

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The purpose of the proposed rule is to prescribe the New York City Department of Transportation's (DOT) procedure for submission, consideration and disposition of petitions for rules.

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, September 12, 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.

<https://zoom.us/j/93337593651?pwd=aDNWRGFBWCsvSzBtQ2E5aWpDOGUwZz09>

Join Zoom Meeting:

- Meeting ID: 933 3759 3651
Password: 187652
- 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

Meeting ID: 933 3759 3651

Password: 187652

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 Naomi Silkowitz, Assistant General Counsel, New York City Department of Transportation, 55 Water Street, 9th Floor, NY, 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 by Monday, September 11, 2023 or calling 212-839-6500 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 Tuesday, September 12, 2023 by 5PM.

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 September 5, 2023.

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? Section 1043(g) 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.

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

Section 1043(g) of the City Charter requires agencies to prescribe by rule how the public can petition the agency to promulgate a rule. The rule that DOT is seeking to add will be contained within Chapter 6 of Title 34 of the Rules of the City of New York (RCNY).

The purpose of the proposed rule is to prescribe DOT's procedure for submission, consideration, and disposition of petitions for rules. Specifically, the new section added to Chapter 6 of Title 34 of the RCNY is as follows:

- Section 6-02 is added describing the procedures by which the public may submit petitions for rulemaking.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Chapter 6 of Title 34 of the Rules of the City of New York is amended by adding a new section 6-02, to read as follows:

§6-02. Rulemaking Petitions

(a) Scope

These rules govern the procedures by which the public may submit to the Department petitions for rulemaking pursuant to section 1043(g) of the New York City Charter and the procedures for the Department's consideration and disposition of such petitions.

(b) Definitions

Department. The term "Department" means the New York City Department of Transportation.

Person. The term "Person" means an individual, partnership, corporation or other legal entity, and any individual or entity acting in a fiduciary or representative capacity.

Petition. The term "Petition" means a request or application for the Department to adopt a rule.

Petitioner. The term "Petitioner" means the person who files a petition.

Rule. The term "Rule" has the same meaning as in section 1041(5) of the New York City Charter.

(c) Procedures for submitting petitions.

- (1) Any person may submit a petition to the Department to consider the adoption of a rule. The petition must include:
 - (i) The rule to be considered, with proposed language for adoption;
 - (ii) A statement of the Department's authority to promulgate the rule and the rules purpose;
 - (iii) Petitioner's arguments in support of adoption of the rule;
 - (iv) The period of time the rule should be in effect, if applicable;
 - (v) The name, address, telephone number, and email address of the petitioner or petitioner's authorized representative;
 - (vi) The signature of petitioner or petitioner's authorized representative.

(2) Any change in the name, address or telephone number of petitioner or the petitioner's authorized representative must be reported promptly in writing to the Department.

(2) All petitions must be typewritten.

(4) Petitions must be mailed or emailed (rules@dot.nyc.gov) to the Department.

(d) Procedures for responses to petitions.

(1) The Department will deny or approve the petition within 60 days from the date the petition is received.

(2) The Department will either deny the petition in writing, stating the reasons for denial, or will grant the petition by stating in writing the Department's intentions to initiate rulemaking by a specified date.

(3) In proceeding with rulemaking, the Department may, at its discretion, amend or modify the language proposed by the petitioner.

(e) No Appeal

The Department's decision to deny or grant a petition is final and not subject to judicial review.

**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: Procedure for Submission and Consideration of Rulemaking Petitions

REFERENCE NUMBER: DOT-73

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

July 14, 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: Procedure for Submission and Consideration of Rulemaking Petitions

REFERENCE NUMBER: 2023 RG 055

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: July 14, 2023