

## **Notice of Adoption of Rules**

Pursuant to the authority vested in the Commissioner of the New York City Department of Transportation (DOT) by Section 2903 of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter, DOT has made amendments to Chapter 4 of Title 34 of the Rules of the City of New York to introduce a new Pay-by-plate parking meter option by eliminating the need for using a receipt as proof of payment.

This rule was first published on February 1, 2022 and a public hearing was held on March 7, 2022. DOT has not received any comments from the public.

## **Statement of Basis and Purpose of 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 amended rules 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 a “Pay-and-display” operation to a “Pay-by-plate” operation, 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 went 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 rule implements that authorization. These rule amendments 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.

The amendments to Chapter 4 of Title 34 of the Rules of the City of New York are as follows:

- Section 4-01(b) is amended by adding new definitions for “blockface”, “credential”, “parking field”, “Pay and display parking meter”, and “Pay by plate parking meter” and by amending the existing “parking meter” definition.
- Sections 4-08(h) and (i) are 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 (“Definitions”) 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:**

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 or other credential 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 other authorized method of payment as described in this section or by entry of license plate information or other credential for proper registration of payment. 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.