

## 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 4-01 and 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York (“34 RCNY”) to introduce a new Pay-by-plate parking meter option by eliminating the need for using a receipt as proof of payment.

**When and where is the hearing?** The New York City Department of Transportation (“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 March 7, 2022 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/97333040201?pwd=Qy9PZ3QvQVk3VVZTcDR6K3ZSWkFIUT09>

Meeting ID: 973 3304 0201

Passcode: 972512

If you have low bandwidth or inconsistent Internet connection, we suggest you use the “Call-in” option for the hearing.

#### **Join via phone only:**

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

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

Access code: 973 3304 0201

Password (if requested): 972512

**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](mailto:rules@dot.nyc.gov).
- **Mail.** You can mail comments to David Stein, New York City Department of Transportation, 34-02 Queens Boulevard, 1<sup>st</sup> Floor, Long Island City, NY 11101.
- **Fax.** You can fax comments to David Stein at 646-892-5018.

- **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](mailto:rules@dot.nyc.gov) by March 4, 2022 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 March 7, 2022.

**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](mailto:rules@dot.nyc.gov). If you wish to receive a reasonable accommodation, you must do so by February 28, 2022.

**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 Freedom of Information Law request electronically on the NYC OpenRecords Portal at <https://a860-openrecords.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.

**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 rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The rules that DOT is seeking to amend are contained within Chapter 4 ("Traffic Rules and Regulations") of Title 34 of the Rules of the City of New York.

DOT will be upgrading and retrofitting 14,500 parking meters citywide. These upgrades will convert the meters from Pay-and-display operation to a Pay-by-plate, eliminating the need for using a receipt as proof of payment. The person who is parking will need only to enter their license plate at the meter without the need to return to the vehicle to place a receipt. Further, Traffic Enforcement Agents will only need to enter the license plate rather than being required to spend time looking into the car for the receipt.

Local Law number 171 of 2021 was enacted on December 24, 2021, and goes into effect on February 22, 2022. This law amends Title 19 of the Administrative Code to authorize the use of pay-by-plate parking meters in addition to pay-and-display parking meters, and this proposed rule implements that authorization. These proposed rule changes would facilitate and enhance the enforcement and adjudication by the New York City Police Department and the Department of Transportation resulting from the adoption of such payment systems.

Specifically, the proposed amendments would be as follows:

- Section 4-01(b) would be amended by adding new definitions for “blockface”, “credential”, “parking field” and by amending the existing “parking meter” definition.
- Section 4-08(h) would be amended by adding a new option of using Pay-by-plate meters and by prohibiting transfer of parking time between blockfaces.

New material is underlined.

[Deleted material is in brackets.]

**Section 1. Subdivision b of section 4-01 of Title 34 of the Rules of the City of New York is amended by adding the following terms and amending the definition of “parking meter,” to read as follows:**

*(b) Definitions.* For 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.

Credential. The term “credential” means any explicit approval from the Department or other authorized agency to park at a parking meter or other location, including, but not limited to, a record of payment or valid parking permit.

Parking field. The term “parking field” means any parking lot containing parking meters that is owned, operated and controlled by the city or its contractor and is available for public use. The term “parking field” does not include any parking lot operated by a City agency intended for exclusive use by such agency’s employees or by the public to conduct business with such agency.

Parking meter. The term "parking meter" means [an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle or as otherwise described within these rules] a device which accepts payment or a credential, including, but not limited to, a pay-and-display parking meter or a pay-by-plate parking meter.

Pay-and-display parking meter. The term “pay-and display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

Pay-by-plate parking meter. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

**§ 2. Subparagraph (ii) of paragraph (1) of subdivision (h) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:**

(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 or a pay-by-plate parking meter as described in this section.

**§ 3. Subparagraph (i) of paragraph (2) of subdivision (h) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:**

(i) Authorized payment methods. Parking meters must be activated by the insertion of coin(s) of United States currency, or by the insertion of an electronic debit card, credit card, Department issued parking card or by entry of license plate information or other credential or other authorized method of payment as described in this section. Parking at an on-street or off-street parking space controlled by a parking meter may also be paid for by an authorized electronic communication device as approved by the Department as described in paragraph (3) of this subdivision.

**§ 4. Paragraphs (4) and (5) of subdivision (h) of section 4-08 of Title 34 of the Rules of the City of New York are amended to read as follows:**

(4) [Transfer of parking time. A person who purchases parking time, via a payment receipt, at an on-street or off-street parking space controlled by a parking meter may, during the start and end time denoted on such payment receipt, park at:

- (i) such on-street or off-street parking space;
  - (ii) at any parking space regulated by a parking meter within the same parking area; or
  - (iii) in another area regulated by a parking meter where the parking meter rate is the same as or less than the rate at the location where the parking time was purchased. This provision shall not apply when parking time is purchased via an authorized electronic communication device]
- Transferability of parking meter time. Parking time may only be utilized on the blockface for which it was purchased. Transfer of parking time between blockfaces is prohibited.

(5) [Parking at broken or missing parking meters.

(i) Where parking is controlled by a parking meter and such parking meter is broken or missing, the person seeking to purchase a parking receipt shall use a functional parking meter in the same parking field or on the same side of the block, to purchase a parking receipt in accordance with paragraph (1) of this subdivision.

(ii) If all parking meters in a parking field or on a block are missing or broken, a person shall be allowed to park in the parking field or on the block up to the maximum amount of time otherwise lawfully permitted by such parking meters in the controlled parking field or block] Parking at broken or missing parking meters. If all parking meters in a parking field or on a blockface are missing or broken, a person shall be allowed to park in such parking field or on such blockface up to the maximum amount of time otherwise lawfully permitted by such parking meters in such parking field or blockface.

**§ 5. Subparagraph (ii) of paragraph (3) of subdivision (i) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:**

(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 or pay-by-plate parking meter as described in this section.

**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 Parking Meter Rules

**REFERENCE NUMBER:** 2022 RG 003

**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

Date: January 21, 2022

Acting Corporation Counsel

**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 Parking Meter Rules**

**REFERENCE NUMBER: DOT-65**

**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) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro

Mayor's Office of Operations

January 24, 2022

Date