participate in Round 2 or 3 of the carshare parking permit assignment for on-street carshare parking spaces, as specified in subparagraph (vii) of this paragraph.

(v) Review of applications for and issuance of permits.

(A) The Department may decline to issue a permit to a CSO applicant that:

1. Is in arrears to the City of New York for an amount totaling more than one thousand dollars;

2. Does not provide automobile insurance as part of their carsharing vehicle rental price;

3. Uses vehicles that are not owned or leased by the CSO;

4. Does not allow its carsharing vehicles to be rented on an hourly or in smaller time intervals, and at rates which vary by time, and/or distance; or

5. Does not have a fleet of carsharing vehicles in operation in New York City by the date the permit application is due.

(B) If the Department declines to issue a permit because of any of the conditions in subparagraph (A) above or if the application is incomplete, the applicant will have fifteen days from receipt of the denial to appeal the determination. The Department will make a final determination on the appeal within thirty days.

(C) Conditions of permit. The permit holder must:

1. Indemnify the City against legal liabilities associated with the use of the curb for carsharing operations;
2. Utilize carsharing vehicles that maintain a combined city/highway miles per gallon (MPG) of at least 27, according to the United States Environmental Protection Agency's MPG ratings;
3. Install hand controls in a carsharing vehicle within 48 hours of any carshare member's request;
4. Share and regularly report to the Department the data specified in subparagraph (xiii) of this paragraph;
5. Actively use on-street carshare parking spaces at all times to provide carshare services with reasonable allowances for carsharing vehicle maintenance;
6. Actively use carshare parking spaces in municipal parking facilities at all times the facility is open for public use to provide carshare services with reasonable allowances for carsharing vehicle maintenance;
7. Present to the Department an outreach plan incorporating the demographics and languages spoken within the carshare parking zones;
8. Station 20% of their on-street carsharing vehicles within carshare parking zones the Department deems to be underserved by carshare;
10. Comply with all applicable parking regulations, including but not limited to regulations relating to construction activities and street closures;
11. Pay any parking fines received or any towing fees and fines if carsharing vehicles are towed;
12. Provide the Department with a thirty-day notice if a permit holder decides to discontinue service at a carshare parking space;
13. Use carshare parking spaces to increase its carsharing vehicle fleet in New York City, not to relocate its existing fleet vehicles into carshare parking spaces;
14. Display on each carsharing vehicle using a carshare parking space the permit holder's name, placed approximately midway vertically on doors or side panels. These must be permanently affixed in characters at least five inches in height in a color contrasting with the vehicle;
15. Promptly notify the Department of any changes to the information provided in its application; and
16. Comply with all applicable laws, rules and regulations related to the operation of carsharing.

(vi) Carshare parking permit assignment for carshare parking spaces in municipal parking facilities.

- (A) Based on the permit applications received and the CSO's one-way or round-trip service type, the Department will notify CSOs of their eligibility, provide a map of municipal parking facility locations, and specify the number of carshare parking spaces, including those with electric charging stations, available in each facility.
- (B) Qualified CSOs will identify which municipal parking facilities they prefer, and how many carshare parking spaces in each, with a minimum of two spaces in any one facility.
- (C) The Department will allocate spaces to qualified CSOs equitably within each facility

until all interested CSOs have received their requested number of spaces, or have received a minimum of two spaces each.

(D) For those municipal parking facilities where there are not enough available spaces to accommodate the request for at least two spaces by each qualified and interested CSO, the Department will assign the carshare parking spaces in pairs using a multi-round selection process based on a rank order chosen randomly. The CSO selection order will be re-established for each facility where there are not enough available spaces to accommodate the request for at least two spaces by each qualified and interested CSO.

(vii) Carshare parking permit assignment for on-street carshare parking spaces.

(A) Based on the permit applications received, the Department will notify CSOs of their eligibility and the total number of carshare parking space(s) for which they are eligible based on their New York City vehicle fleet size and one-way or round-trip service type.

(B) All qualified CSOs will be eligible for a minimum allotment of 10% of their New York City vehicle fleet size or ten carshare parking spaces, whichever is less. The Department will also provide a map of available carshare parking spaces. Where possible, on-street carshare parking spaces will be sited and selected in pairs.

(C) Each qualified CSO must select 20% of the carshare parking spaces for which it is eligible in designated carshare parking spaces within low-income carshare parking zones that the Department deems to be underserved by carsharing services. CSOs providing one-way service must provide service to the entire carshare parking zone to meet this requirement.

(D) Each qualified CSO will submit one list ranking all feasible carshare parking spaces by preference. CSOs will assign a rank to all spaces where they are able and willing to provide service, regardless of the total number of permits for which they are applying and are eligible, to ensure each CSO has an adequate list of options for allocation.

(E) Spaces will be distributed to CSOs in a series of selection rounds in which CSOs are allocated their highest available preference in a rotating order.

(F) If a CSO's preferred carshare parking space has already been assigned to another CSO, the Department will assign that CSO their next highest carshare parking space preference that is available. The selected carshare parking spaces will thereafter be removed from the list of available carshare parking spaces. The selection process for each round will continue until all of the available carshare parking spaces are distributed.

(G) For Rounds 2 and 3 detailed below, the Department will not assign more than 60 total carshare parking spaces.

(H) The assignment will be organized into rounds as follows:

1. Round 1: The Department will assign carshare parking spaces within low-income carshare parking zones that the Department deems to be underserved by carshare. During this round, the Department will allocate spaces by selecting the highest ranking available preference for each CSO within an underserved carshare parking zone in a series of selection rounds until each CSO has reached 20% of its total allocation.

2. Round 2: In addition to the total number of carshare parking spaces for which a CSO is eligible, a CSO will have the opportunity to secure additional carshare parking spaces by providing hand control adapted carshare vehicles. The Department

will review proposed hand control adapted carshare vehicle plans and, at its discretion, distribute an allotment of carshare parking spaces to CSOs based on that CSO's next highest submitted preferences.

3. Round 3: In addition to the total number of carshare parking spaces for which a CSO is eligible, a CSO will have the opportunity to secure additional carshare parking spaces by providing a discount to New York City Housing Authority residents, New York City Section 8 Housing voucher recipients, or other individuals meeting income criteria as established by the Department. The Department will review proposed discount plans and, at its discretion, distribute an allotment of carshare parking spaces to CSOs based on that CSO's next highest submitted preferences.

4. Round 4: The Department will assign each CSO carshare parking spaces based on their submitted preferences until each CSO has obtained its allocated carshare parking spaces, or until the total number of carshare parking spaces has been assigned, whichever is first.

(viii) Sign installation and carshare parking space maintenance.

(A) The permit holder must provide to the Department a vector file graphic of its company logo to be incorporated into signs no later than five days after the permit for a carshare parking space is approved.

(B) The Department will install all signage for all carshare parking spaces.

(C) For on-street carshare parking spaces, permit holders will clean the City's public streets and roads within the carshare parking spaces and 15 feet on either side of the carshare parking space. Maintenance responsibilities will include the following:

1. Sweeping at least once per week or pursuant to the frequency of street sweeping on the block face on which the on-street carshare parking space is located, whichever is greater.

2. Removing snow and ice as specified in the permit.

3. Maintaining the signs so that they are unobstructed and free of dirt, stickers, and graffiti.

4. Keeping records of the maintenance for carshare parking spaces, including date, time, and scope of maintenance.

(D) Any additional maintenance responsibilities will be provided by the Department with a thirty-day notice to the permit holder.

(E) Permit holders' maintenance responsibilities extend through the length of the permit for any carshare parking spaces.

(ix) Relocation of carshare parking spaces. The Department has the right to relocate a carshare parking space upon a thirty-day notice to the permit holder based on utilization rates and maintenance reports. Wherever possible, the carshare parking space will be relocated within the same carshare parking zone and with feedback from the CSO.

(x) Temporary relocation or suspension of carshare parking spaces.

(A) The use of on-street carshare parking spaces may be temporarily suspended for up

to thirty business days due to construction or street repaving, or special events including but not limited to film shoots, street fairs, parades, or block parties.

(B) When suspensions are expected to last longer than thirty business days, the Department will temporarily relocate the carshare parking spaces to a new, approved location.

(C) The Department may remove or temporarily relocate a carshare parking space for reasons attributable to public safety or other emergency or temporary needs as determined by the Department.

(D) The permit holder will be responsible for moving the carsharing vehicle from the carshare parking space under the circumstances identified in clauses A, B, and C of this subparagraph.

(xi) Relocation of impermissibly parked vehicle. If a vehicle is impermissibly parked in an on-street carshare parking space, a CSO, at its sole cost and expense, may relocate the impermissibly parked vehicle to the nearest available lawful on-street parking space.

(A) For the purposes of this subparagraph, an “impermissibly parked vehicle” means a vehicle located in an on-street carshare parking space, where the logo and name indicated on the sign does not bear the same logo and name as the vehicle.

(B) Each CSO must establish a website with information about the relocation of impermissibly parked vehicles. The website must include the process by which an impermissibly parked vehicle is relocated, the specific location of each relocated vehicle, and any other information deemed necessary by the Department.

(xii) Suspension, reassignment, and revocation of permits.

(A) The Department may suspend or revoke a permit for failure to comply with any of the terms and conditions of the carshare parking permit, these rules, or other applicable law or rule.

(B) Prior to suspending or revoking a permit, the permit holder will be provided with an opportunity to be heard within five business days.

(C) In the event that the Department revokes a permit, the permit holder must remove the carsharing vehicle from the carshare parking space within 24 hours of revocation.

(xiii) Data reporting requirements.

(A) Each permit holder must deliver a quarterly report to the Department by the 15<sup>th</sup> day of the month following the end of the quarter, with the data described below and in a form that is prescribed by the Department.

(B) The report shall include the following categories of data:

1. Membership;
2. Fleet composition;
3. Use of CSO fleet;
4. Use of carshare parking spaces and municipal parking facilities; and

5. Survey of carshare members as designed by the Department. This survey may include, but not be limited to, the creation of carshare member IDs that are unique to each member but do not contain personal information.

§2. Subparagraph (ii) of paragraph (1) of subdivision (o) 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:

(ii) *Prohibited parking areas.* Such special parking identification permits do not authorize parking:

- (A) in a bus stop,
- (B) in a taxi-stand,
- (C) within 15 feet of a fire hydrant,
- (D) in a fire zone,
- (E) in a driveway,
- (F) in a crosswalk,
- (G) in a no stopping zone,
- (H) in a no standing zone, [or]
- (I) double parking, or
- (J) in carshare parking space(s).

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

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

**RULE TITLE: Implementation of a Carshare Pilot Program**

**REFERENCE NUMBER: DOT-39**

**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/ Fiona Peach  
Mayor's Office of Operations

June 28, 2017  
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:** Implementation of a Carshare Pilot Program

**REFERENCE NUMBER:** 2017 RG 050

**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: REVISED June 28, 2017