

## New York City Department of Finance

### Notice of Public Hearing and Opportunity to Comment on Proposed Rule

**What are we proposing?** The New York City Department of Finance (“DOF”) is proposing an amendment to DOF’s rules concerning fines for parking in violation of officially posted street cleaning rules. The proposed rule would make monetary penalties for these violations the same throughout New York City.

**When and where is the hearing?** DOF will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 am on January 3, 2020. The hearing will be in the DOF hearing room at 375 Pearl Street, 30<sup>th</sup> Floor, Room 30D, New York, NY 10038.

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

- **Website.** You can submit comments to DOF through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [loewenbergerj@finance.nyc.gov](mailto:loewenbergerj@finance.nyc.gov).
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30<sup>th</sup> Floor, New York, NY 10038, Attn: Jeremy Loewenberger.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Jeremy Loewenberger at (212) 748-6981.
- **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 (212) 748-7214, or you can sign up in the hearing room before the hearing begins on January 3, 2020. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline to submit written comments is January 3, 2020.

**What if I need assistance to participate in the hearing?** You must tell us if you need a reasonable accommodation based on a disability, and if you need an American Sign Language (ASL) interpreter or other assistance. Materials in alternative formats, ASL interpreters, real-time captioning and other accommodations will be available upon request. Please provide at least 72 hours’ notice prior to the hearing to ensure availability. Please contact Joan Best by telephone, by calling (212) 748-7214; TTY (212) 504-4115 or by email, at [bestj@finance.nyc.gov](mailto:bestj@finance.nyc.gov), to make your accommodation requests.

The hearing will be held at 375 Pearl Street, 30<sup>th</sup> Floor, Room 30D, New York, NY 10038.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public hearings are requested to refrain from using perfume, cologne, and other fragrances.

**Can I review the comments made on the proposed rule?** You can review the comments that have been submitted online by visiting the NYC rules website: <http://rules.cityofnewyork.us/>. In addition, copies of all submitted comments concerning the proposed rule and a summary of oral comments from the hearing will be available to the public a few days after the hearing at NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30<sup>th</sup> Floor, New York, NY 10038.

**What authorizes DOF to make this rule?** New York State Vehicle and Traffic Law (“VTL”) section 237, section 19-203 of the Administrative Code of the City of New York, and New York City Charter (“Charter”) sections 1043 and 1504 authorize DOF to make this proposed rule.

**Where can I find DOF’s rules?** DOF’s rules can be found in Title 19 of the Rules of the City of New York (“RCNY”) at <http://rules.cityofnewyork.us>.

**What laws govern the rulemaking process?** DOF must meet the requirements of section 1043 of the Charter when creating or amending rules. This notice is made according to the requirements of section 1043 of the Charter. 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.

### **STATEMENT OF BASIS AND PURPOSE**

Section 19-203(b) of the Administrative Code of the City of New York allows DOF to provide for penalties for parking violations. The Department’s rule in 19 RCNY § 39-05 (“Rule 39-05”) codifies all fines pertaining to parking violations issued in violation of 34 RCNY §§ 4-08 and 4-10. DOF collects and processes these fines, remitting the fines to the Commissioner.

Currently, the fine for parking in violation of officially posted street cleaning rules as set forth in 34 RCNY § 4-08(d)(1) is \$50 in the “Restricted Area,” which is Manhattan from 96<sup>th</sup> Street and south, between the Hudson and East Rivers. The fine for street cleaning violations outside the Restricted Area is \$30.

Moving vehicles for alternate side parking allows the Department of Sanitation (“DSNY”) to sweep the streets, keeping neighborhoods healthy, safe and clean. Alternate side parking regulations also free up curb space for other municipal functions that include roadway striping and utility work.

There is a need for greater enforcement to clear vehicles from these parking zones in Northern Manhattan and the other four boroughs in New York City to permit efficient and effective street cleaning. Between Fiscal Years (“FY”) 2016 and 2018, 94% of street cleaning parking summonses issued by DSNY were for violations that occurred outside of the Restricted Area and were only issued to vehicles that were preventing street sweeping operations. Over time, the number of street cleaning parking summonses that DSNY issued has increased, from 189,000 in FY 2015 to 323,000 in FY 2019, a 71% increase.

Making the fines inside and outside the Restricted Area the same citywide will encourage motorists to move their vehicles out of these zones in Northern Manhattan and the other four boroughs so that DSNY equipment can operate more effectively and efficiently in order to meet its goal of providing clean streets in these neighborhoods for New York City residents and workers.

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.

**Amendment to Rule Relating to Parking Violations**

Section 1. Section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York is amended to read as follows:

§ 39-05 Amount of Fines.

*Scheduled fines.* The following schedule of fines shall apply to violations listed below:

Violation	
(a) Stopping, standing or parking where stopping is prohibited, unless otherwise specifically enumerated in this schedule	\$100.00
(b) Standing or parking where standing is prohibited, unless specifically enumerated in this schedule	\$100.00
(c) Parking where parking is prohibited, unless otherwise specifically enumerated in this schedule	\$30.00
(d) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(6)	\$80.00
(e) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(11)	\$50.00
(f) Standing or parking in violation of 34 RCNY 4-08(b)(4), (c)(8), (f)(2), (3), (5), or (k)(2)	\$80.00
(g) Standing or parking in violation of 34 RCNY 4-08(j)	\$50.00
(h) Standing or parking of unaltered vehicle with commercial plates in violation of 34 RCNY 4-08(k)(1)	\$100.00
(i) Standing or parking of vehicle with commercial plates without the name and address of the owner properly marked on the vehicle in violation of 34 RCNY 4-08(k)(1)	\$100.00
(j) Parking in violation of 34 RCNY 4-08(n)(8)	\$50.00
(k) All parking meter violations	\$20.00
(l) All parking violations concerning parking permits for people with disabilities	\$150.00

(m) Parking a commercial vehicle in violation of 34 RCNY 4-08(k)(5) or (6), unless otherwise specifically enumerated in this schedule	\$50.00
(n) Parking a commercial vehicle that is a tractor-trailer combination, tractor, truck trailer or semi-trailer in violation of 34 RCNY 4-08(k)(6)	
First offense	\$250.00
Any subsequent offense within a six month period	\$500.00
(o) Parking in violation of officially posted street cleaning rules, unless such rules have been suspended by the Commissioner of Transportation or his or her designee	<del>[\$30.00]</del> \$50.00
(p) Parking where parking is prohibited by officially posted rule other than street cleaning rules	\$45.00
(q) Obstructing traffic at an intersection in violation of 34 RCNY § 4-08(e)(12)	\$100.00
(r) Idling an engine in violation of 34 RCNY 4-08(p)	\$100.00
(s) Unauthorized passenger pickup or discharge in violation of 34 RCNY § 4-10(c)(1)	\$500.00
(t) Failure of an intercity bus to prominently display a copy of an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(ii)	\$500.00
(u) Failure of an intercity bus to properly display the operator's name, address and telephone number in violation of 34 RCNY § 4-10(d)(7)(iii)	\$500.00
(v) Stopping or standing by an intercity bus in its assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers in violation of 34 RCNY § 4-10(d)(7)(v)	\$500.00
(w) Altering an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(vi)	\$500.00

As used in this section, the term "Restricted Area" means all of Manhattan south of the building line on the north side of 96th Street, and between the Hudson River and the East River. Within the Restricted Area, the fine for violations enumerated in paragraphs (c), (k), (o) and (p) is \$50.00 and for paragraph (j) the fine is \$45.00.

**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 Schedule of Parking Violation Fines

**REFERENCE NUMBER:** 2019 RG 072

**RULEMAKING AGENCY:** 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: September 18, 2019

**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:** Amendment of Schedule of Parking Violation Fines

**REFERENCE NUMBER:** DOF-49

**RULEMAKING AGENCY:** 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) Does not provide a cure period because parking violations do not have a cure period.

/s/ Erin Kuller  
Mayor's Office of Operations

September 18, 2019  
Date