

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The New York City Department of Transportation (DOT) is proposing an amendment to Section 4-06 of Title 34 of the Rules of the City of New York, relating to speed limits. The proposed amendment would update the speed limit rule to conform with an expected change to the citywide speed limit, following revisions made to the New York State Vehicle and Traffic Law relating to New York City's authority to establish reduced speed limits and a corresponding change to the New York City Administrative Code that is expected to go into effect on November 7, 2014.

When and where is the hearing? DOT will hold a public hearing on the proposed rule. The public hearing will take place at 2:00pm on December 10, 2014. The hearing will be at 55 Water Street, Bid Room A, New York, NY 10041 (the entrance is located on the south side of the building facing the Vietnam Veterans Memorial).

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 Ryan Russo, Deputy Commissioner for Traffic Planning & Management, New York City Department of Transportation, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax written comments to Ryan Russo, Deputy Commissioner for Traffic Planning & Management, 212-839-7188.
- **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 212-839-6662. You can also sign up in the hearing room before the hearing begins on December 10, 2014. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is December 10, 2014.

Do you need assistance to participate in the hearing? You must tell us 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 212-839-6662. You must tell us by December 10, 2014.

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 will be available to the public 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(a) and 2903(a) of the New York City Charter authorize 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 New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the Charter.

Statement of Basis and Purpose of Proposed Rule

On February 18, 2014, Mayor de Blasio launched the Vision Zero action plan – an ambitious plan to reduce traffic fatalities in New York City. Vision Zero accepts no traffic fatality as inevitable. Vision Zero allows government agencies, industry groups, key transportation stakeholders and the public to understand traffic crashes as the result of a series of actions that can be changed or prevented through enforcement, education and design.

The proposed rule would amend Section 4-06 of Title 34 of the Rules of the City of New York, which relates to speed limits. The purpose of the proposed rule is to update the speed limit rule to correspond with an expected change to the citywide speed limit. Intro. 466 of 2014, which is expected to be enacted in October, will amend Section 19-177 of the New York City Administrative Code to reduce the official citywide speed limit from the current thirty miles per hour to twenty-five miles per hour. This local law change is pursuant to the authority provided by section 1642(a)(26) of the New York State Vehicle and Traffic Law, which was recently amended. If enacted, Intro. 466 will take effect on November 7, 2014. The Department of Transportation anticipates that this reduced speed limit will result in both fewer crashes involving pedestrians, and fewer fatalities and less severe injuries if crashes involving pedestrians do occur.

These rule amendments are proposed pursuant to the authority of the Commissioner of the New York City Department of Transportation to make rules under sections 1043(a) and 2903(a) 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. Section 4-06 of Title 34 of the Rules of the City of New York is amended to read as follows:

(a) Maximum speed limits and basic rule.

(1) No person shall drive a vehicle at a speed greater than [thirty] twenty-five miles per hour except where official signs indicate a different maximum speed limit.

(2) Where official signs are posted indicating a maximum speed limit, no person shall drive a vehicle at a speed greater than such maximum speed limit.

(3) Reserved.

§ 2. This rule shall take effect only in the event that Intro. 466 of 2014 is enacted. Upon such enactment, this rule shall take effect on November 7, 2014, but if this rule is adopted on a date thereafter, this rule shall take effect immediately.

**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 Traffic Rules Governing Speed Limit

REFERENCE NUMBER: 2014 RG 083

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: October 24, 2014

**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 Traffic Rules Governing Speed Limit

REFERENCE NUMBER: DOT-22

RULEMAKING AGENCY: DOT

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

October 24, 2014
Date