

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to Traffic Rules exempting drivers and vehicles delivering free meals to participants in the NYCEM temporary emergency food delivery program from parking and standing rules for a period of up to 20 minutes.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that DOT hereby amends Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published on July 21, 2020 and a public hearing was held on August 24, 2020. DOT did not receive written or oral comments from the public.

Statement of Basis and Purpose of Adopted Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter.

The New York City Office of Emergency Management (NYCEM) adopted an emergency rule establishing an emergency food delivery program to ensure that certain vulnerable New Yorkers facing food insecurity as a result of the COVID-19 public health emergency have adequate access to food. The program aims to feed New Yorkers facing food insecurity during the COVID-19 health emergency by paying drivers designated by the City to deliver free meals to program participants.

On May 22, 2020 DOT Commissioner Polly Trottenberg and Mayor Bill de Blasio promulgated a rule on an emergency basis amending section 4-08(a) of Title 34 of the Rules of the City of New York so that drivers and vehicles delivering free meals to participants in the emergency food delivery program are exempt from parking and standing rules for a period of up to 20 minutes. The DOT emergency rule was published in the City Record on June 1, 2020.

Section 4-08(a) is now being amended by non-emergency rulemaking to replace the emergency rule. This rule will exempt drivers and vehicles delivering free meals to participants in the emergency food delivery program from parking and standing rules for a period of up to 20 minutes.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (a) of section 4-08 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (11), to read as follows:

(11) Emergency Food Delivery Program. Notwithstanding any other provision of these rules, the operator and owner of a vehicle designated by the City of New York and engaged in delivering free meals to a recipient of food pursuant to the emergency food delivery program established in Title 72 of the Rules of the City of New York shall be exempt from the parking and standing rules of this section while such operator is actually performing a delivery in such program, not to exceed 20 minutes. It shall be an affirmative defense to any summons issued for violation of such rules that the operator of the vehicle to which such summons was issued was engaged in the activity described in this paragraph, upon presentation by such operator of proof of such activity issued by the City of New York, and that such vehicle, at the time of the issuance of such summons, was parked or standing for 20 minutes or less.

FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

I hereby find and represent to the Mayor that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of the New York City Department of Transportation (“DOT”) rule exempting drivers and vehicles delivering free meals to participants in the City’s emergency food delivery program from parking and standing rules for a period of up to 20 minutes. Under this provision, originally promulgated as an emergency rule under section 1043(i) of the New York City Charter at the start of the COVID-19 public health emergency, DOT continues to support the program by establishing the exemption on an ongoing basis.

The emergency food delivery program is focused on the City’s residents who are food insecure and affected by COVID-19. Though established this spring by emergency rule of the City’s Office of Emergency Management, the program will continue for the foreseeable future. Therefore, the DOT parking exemption must be reissued as a permanent rule. Unless it takes effect immediately upon its final publication in the City Record, this rule will expire and no longer be in effect. Therefore, I find pursuant to section 1043(f)(1)(c) of the New York City Charter that there is a substantial need for its earlier implementation.

/s/ _____

Polly Trottenberg, Commissioner
New York City Department of Transportation

APPROVED:

/s/ _____

Bill de Blasio

Mayor