

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to amendments to the New York City Department of Transportation's (DOT) "Traffic Rules" contained in Chapter 4 of Title 34 of the Rules of the City of New York. The amendments clarify that an elevated pedestrian walkway or a bicycle lane on a bridge or a bridge approach may not be used for the vending of merchandise or services. Accordingly, a vendor may not stop, remain upon or otherwise encumber, or permit any cart, table, wagon, vehicle or other object owned or controlled by such vendor to stop, remain upon, or otherwise encumber, an elevated pedestrian walkway or bicycle lane on a bridge or bridge approach, for the purpose of selling, displaying, storing or creating merchandise or providing a service.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation 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 4 of Title 34 of the Rules of the City of New York.

The proposed rule was first published in the City Record on October 6, 2023 and a public hearing was held on November 15, 2023. No changes were made to the rule following the public hearing.

Statement of Basis and Purpose of Adopted 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. Specifically, paragraph (1) of subdivision (a) of section 2903 of the Charter authorizes DOT to promulgate rules regulating the conduct of vehicular and pedestrian traffic on streets of the City, which include the pedestrian walkways and bicycle lanes on bridges and bridge approaches.

DOT, in consultation with the Police Department ("NYPD") and the Department of Sanitation ("DSNY"), has determined that it is necessary to promulgate a rule prohibiting vending on such walkways and lanes in order to enhance pedestrian safety, ease overcrowding and promote the safety and security of the bridges. The rule will aid in the City's enforcement efforts, thereby promoting safety and security in these areas.

In recent years, pedestrian counts on the elevated pedestrian walkway of the Brooklyn Bridge have increased. In 2022, there were an average of over 34,000 pedestrians traversing the Brooklyn Bridge elevated pedestrian walkway on a fall weekend day, compared to an average of over 17,000 pedestrians on such a weekend day in 2021. The width of the elevated pedestrian walkway of the Brooklyn Bridge averages 16 feet but is less than 5 feet in multiple areas along the length of the Bridge. These high pedestrian counts make vending along the walkway an unsafe condition, particularly in areas where the width of the elevated pedestrian walkway narrows to 5 feet. The ability of pedestrians to exit the bridge safely is jeopardized by vendors who display and store their wares, carts, tables, tents, tarps, canopies, coolers, and generators along the elevated pedestrian walkway, impeding pedestrian traffic flow. Further, the Brooklyn Bridge is a critical link in and out of Manhattan and, as a result, is, at times, subjected to extremely high pedestrian traffic, such as during emergencies and protests, where the safe egress of pedestrians is crucial.

In addition to the safety challenges posed by the high number of pedestrians and the potential for obstruction of the elevated pedestrian walkway, DOT has concerns about the effect of the carts, tables, wagons, generators, and similar items on the structural load capacity of the Brooklyn Bridge. Lastly, prohibiting such objects on the elevated pedestrian walkway would reduce the susceptibility of the bridge to fire threats and to threats to national security.

Specifically, the rule amends section 4-12(g) relating to vendors to specify that no vendor may stop, remain upon or otherwise encumber, or permit any cart, table, wagon, vehicle, or other object owned by them to stop, remain upon, or otherwise encumber, elevated pedestrian walkways and bicycle lanes on bridges and bridge approaches for the purpose of selling, displaying, storing or creating merchandise or providing a service. This amendment would apply to all the bridges under the jurisdiction of DOT.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (g) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(g) Peddlers.

[No peddler, vendor, hawker, or huckster shall stop or remain or permit any cart, wagon, or vehicle owned or controlled by him/her, to stop, remain upon or otherwise encumber any street in front of any premises if the owner or lessee of the ground floor objects.]

(1) No peddler, vendor, hawker, or huckster shall permit his cart, wagon, or vehicle to stand on any street when stopping, standing, or parking is prohibited or on any street within 25 feet of any corner of the curb or to stand at any time on any sidewalk or within 500 feet of any public market or within 200 feet of any public or private school.

(2) No peddler, vendor, hawker, or huckster shall stop, remain upon or otherwise encumber, or permit any cart, table, wagon, vehicle, or other object owned or controlled by such peddler, vendor, hawker or huckster to stop, remain upon or otherwise encumber, any elevated pedestrian walkway or bicycle lane on a bridge or a bridge approach for the purpose of selling, displaying, storing or creating merchandise or providing a service. For purposes of this subdivision, the term "bridge" means a structure erected to allow for travel over a highway, body of water, railway or other obstacle; the term "elevated pedestrian walkway" means a portion of a bridge that is separated from vehicular traffic and is intended for use by pedestrians; and the term "bridge approach" means the area within the envelope of a bridge that connects a bridge to the street.

FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

Pursuant to New York City Charter § 1043(f)(1)(d), I hereby find and represent to the Mayor that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of the rule of the New York City Department of Transportation (“DOT”) prohibiting vending on or within an elevated pedestrian walkway or a bicycle lane on a bridge or a bridge approach.

As explained in the Statement and Basis of Purpose accompanying the Notice of Adoption of the final rule, in recent years, pedestrian counts on the elevated pedestrian walkway of the Brooklyn Bridge have increased significantly, making vending along the walkway an unsafe condition, particularly in areas where the width of such walkway narrows to 5 feet. As a critical link between Brooklyn and Manhattan, at times, the Brooklyn Bridge may be subjected to extremely high pedestrian traffic, such as during emergencies and protests. Instances of overcrowding on the elevated pedestrian walkway of the Brooklyn Bridge have also been observed during past holiday seasons, when the number of tourists and other visitors to New York City increases. Immediate implementation and enforcement of this rule is necessary to protect the health and safety of pedestrians from the threat presented by the presence of uncontrolled vendors on the pedestrian walkway of the Brooklyn Bridge.

Therefore, this rule must take effect immediately upon its final publication in the City Record, in accordance with Charter § 1043(f)(1)(d).

/s/ _____

Ydanis Rodriguez, Commissioner
New York City Department of Transportation

APPROVED:

/s/ _____

Eric Adams
Mayor