

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to the update of the New York City Department of Transportation's (DOT) "General Provisions" contained in Chapter 6 of Title 34 of the Rules of the City of New York.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903(b) of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter that DOT hereby amends Chapter 6 of Title 34 of the Rules of the City of New York.

This rule was first published in the City Record on August 4, 2023 and a public hearing was held on September 12, 2023. DOT received no verbal and written comments from the public.

Statement of Basis and Purpose of Adopted 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 has adopted will be contained within Chapter 6 of Title 34 of the Rules of the City of New York (RCNY).

The purpose of the adopted rule is to prescribe DOT's procedure for submission, consideration, and disposition of petitions for rules. Specifically, the adopted amendment is as follows:

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

DOT made no changes to the proposed rule after the public hearing.

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.