

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Transportation (“DOT”) is proposing an amendment to DOT’s Traffic Rules in relation to the implementation of a permanent carshare parking program.

When and where is the hearing? DOT will hold a public hearing on the proposed rule online. The public hearing will take place on Monday, November 8, 2021 at 2pm.

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.

<https://zoom.us/j/98039328714?pwd=dUFPUVVESzBGb1o4YTFuOEZZOXFLZz09>

Join Zoom Meeting

Meeting ID: 980 3932 8714

Password: 427295

- 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: (646) 518-9805 or (929) 205-6099
- Meeting ID: 980 3932 8714
- Password: 427295

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 Stevie Feig, City Planner, 6th Floor, New York City Department of Transportation, 55 Water Street, New York, NY 10041.
- Fax. You can fax comments at 212-839-9685.
- 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 or

calling 212-839-6500 by Friday, November 5, 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? Yes, the deadline for written comments is at 5pm on Monday, November 8, 2021.

What if I 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 at the hearing other than the one(s) indicated above. 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 by November 1, 2021.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments concerning the proposed rule will be available through the DOT Freedom of Information Law (FOIL) Office at <https://a860-openrecords.nyc.gov/> or 55 Water Street, 4th Floor, New York, NY 10041.

What authorizes DOT to make this rule? Sections 1043 and 2903(a) of the New York City Charter authorizes DOT to make this proposed rule. This rule was included in DOT's fiscal year 2021 regulatory agenda.

Where can I find the Department of Transportation rules? DOT's rules are in Title 34 of the Rules of the City of New York.

What laws govern the rulemaking process? DOT must meet the requirements of Section 1043 of the City Charter when establishing 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 issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter.

In June 2018, DOT launched a carshare parking pilot program in accordance with Local Law 47 of 2017 and Local Law 50 of 2017. The pilot designated 230 on-street parking spaces in 14 pilot zones and 55 parking spaces in municipal parking facilities for use by participating carshare companies.

The locations of the pilot zones were as follows:

- Boerum Hill, BK
- Brooklyn Heights, BK

- Cobble Hill - Carroll Gardens, BK
- East Harlem, MN
- East Williamsburg, BK
- Eastern Rockaways, QN
- Hamilton Heights, MN
- Jackson Heights, QN
- Jamaica, QN
- Morningside Heights, QN
- Park Slope, BK
- Parkchester, BX
- Red Hook, BK
- Williamsburg, BK

The locations of the municipal parking facilities were as follows:

- Belmont Avenue, BX
- White Plains Road, BX
- Jerome & 190 Street, BX
- Avenue M, BK
- Bensonhurst #1 & # 2, BK
- Brighton Beach, BK
- Grant Avenue, BK
- Sheepshead Bay #1 & # 2, BK
- Broadway & 31 Street, QN
- Ditmars Muni Lot #2, QN
- Far Rockaway, QN
- Queens Village, QN
- Queens Borough Hall, QN
- Steinway Muni Lot #2, QN
- Sunnyside, QN

Although carsharing services have existed in New York City for decades, this pilot marked the first time that DOT provided dedicated “carshare parking only” spaces at the curb and in its municipal parking facilities through a permit system. The goals of the carshare pilot were to:

- Expand access to carshare, including to neighborhoods underserved by carshare services and to low- and moderate-income New Yorkers; and
- Analyze the impact of carshare on car ownership, total vehicle miles traveled (VMT), and on-street parking availability.

Based on data from the first two years of the pilot, DOT concluded that the carshare parking pilot program achieved was successful and effective. The spaces were well used, provided a valuable service to New Yorkers without cars, expanded access to carshare to a more diverse set of neighborhoods, led carshare members to delay purchasing a personal vehicle, and supported the City’s efforts to reduce greenhouse gas emissions and improve air quality. Additionally, DOT found that siting carshare spaces in pairs allows optimal utilization rates and more unique users to use the service. More information on the pilot carshare program can be found on DOT’s website here:

<https://www1.nyc.gov/html/dot/html/motorist/carshare.shtml>.

As a result, the agency plans to establish a permanent program.

This proposed rule would establish and provide guidelines for the implementation of a permanent carshare parking program. The amendments to the DOT Traffic Rules being proposed are as follows:

- Repeal and re-promulgate existing paragraph (6) of Section 4-08(o) describing the permitting process for the permanent carshare program.
- Amend Sections 4-08(i) and 4-08(o)(2) in relation to municipal parking facilities. Specifically, among other things, the proposed rule would:
 - Establish permitting procedures and requirements
 - Establish criteria for designating carshare parking spaces, and
 - Provide criteria for allocating carshare parking spaces to participating carshare organizations.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (i) 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

(i) *Municipal off-street parking facilities.*

(1) Parking fees. No person shall park a vehicle without paying the appropriate fee in accordance with authorized fee schedules posted on the facility.

(2) Hours of operation. No person shall park a vehicle before the opening hour or after the closing hour, as specified on authorized signs, except a permitted carshare vehicle parked in a carshare parking space.

(3) Parking Meters. No person shall park a vehicle, whether attended or not, in any parking space controlled by a parking meter:

(i) Without first purchasing the amount of parking time desired from a parking meter or from a valid electronic communication device as described in this section. This provision shall not apply to the time necessary to park the vehicle or activate the parking meter or any other authorized grace period.

(ii) Without displaying a payment receipt on the vehicle's dashboard or in a visible and secure place on a motorcycle, where such requirement is indicated by posted signs, unless such parking time was purchased through an authorized electronic communication device as described in this section.

(iii) In excess of the amount of time indicated on the payment receipt, electronic communication device, or on posted signs.

(iv) Unless a permitted carshare vehicle is parked in a carshare parking space.

(4) Parking in a dangerous manner. No person shall park a vehicle in a manner that will endanger any person or property.

(5) Operator responsible for loss. The operator enters the facility at his/her own risk and the City of New York shall not be responsible for any injury or loss due to fire, theft, accident, or other causes.

(6) Angle parking. No vehicle that is too long and/or too wide to be parked within a single designated parking space shall be parked in such a space which is designated for angle parking.

§3. Paragraph (2) of subdivision (o) 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) *Municipal parking permit.* A municipal parking permit licenses the permittee to park one automobile at the permittee's risk in the area designated by signs. Fees charged are for the use of a parking space in the designated facility only. Only a license to park is granted by this permit and no bailment is created. The Department of Transportation assumes no responsibility for loss due to fire, theft, collision or otherwise to the car or its contents.

(i) A municipal parking permit must be displayed when parked in authorized spaces, and in such a manner that the permit is visible through the left side of the windshield. If the vehicle is part of the carshare program, it must follow the permit display requirements of such program.

(ii) [A] Except for a permitted carshare vehicle, a municipal parking permit is to be displayed only on vehicles bearing license plate numbers on file at the Department's Bureau of Parking. For license plate changes [call the Permit Section of the Bureau of Parking, weekdays (10 AM to 4 PM)] one must complete and submit the appropriate form found on DOT's website.

(iii) A municipal parking permit is to be displayed only when a vehicle is parked in areas reserved for use of this permit.

(iv) Failure to comply with the above regulations [will] may result in a summons.

Paragraph (6) of subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is REPEALED and a new paragraph (6) is added to read as follows:

(6) Permit for Carshare Parking.

(i) Definitions. For the purposes of this section, the following terms have the following meanings:

Blockface. The term "blockface" means that portion of the street along the curb on one side of a street which is between the boundaries of the corner area at either end of the block.

Carshare organization or CSO. The term "carshare organization" or "CSO" means an organization that operates a program in which access to a fleet of vehicles, except for limited use vehicles, as defined in section 4-01 of these rules, is provided to members of the organization on an hourly or other short-term basis. This is inclusive of one way and round trip carshare services who apply to the department for dedicated carshare parking spaces.

Carshare vehicle. The term "carshare vehicle" means a vehicle used by a carshare organization member that is owned or leased and registered by the carshare organization.

One-way carshare service. The term "one-way carshare service" means a system where a member of a carshare organization can pick up a carshare vehicle at one location and drop it off at the end of the trip at a curbside location within the CSO's service area.

Round-trip carshare service. The term "round-trip carshare service" means a system where a member of a carshare organization must drop off a carshare vehicle at the same location where it was picked up in order to complete the trip.

Carshare parking space. The term “carshare parking space” means a location on-street curbside or in a municipal parking facility that the Department reserves for the exclusive use by a carshare organization and its members.

Carshare parking site. The term “carshare parking site” means an on-street curbside location that consists of two carshare parking spaces.

Equity parking site. The term “equity parking site” means a carshare parking site that the Department has identified as being located in an area underserved by existing carshare service pertaining, but not limited to, demographic and socioeconomic characteristics such as median household income.

Handcontrol adapted carshare vehicle. The term “hand control adapted carshare vehicle” means a vehicle equipped with permanently installed hand controls allowing for the use of the vehicle by carshare members with mobility impairments. These hand controls must have the capability of being activated and deactivated for carshare members’ needs and must not prevent the operation of the vehicle using foot pedals.

Municipal parking facility. The term “municipal parking facility” means a City-owned parking facility regulated by the Department and operated by the City or by a contractor on behalf of the City that is available for public use. The term “municipal parking facility” does not include any parking facility operated by a City agency that is intended for use exclusively by agency employees or by the public to conduct business with the agency.

(ii) Permit required. A CSO must register with the Department for the use of or operation on any public highway (as defined in section 4-01 of these rules). This registration establishes the CSO as a qualified operator, and includes submission of the following information and documentation:

- (A) Legal name of the CSO; its “Doing Business As” (DBA) certificate; certified copy of the Certificate of Incorporation and proof of registration with the New York State Department of State; company address; contact name; contact telephone number; contact e-mail address;
- (B) Information about the CSO’s New York City-specific operations, including the CSO’s total carshare vehicle fleet size in New York City, the number and location of private garages and carshare parking sites from which it currently operates, and the number of equity carshare parking sites and;
- (C) Information about the CSO’s rates, including any geography or time-based differences.

Once a CSO satisfactorily completes its registration, it can apply for a carshare parking site permit and/or carshare parking space in a municipal parking facility.

If the Department declines to issue a permit based on any of the foregoing requirements not being satisfied or if the application is incomplete, the applicant will have fifteen days from receipt of the denial to appeal the determination. The Department will make a final determination on the appeal within thirty days of receipt of the appeal.

(iii) Permit fees. In order to participate in the Department’s carshare program, a CSO must pay to

the Department an annual carshare parking site permit fee in the amount of \$500 for each carshare parking site. For carshare parking spaces in municipal parking facilities, a CSO must pay an annual fee based on existing rates at each municipal parking facility, which will be posted on the Department's website.

(iv) Applications. Applications for new carshare registration and parking permit(s) or for the renewal of carshare parking permit(s) must be submitted on forms prescribed by the Department which will include, but not be limited to, the following information:

- (A) Legal name of the CSO; address; contact name; contact telephone number; contact e-mail address;
- (B) Proof of vehicle registration in New York State for all carshare vehicles intended for use in a carshare parking space;
- (C) Proof of automobile insurance for all carshare vehicles intended for use in a carshare parking space;
- (D) Make, model, length, and combined city/highway miles per gallon (MPG) according to the U.S. Environmental Protection Agency's MPG ratings of vehicles intended for use in a carshare parking space and;
- (E) Proposed locations of all requested carshare parking sites for the permit term and one alternative location for each in case the proposed site is not available.

(v) Applications submission period. A CSO must submit an application for a new permit and/or the renewal of a permit for carshare parking sites and carshare parking spaces in municipal parking facilities annually within a time period prescribed by the Department.

(vi) Review of applications for and issuance of permits. In reviewing applications, the Department may limit the number of carshare vehicles in the carshare program, use a utilization metric and define the carshare program geography. The Department may decline to issue a permit to a CSO applicant that:

- (A) Is in arrears to the City of New York for an amount totaling more than one thousand dollars; or
- (B) Does not provide automobile insurance as part of their carshare vehicle rental price; or
- (C) Does not allow its carshare vehicles to be rented on an hourly basis or for smaller time intervals, and at rates which vary by time, and/or distance.

(vii) Carshare parking permit assignment for on-street curbside parking spaces. In assigning on-street curbside carshare parking sites, the Department will consider criteria including, but not limited to:

- (A) Traffic and pedestrian flow;
- (B) Surrounding land uses and placement of street furniture;
- (C) Preferred sites selected by CSOs;
- (D) Results from CSO community outreach;

- (E) The number of existing carshare parking sites and private carshare parking locations in the surrounding area;
- (F) Utilization metrics deemed determined to be appropriate by the Department for site expansion;
- (G) The CSO's ratio of equity parking sites to general carshare parking sites (equity parking sites must comprise at least 20% of a CSO's total carshare parking sites);
- (H) The CSO's compliance with the permit terms and conditions at the site in the previous year, in case of a renewal permit;
- (I) Proposed carshare parking site meets the siting criteria published on the Department's website;
- (J) Ongoing and/or upcoming construction projects in the vicinity of the proposed location; and
- (K) Any other criteria deemed appropriate by the Department such as but not limited to altered growth rates as program expands and additional data sharing requirements.

(viii) Carshare parking permit assignments for carshare parking spaces in municipal parking facilities.

- (A) The Department will post on its website a map of municipal parking facility locations and specify the number of carshare parking spaces, including those with electric charging stations, available at each facility.
- (B) Registered CSOs must apply for new or renewal carshare parking permits for each carshare parking space at which they wish to operate.
- (C) The Department will allocate spaces to CSOs within each facility initially based on renewal applications. If carshare parking spaces remain in a facility, those spaces will be divided among interested CSOs at increments of two spaces per CSO.
- (D) For those municipal parking facilities where there are not enough available spaces to accommodate the request for at least two spaces by each interested CSO, the Department will assign the carshare parking spaces in pairs using a multi-round selection process based on a rank order chosen randomly. The CSO selection order will be re-established for each facility where there are not enough available spaces to accommodate the request for at least two spaces by each interested CSO.
- (E) For carshare parking spaces in municipal parking facilities, a CSO must pay an annual fee based on existing rates at each municipal parking facility, which will be posted on the Department's website during the submission period applicable to new space and renewal applications period.

(ix) Conditions of permit. The CSO permit holder must:

- (A) Indemnify the City against legal liabilities associated with the use of on-street and off-street spaces for carshare operations;
- (B) Provide a vehicle with professionally installed hand controls to any carshare member within 48 hours of that member's request;

- (C) Regularly report to the Department the data specified in subparagraph (xv) of this paragraph;
- (D) Actively use on-street and off-street carshare parking spaces at all times to provide carshare services with reasonable allowances for carshare vehicle maintenance;
- (E) Maintain at least 20% of allotted on-street carshare parking sites at equity parking sites;
- (F) Comply with all applicable parking regulations, including but not limited to regulations relating to construction activities and street closures;
- (G) Pay any parking fines received or any towing fees and fines if carshare vehicles are towed;
- (H) Provide the Department with 30 days written notice if the permit holder decides to discontinue service at a carshare parking site;
- (I) Display the CSO permit holder's name prominently on each carshare vehicle using a carshare parking space;
- (J) Comply with the Department's requirements to identify vehicles as belonging to the carshare program;
- (K) Promptly notify the Department of any changes to the information provided in its application; and
- (L) Comply with all applicable laws, rules and regulations related to the operation of carshare.

(x) Sign installation and carshare parking site maintenance.

- (A) The CSO permit holder must provide to the Department a vector file graphic of its company logo to be incorporated into signs no later than five days after the permit for a carshare parking site is approved.
- (B) The Department will install all signage for all carshare parking sites.
- (C) For on-street carshare parking sites, permit holders will clean the area on a City public street and road within the carshare parking spaces, and also 15 feet on three sides of the carshare parking space. Maintenance responsibilities will include the following:
 - 1. Sweeping twice per week on the blockface on which the on-street carshare parking site is located as specified in the permit;
 - 2. Removing snow and ice as specified in the permit;
 - 3. Maintaining the signs so that they are unobstructed and free of dirt, stickers, and graffiti as specified in the permit; and
 - 4. Keeping records of the maintenance for carshare parking spaces, including date, time, and scope of maintenance as specified in the permit.
- (D) Permit holders have the option to install on-street markings at their carshare parking sites.
- (E) The on-street marking design and materials must be approved by the Department and shall not include the permit holder's company logo.
- (F) The permit holder is responsible for all aspects of on-street marking maintenance.

including installing, maintaining, and removing any on-street markings relating to the carshare parking site.

(G) Permit holders must submit a permit bond to the Department within 10 business days of permit issuance to cover costs and expenses that may be incurred by the City as a result of failing to remove on-street markings or for the purpose of otherwise safeguarding the interests of the City. The permit bond must be in the form prescribed by the Department.

1. Bonds will be valid through the permit's term.
2. The issuer of the bond must give the Department at least 30 days written notice prior to expiration or cancellation of such bond.
3. A receipt demonstrating full payment of the bond must be filed with the Department.
4. A separate bond need not be filed for each location, provided such coverage is in force for all operations in the City.
5. The permit bond must be submitted in the amount of \$25,000 for the permit term.

(H) Any additional maintenance responsibilities will be provided by the Department with a thirty-day notice to the permit holder.

(I) Permit holders' maintenance responsibilities extend through the length of the permit for any carshare parking sites.

(xi) Permanent relocation of carshare parking sites. The Department may relocate a carshare parking site upon a thirty-day notice to the permit holder based on utilization rates, maintenance reports, and/or a request from a CSO.

(xii) Temporary relocation or suspension of carshare parking sites.

(A) The use of on-street carshare parking sites may be temporarily suspended for up to thirty business days due to construction or street repaving, or special events including but not limited to film shoots, street fairs, parades, or block parties.

(B) When suspensions are expected to last longer than thirty business days, the Department may temporarily relocate the carshare parking site to a new, approved location within close proximity to the original carshare parking site.

(C) The Department may remove or temporarily relocate a carshare parking site for reasons attributable to public safety or other emergency or temporary needs as it deems appropriate.

(D) The permit holder will be responsible for moving the carshare vehicle from the carshare parking site under the circumstances identified in clauses (A), (B), and (C) of this subparagraph.

(xiii) Relocation of impermissibly parked vehicle. If a vehicle is impermissibly parked in an on-street carshare parking space, a CSO, at its sole cost and expense, may relocate the impermissibly

parked vehicle to the nearest available lawful on-street parking space.

(A) For the purposes of this subparagraph, an “impermissibly parked vehicle” means a vehicle located in an on-street carshare parking space, where the logo and name indicated on the sign does not bear the same logo and name as the vehicle or the vehicle has no logo or CSO affiliation.

(B) If a CSO chooses to relocate impermissibly parked vehicles, it must establish a Department-approved means of relocating such vehicles and notifying owners of such vehicles where their vehicles have been relocated.

(xiv) Suspension, reassignment, and revocation of permits.

(A) The Department may suspend or revoke a permit for failure to comply with any of the terms and conditions of the carshare parking permit, these rules, or other applicable laws or rules.

(B) Prior to suspending or revoking a permit, the permit holder will be provided with an opportunity to be heard within ten business days.

(C) If the Department revokes a permit, the permit holder must remove the carshare vehicle from the carshare parking space within 24 hours of revocation.

(xv) Data reporting requirements.

(A) Each permit holder must provide monthly data to the Department within 10 business days of the end of the reporting month, containing, but not limited to the data described below and in a form that is prescribed by the Department.

(B) The monthly data must include, but not be limited to, the following datasets and attributes:

1. Cleaning Summary (DOT Site ID, Cleaning Date, Cleaning Time)
2. Space Summary (DOT Site ID, DOT Space ID, Total hours active rental, total hours available for rental, total hours out-of-service/unoccupied, number of reported blockages, total trips, total unique users, average trip length, average trip duration)

(C) The Department reserves the right to audit full trip data to insure accuracy of space summary with 7 days notice of request. Data shall include, but not be limited to, the following datasets and attributes relating to the Trip Summary:

1. Unique Trip ID,
2. DOT Site ID
3. DOT Space ID
4. Vehicle ID
5. Start Date
6. End Date
7. Start timestamp
8. End Timestamp
9. Mileage

(D) Each permit holder must also conduct an annual survey of its members, with input from the Department.

(E) The Department will provide 30 days' notice of any new data reporting requirements.

**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: Permanent Car Share Rules

REFERENCE NUMBER: DOT-59

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) Prior to suspending or revoking a permit, the permit holder will be provided with an opportunity to be heard within ten business days.

Francisco Navarro
Mayor's Office of Operations

September 16, 2021
Date

**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: Permanent Car Share Rules

REFERENCE NUMBER: 2021 RG 022

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: September 15, 2021