

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 Section 4-08 of the Traffic Rules to establish loading zone regulations.

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 Tuesday, February 7, 2023 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 using the following information:
<https://zoom.us/j/95721394822?pwd=M21rZTM2aHRtNy9LcXYvUmtkbWVfdz09>
- Meeting ID: 957 2139 4822
Password: 649782
- 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 hearing only by phone, use the following information to connect:

Phone: 1-929-205-6099
Meeting ID: 957 2139 4822
Password: 649782

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 Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Charles Ukegbu, Assistant Commissioner of Regional & Strategic Planning, New York City Department of Transportation, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to 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 or calling 212-839-6500 by February 6, 2023 and include your name and affiliation. While there will be 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 5pm on February 7, 2023.

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 at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by e-mailing at rules@dot.nyc.gov or calling 212-839-6500 by January 31, 2023.

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/>. Copies of the audio file of the hearing and copies of the written comments may be requested 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 (City Charter) authorize DOT to make this proposed rule. This proposed rule was included in DOT's regulatory agenda.

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

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 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. The rules that DOT is seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to its "Traffic Rules."

The growth of e-commerce deliveries and for-hire vehicle trips throughout the city has changed the way New Yorkers use curbs. Nearly 90% of goods in New York City are delivered by trucks and, with the growth of e-commerce and demand for frequent home deliveries, the amount of goods that move through NYC is estimated to grow by 68% in the next 20 years. As demand for the City's limited curb space continues to grow, trucks, delivery vehicles, cargo bikes, and personal vehicles need safe ways to access the curbs without blocking traffic, including bus routes and bike lanes. These proposed rules would provide dedicated curb space for loading and unloading activities during daytime and evening hours, which would help to reduce double parking as well as other unwanted standing behaviors, creating a safer and more efficient

environment for all road users. For example, Neighborhood Loading Zones (NLZ), a program that provides curb space for commercial deliveries, active loading and unloading, and pick-up and drop-off activity, reduces double parking by up to 70% while creating a safer and more efficient environment.

The proposed rule would update Section 4-08 of the Traffic Rules for the purpose of establishing “Loading Only” dedicated use signage. The signage would make clear to the public that the purpose of a “Loading Only” zone is for the expeditious pick-up and drop-off of goods and passengers from commercial vehicles, for-hire vehicles, and personal vehicles. The signage would also include a set time limit for the vehicle to utilize the space. Vehicles displaying agency-authorized or single use permits would also be prohibited from utilizing the dedicated space.

Specifically, the proposed amendments are as follows:

- Section 4-08(a)(3)(i) would be amended to include “Loading Only” as a dedicated use sign.
- Section 4-08(c) would be amended to define “Loading Only” zones with a detailed description of the intended use of the regulation.
- Section 4-08(o)(3)(ii) would be amended to include “Loading Only” as a prohibited area for agency-authorized parking.
- Section 4-08(o)(4)(iii) would be amended to include “Loading Only” as a prohibited area for single-use permits.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subparagraph (i) of Paragraph (3) of Subdivision (a) 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) Dedicated use signs. Standing is prohibited when a dedicated use is specified by a sign, including but not limited to the following curb regulations: Commercial Vehicles Only, Truck Loading Only, Taxi Stand, Taxi Relief Stand, Authorized Vehicles Only, NYP License Plates Only, Doctor License Plates Only, For-Hire Vehicles Only, Ambulance Only, Ambulette Only, Medical Facility Only, Bus Layover Only, NYS Road Test Only, Flea Market Loading Only, Farmers Market Only, Waiting Line, Carshare Parking Only, Electric Vehicle Charging Only, Loading Only, or Parking Permitted.

§ 2. Subdivision (c) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (10) to read as follows:

(10) Loading only zone. During the time specified on the posted authorized sign, no person shall stand or park a vehicle in such zone, except for the purpose of expeditiously receiving or discharging passengers or actively engaging in loading or unloading goods for the purpose of making pickups or deliveries to or from the curb.

§ 3. Subparagraph (ii) of Paragraph (3) 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:

(ii) *Parking not permitted.* Parking with and display of agency-authorized permits in the windshield of a vehicle or, where applicable, a permit affixed to the vehicle by the department or any agency authorized by the department is not permitted at:

- (A) "No Standing" areas.
- (B) "No Stopping" areas.
- (C) Fire hydrants.
- (D) Bus stops.
- (E) Areas on the roadway side of a vehicle stopped, standing, or parked at the curb (i.e., Double parking).
- (F) Driveways.
- (G) Bridges and highways.
- (H) Areas where a traffic hazard would be created.
- (I) Carshare parking space(s).
- (J) Loading Only zones.

§ 4. Subparagraph (iii) of Paragraph (4) 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:

(iii) *Parking not permitted.* Parking with single issue permits is not permitted at:

- (A) "No Standing" areas,
- (B) "No Stopping" areas,
- (C) Fire hydrants,
- (D) Bus stops,
- (E) Double parking,
- (F) Driveways,
- (G) On bridges and highways,
- (H) In carshare parking space(s), [and]
- (I) Areas where a traffic hazard would be created, and
- (J) Loading Only zones.

**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: Rules Regarding Signage for Loading Zones

REFERENCE NUMBER: 2022 RG 068

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
Senior Counsel

Date: December 27, 2022

**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: Rules Regarding Signage for Loading Zones

REFERENCE NUMBER: DOT-69

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 violations of the traffic rules.

/s/ Francisco X. Navarro
Mayor's Office of Operations

December 27, 2022
Date