

New York City Department of Finance
Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The New York City Department of Finance (“DOF”) is proposing rules concerning a school bus photo violation monitoring system to enforce state laws against passing stopped school buses. These rules will establish the fines and penalty for such violations, provide requirements for the notice of liability that will be sent to motorists by the New York City Department of Transportation (“DOT”), and authorize the Parking Violations Bureau (“PVB”), a division of DOF, to adjudicate allegations of liability.

When and where is the hearing? DOF will hold a public hearing on the proposed rules. The public hearing will take place at 11:00 AM on August 31, 2023. The hearing will be conducted remotely through Webex Event Center. To participate in the public hearing, enter the Webex URL <https://nycdof.webex.com/>. If prompted to provide a password or number, please enter the following: Meeting number: 2347 296 1581 and Password BUSARM82023. You can also participate in the hearing via phone by calling 408-418-9388. The meeting access code is 234 729 61581 and the Host PIN is 4895.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOF through the NYC Rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rubing@finance.nyc.gov.
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30th Floor, New York, NY 10038, Attn: Garret Rubin.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Garret Rubin, at (212) 748-6982.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling Joan Best at (212) 748-7214. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is August 31, 2023.

What if I need assistance to participate in the hearing? Please contact DOF's Legal Affairs Division at least five business days before the hearing 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 make any accommodation request by mail at the address given above. You may also make such request by contacting Joan Best; by telephone, by calling (212) 748-7214; TTY (212) 504-4115 or by e-mail at bestj@finance.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation.

This hearing has the following accessibility options available: Simultaneous transcriptions for people who are deaf or hard of hearing and audio-only access; American Sign Language interpretation on video. For audio-only access, call 408-418-9388. The meeting access code is 234 729 61581 and the Host Pin is 4895.

Can I review the comments made on the proposed rules? You can review the comments that have been submitted online by visiting the NYC Rules website: <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rules will be available to the public at NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30th Floor, New York, NY 10038.

What authorizes DOF to adopt these rules? New York State Vehicle and Traffic Law ("VTL") § 1174-a, Administrative Code of the City of New York ("Administrative Code") §§ 19-203, 19-210(f), and 19-610, and New York City Charter ("Charter") §§ 1043 and 1504 authorize DOF to adopt these proposed rule amendments. These proposed rules were not included in DOF's regulatory agenda for this Fiscal Year because they were not contemplated when DOF published the agenda.

Where can I find DOF's rules? DOF's rules can be found in Title 19 of the Rules of the City of New York.

What laws govern the rulemaking process? DOF must meet the requirements of Section 1043 of the Charter when creating or amending rules. This notice is made according to the requirements of Section 1043 of the Charter.

Statement of Basis and Purpose of Proposed Rule

On August 6, 2019, the Governor signed Chapter 145 of the Laws of 2019, which enacted VTL § 1174-a, authorizing the City to establish a demonstration program to enforce state laws prohibiting the passing of stopped school buses with a school bus photo violation monitoring system. On January 9, 2022, New York City Council enacted Local Law 10 of 2022 to establish the demonstration program in New York City.

School bus photo violation monitoring systems record vehicles that fail to stop when a school bus is stopped while passengers are being picked up or discharged. A violation would be issued to vehicle owners whose vehicles are recorded as failing to stop.

VTL § 1174-a(e) authorizes the New York City Parking Violations Bureau, a division of DOF, to promulgate a schedule of fines and penalties for such violations. VTL § 1174-a(g) establishes the requirements for notices of liability, while VTL § 1174-a(h) and Administrative Code § 19-610 authorize the PVB to adjudicate such notices.

The proposed rule establishes the fines and penalty for such violations, states the requirements for the notices of liability, and specifies that the PVB will adjudicate allegations of liability.

VTL § 1174-a, Administrative Code §§ 19-203, 19-210(f), and 19-610, and Charter §§ 1043 and 1504 authorize DOF to issue the proposed rule.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 19 of the Rules of the City of New York is amended by adding a new section 39-23 to read as follows:

§ 39-23 School Bus Camera Violation Monitoring System

(a) *Liability.* The liability of an owner pursuant to § 1174-a of the Vehicle and Traffic Law shall be \$250.00 for a first violation within an eighteen-month period, \$275.00 for a second violation within an eighteen-month period, and \$300.00 for a third or subsequent violation within an eighteen-month period. For the purposes of this subdivision, the “eighteen-month period” is defined as the eighteen months going backward from the date of the most recent violation.

(b) *Penalty.* If the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability, a penalty of \$25.00 may be assessed pursuant to subdivision (e) of § 1174-a of the Vehicle and Traffic Law.

(c) *Notice of liability.* The notice of liability must be in accordance with the requirements of subdivision (g) of § 1174-a of the Vehicle and Traffic Law and in the form and substance prescribed by the director of the New York City Parking Violations Bureau.

(d) *Adjudication.* The New York City Parking Violations Bureau will adjudicate liability imposed upon owners pursuant to § 1174-a of the Vehicle and Traffic Law.

(e) *Effective date.* This section shall remain in effect for as long as § 1174-a of the Vehicle and Traffic Law shall remain in effect.

**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 Relating to School Bus Stop Arm Cameras

REFERENCE NUMBER: DOF-63

RULEMAKING AGENCY: Department of Finance

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

July 12, 2023
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: Rules Relating to School Bus Stop Arm Cameras

REFERENCE NUMBER: 2023 RG 051

RULEMAKING AGENCY: Department of Finance

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: July 12, 2023