

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? This proposed rule would amend sections 4-04, 4-08, and 4-12 of the New York City Department of Transportation's (DOT) Traffic Rules contained in Chapter 4 of Title 34 of the Rules of the City of New York (RCNY) to authorize the removal of certain unattended bicycles, to require vehicles and bicycles to stop for pedestrians in crosswalks when traffic controls are not in place or in operation, and to add an exception to the prohibition on the obstruction of New York State license plates for certain receiver-transmitters issued by a publicly owned tolling facility. Additionally, this proposed rule would repeal Chapter 8 of Title 34 of the RCNY, which contains obsolete provisions regulating the operation of the Employee Commute Options Program.

When and where is the hearing? DOT will hold a public hearing on the proposed rule online. Members of the public may access and participate in this hearing online or by telephone. The public hearing will take place on October 19, 2021 at 10am.

Join through Internet:

- To join the hearing via your browser, either click on the following URL link or copy and paste it into your browser's address bar.

Join Zoom Meeting

<https://zoom.us/j/94075081501?pwd=dHh0ZlJ3RFpkSm1Jem1PbGNyRG05dz09>

Meeting ID: 940 7508 1501

Passcode: 290282

- Then follow the prompts.
- If you have low bandwidth or inconsistent Internet connection, we suggest you use the phone option below for the hearing.

Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 1-929-205-6099 or 1-646-518-9805

Access code: 94075081501

Password: 290282

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 website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.

- **Mail.** You can mail comments to Sean Quinn, Assistant Commissioner Street Improvement Projects, New York City Department of Transportation, Office of the General Counsel, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to Sean Quinn at 212-839-7188.
- **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 emailing rules@dot.nyc.gov by October 18, 2021 and including your name and affiliation. While you will be given an opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline for written comments is 5pm on October 19, 2021.

Do you need assistance to participate in the hearing? You must tell the DOT Office of the General Counsel if you need a reasonable accommodation of a disability during the hearing. You must tell us if you need a sign language interpreter. You can tell us by e-mailing at rules@dot.nyc.gov or calling 212-839-6500. If you wish to receive a reasonable accommodation, you must do so by October 12, 2021.

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 or audio file of the hearing and copies of the written comments are available by submitting a request by email at rules@dot.nyc.gov.

What authorizes DOT to make this rule? Section 2903(a) of the New York City Charter (City Charter) authorizes DOT to make this proposed rule. This proposed rule was included in DOT's regulatory agenda for fiscal year 2022, with the exception of the proposed amendment to 34 RCNY § 4-08, which was not anticipated at the time such regulatory agenda was published.

Where can I find DOT's rules? DOT's rules are in Title 34 of the RCNY.

What rules govern the rulemaking process? DOT 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(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rule provisions regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The rule provisions that DOT is seeking to amend are contained within Chapter 4 and Chapter 8 of Title 34 of the Rules of the City of New York. The proposed amendments would be as follows:

- Section 4-04(b)(1) would be amended to require operators of vehicles and operators of bicycles to stop for pedestrians in crosswalks when traffic controls are not in place or not in operation,

rather than yield, in order to enhance pedestrian safety. This rule amendment would further clarify that this provision applies to vehicles and operators of bicycles in any lane of travel, and that such vehicles and bicycles must stop and remain stopped for a pedestrian in crosswalk until such pedestrian crosses a roadway.

- Section 4-08(j)(2) would be amended to include an exception to the prohibition on obstructions of a license plate to authorize the placing a receiver-transmitter on a license plate in order to conform to the New York State Vehicle and Traffic Law.
- Section 4-12(p)(7) would be added to prohibit persons, their agents or their employees from leaving any bicycle unattended, whether or not owned by such person, in any City-owned bike-rack within the jurisdiction of DOT in excess of seven consecutive days in order to keep bicycle racks available to all users. This provision would also clarify that a bicycle left unattended in any City-owned bike-rack within the jurisdiction of DOT in excess of seven consecutive days following the date on which notice of removal was affixed to such bicycle will be removed by DOT, the Police Department, or any other agency delegated by DOT. This provision would not limit the city's ability to immediately remove any bicycle or take any other agency action if the presence of the bicycle creates a dangerous condition by restricting traffic.
- This rule would repeal Chapter 8 of Title 34 of the City's rules, relating to the employee commute options program. The State rules outlining the operation of the program were repealed. Those State rules were previously codified in Part 38 of Title 17 of the New York Codes, Rules and Regulations.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraph (1) of Subdivision (b) of Section 4-04 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(1) *Operators to [yield to] stop for pedestrians in crosswalk.* When traffic control signals or pedestrian control signals are not in place or not in operation, [the] any operator of a vehicle [shall yield the right of way to] or operator of a bicycle must stop for a pedestrian crossing a roadway within a crosswalk [when the pedestrian is in the path of the vehicle or is approaching so closely thereto as to be in danger]. Such operators of vehicles and operators of bicycles in any lane of travel must stop and remain stopped for a pedestrian in crosswalk until such pedestrian crosses a roadway.

§ 2. Paragraph (2) of Subdivision (j) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) *Valid plates must be properly displayed.* No person shall stand or park a vehicle required to bear a license plate unless [it] such vehicle properly displays the current plate or plates issued to it. For the purposes of this paragraph (j)(2), New York plates shall not be deemed properly displayed unless they are conspicuously displayed, one on the front and one on the rear of the

vehicle, each securely fastened so as to prevent the same from swinging and placed, whenever reasonably possible, not higher than 48 inches and not lower than 12 inches from the ground, and they are kept clean and in a condition so as to be readable and shall not be covered by glass or any plastic material, and the view thereof shall not be obstructed by any part of the vehicle or by anything carried thereon, except for a receiver-transmitter issued by a publicly owned tolling facility in connection with electronic toll collection when such receiver-transmitter is affixed to the exterior of a vehicle in accordance with mounting instructions provided by the tolling facility. New York dealer or transporter plates issued pursuant to § 415 of the Vehicle and Traffic Law shall be deemed properly displayed if the one plate issued is placed on the rear of the vehicle as described above. New York motorcycle plates and plates from other states shall be deemed properly displayed if at least one plate is fastened on the rear of the vehicle.

§ 3. Subdivision (p) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (7) to read as follows:

(7) No person or such person's agent or employee shall leave unattended, or permit to be left unattended, any bicycle, whether or not owned by such person, in any city owned bike-rack within the jurisdiction of the department of transportation in excess of seven consecutive days. A notice may be affixed to any unattended bicycle advising that the bicycle must be removed within seven days from the date of the notice. This notice shall also state that the failure to remove the unattended bicycle within the designated time period will result in the removal of the unattended bicycle by the department of transportation, the police department, or any other agency delegated by the department of transportation. Nothing in this section shall preclude the immediate removal of any bicycle or the taking of any other action by any agency if the presence of such bicycle creates a dangerous condition by restricting vehicular or pedestrian traffic.

§ 4. Chapter 8 of Title 34 of the Rules of the City of New York, relating to the Employee Commute Options Program, is REPEALED.

**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

REFERENCE NUMBER: 2020 RG 090

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: August 11, 2021

**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

REFERENCE NUMBER: DOT-58

RULEMAKING AGENCY: Department of Transportation

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) Cure periods are not provided for traffic violations.

/s/ Francisco Navarro
Mayor's Office of Operations

August 11, 2021
Date