

New York City Department of Finance

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Finance (DOF) is proposing to amend its Rules Relating to Parking Violations to add a new section relating to photo speed monitoring systems for school zones. The new section adds penalties for violations of speed restrictions in school speed zones, establishes requirements for the notice of liability, and authorizes the Parking Violations Bureau to adjudicate violations.

When and where is the Hearing? DOF will hold a public hearing on the proposed rule. The public hearing will take place at 1:00 P.M. on November 21, 2013. The hearing will be in the DOF hearing room at 345 Adams Street, 3rd Floor, Brooklyn, New York 11201.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOF through the NYC Rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to daumanr@finance.nyc.gov.
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, N.Y. 11201, Attn: Robert Dauman.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Robert Dauman, (718) 403-3650.
- **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 Joan Best at (718) 403-3669. You can also sign up in the hearing room before the hearing begins on November 21, 2013 at 1:00 P.M. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is November 21, 2013.

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 can tell us by e-mail at bestj@finance.nyc.gov. You may also tell us by telephone by calling Joan Best at (718) 403-3669. You must tell us by November 7, 2013.

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 at the Legal Affairs Division.

What authorizes DOF to make this rule? Sections 389(b) and 1043 of the City Charter and section 1180-b of the Vehicle and Traffic Law authorize DOF to make this proposed rule. This proposed rule was not included in DOF's regulatory agenda for this Fiscal Year because it was not contemplated when DOF published the agenda.

Where can I find the DOF's rules? The DOF's rules are in Title 19 of the Rules of the City of New York.

What rules govern the rulemaking process? DOF 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

New York State has adopted Vehicle and Traffic Law (VTL) Section 1180-b, effective August 30, 2013, which authorizes the City to establish a demonstration program implementing photo speed violation monitoring systems to record maximum speed limit violations in school speed zones. Subdivision (e) of VTL Section 1180-b authorizes the Parking Violations Bureau (PVB), a division of the New York City Department of Finance (DOF), to promulgate a schedule of fines and penalties for such violations. Subdivision (g) establishes requirements for the notice of liability. Subdivision (h) authorizes the PVB to adjudicate violations under Section 1180-b.

Speeding violations are often a significant factor in accidents which result in death or injury. Under VTL Section 1180-b, vehicle operators who exceed the speed limit in school zones and who are recorded by a photo speed violation monitoring system will receive a summons for the violation. VTL Section 1180-b enables the City to use technology to improve the safety and quality of life of motorists and pedestrians by reducing speeding in school zones.

The New York City Department of Transportation (DOT) will implement the demonstration program. DOT will maintain the photo speed violation monitoring systems, send notices of liability to motorists, and transmit information relating to violations to DOF. The proposed amendment establishes penalties for such violations, provides requirements for the notice of liability, and authorizes the PVB to adjudicate allegations of liability.

DOF's authority for the proposed rule is found in sections 389(b) and 1043 of the New York City Charter and section 1180-b of the Vehicle and Traffic Law.

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.

Proposed Amendment to Rules Relating to Photo Speed Violation Monitoring Systems

Section 1. It is proposed that a new section 39-21 be added to Chapter 39 of Title 19 of the Rules of the City of New York to read as follows:

§ 39-21. Photo Speed Violation Monitoring System.

(a) Liability. A vehicle owner who is liable for a violation pursuant to § 1180-b of the Vehicle and Traffic Law will be liable for a penalty of \$50.00 for each such violation.

(b) Additional penalties. If the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability, an additional penalty of \$25.00 may be assessed pursuant to subdivision (e) of § 1180-b of the Vehicle and Traffic Law.

(c) Notice of liability. The notice of liability must be in accordance with the requirements of subdivision (g) of § 1180-b of the Vehicle and Traffic Law and in such form and substance as prescribed by the director of the New York City Parking Violations Bureau.

(d) Administrative law judges. The administrative law judges for the adjudication of parking violations appointed by the Commissioner of the New York City Department of Transportation or the Commissioner of the New York City Department of Finance will preside at hearings for the adjudication of allegations of liability in accordance with subdivision (h) of § 1180-b of the Vehicle and Traffic Law.

(e) Effective date. This section will remain in effect for as long as § 1180-b of the Vehicle and Traffic Law shall remain in effect.

_____/S/_____
Beth E. Goldman
Commissioner of Finance

**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: Penalties for Speed Zone Camera Violations

REFERENCE NUMBER: 2013 RG 077

RULEMAKING AGENCY: New York City 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
Acting Corporation Counsel

Date: October 10, 2013

**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: Penalties for Speed Zone Camera Violations

REFERENCE NUMBER: DOF-11

RULEMAKING AGENCY: New York City Department of Finance

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 violation cannot be corrected or undone.

/s/ Andrea M. Bender
Mayor's Office of Operations

October 11, 2013
Date