

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 to authorize the Mayor's Office of Citywide Event Coordination and Management (CECM) to establish requirements and issue permits for events and activities held on open streets.

When and where is the hearing? DOT will hold a joint public hearing on the proposed rule with CECM. The joint public hearing will take online on April 22, 2024, at 10:00 AM.

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://www.microsoft.com/microsoft-teams/join-a-meeting> then follow the prompts.
- When prompted enter the following meeting ID and passcode:
 - Meeting ID: 250 183 928 896
 - Passcode: GjaAMD
- 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 by phone, use the following information to connect:
Phone: +1 332-910-6701, 798 637 830#
Phone Conference ID: 798 637 830#

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 Emily Weidenhof, Director of Public Space, New York City Department of Transportation, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to 212-839-9685.
- **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 emailing your name and affiliation to rules@dot.nyc.gov or calling 212-839-6500 by April 19, 2024. While you will be given 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 comments? Yes, the deadline for written comments is at 5:00 PM on April 22, 2024.

Do you need assistance to participate in the hearing? You must tell the 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 e-mailing DOT at rules@dot.nyc.gov or calling 212-839-6500 by no later than April 15, 2024.

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 all comments submitted online, copies of all written comments, and a recording of the hearing may be requested by emailing rules@dot.nyc.gov.

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 rule was not included in DOT's regulatory agenda as it was not anticipated at the time the agenda was published.

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

What laws 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(b) 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.

Local Law 55 of 2021 and section 19-107.1 of the Administrative Code of the City of New York authorizes the New York City Department of Transportation (DOT) to issue rules governing the operation and management of open streets, that is, streets or segments of streets within DOT's jurisdiction and designated by DOT where motor vehicle access is restricted or prohibited during certain days and times of the year. This limitation on motor vehicle traffic, in addition to allowing the free circulation of pedestrians, bicyclists and other non-vehicular street users, makes these streets or street segments suitable for various types of events and programming as permitted by the Mayor's Office of Citywide Event Coordination and Management (CECM). DOT has recently issued rules, set forth in section 4-21 of Title 34 of the Rules of the City of New York, generally governing the designation and operation of open streets. DOT now proposes in this proposed rule to authorize CECM through its Street Activity Permit Office (SAPO), which has extensive experience in the management of events and programming on streets within the City, to establish requirements and issue permits for events and activities held on open streets.

Specifically, the amendments being proposed are as follows:

- Amend Section 4-21 to add a new subdivision specifically authorizing CECM to promulgate rules governing the issuance of permits for events and activities on open streets

New material is underlined.

Section 1. Section 4-21 of Title 34 of the Rules of the City of New York is amended by adding a new subdivision (f), to read as follows:

(f) The Mayor's Office of Citywide Event Coordination and Management is hereby authorized to promulgate rules governing the issuance of permits for events and activities taking place on open streets.

**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: Amendment of Open Street Program Rules

REFERENCE NUMBER: DOT-78

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

Marc12, 2024
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: Amendment of Open Street Program Rules

REFERENCE NUMBER: 2024 RG 021

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: March 12, 2024