

Notice of Adoption of Final Rule
New York City Department of Environmental Protection

Notice is hereby given pursuant to the authority vested in the Commissioner of the Department of Environmental Protection (“Department” or “DEP”) by Section 1043(a) of the New York City Charter and section 24-105 of the Administrative Code of the City of New York that the Department promulgates and adopts amendments to its rules to define any motor vehicle that is an authorized emergency vehicle as defined by § 101 of the Vehicle and Traffic Law and any bus being used as a mobile cooling center to be an authorized emergency motor vehicle for purposes of the idling provision in section 24-163 of the Administrative Code.

Statement of Basis and Purpose

The rule amends Chapter 39 of Title 15 of the Rules of the City of New York to add new definitions to section 39-01 to clarify that any motor vehicle that is an authorized emergency vehicle as defined by § 101 of the Vehicle and Traffic Law and any bus being operated as a cooling center by, or pursuant to a contract with the City of New York is not subject to the restrictions on vehicle idling in section 24-163 of the Administrative Code.

Section 24-163 states that the engine of a motor vehicle may not be idled for more than three minutes (or one minute if the vehicle is adjacent to a school), subject to certain exceptions, one of which applies to any “legally authorized emergency motor vehicle.” The rule provides that any motor vehicle that is an authorized emergency vehicle as defined by § 101 of the Vehicle and Traffic Law and any bus operated by, or under a contract with, the City as a mobile cooling center is a “legally authorized emergency motor vehicle” for purposes of section 24-163.

The rule also amends Chapter 39’s title to provide that the chapter contains rules concerning vehicle idling in general, not just adjacent to schools.

A public hearing regarding the rule was held on June 23, 2021. No comments were received.

Sections 1043(a) and 1403(c) of the New York City Charter and section 24-105 of the Administrative Code authorize the Department to issue this rule.

New material is underlined.

[Deleted material is bracketed]

§ 1. The title of Chapter 39 of Title 15 of the Rules of the City of New York is amended to read as follows:

Chapter 39. Engine Idling [Adjacent To Any Public or Non-Public School]

§ 2. Section 39-01 of Chapter 39 of Title 15 of the Rules of the City of New York is amended to read as follows:

§ 39-01 **Definitions.**

Legally authorized emergency motor vehicle. For purposes of § 24-163 of the Administrative Code, the term “legally authorized emergency motor vehicle” shall mean

- (1) a motor vehicle that is an authorized emergency vehicle as defined by § 101 of the Vehicle and Traffic Law; or
- (2) any bus being operated as a cooling center by, or pursuant to a contract with, the city of New York.

Marginal Street. "Marginal street" shall have the meaning set forth in §4-01 of Title 34 of the Rules for the City of New York.

Street. "Street" shall have the meaning set forth in subdivision 13 of § 1-112 of the Administrative Code of the City of New York, except that for the purposes of this rule "street" shall include "marginal streets["]..”