

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 amendments to DOF’s rules concerning the Bus Lane Restriction Program. The proposed rule would provide for violations of New York State Vehicle and Traffic Law (“VTL”) section 1111-c-1 to be adjudicated in accordance with such section and make other conforming changes to existing rules.

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, Monday, July 1, 2024. The hearing will be conducted remotely through Webex Event Center. To participate in the public hearing, enter the Webex URL <https://nycdof.webex.com/nycdof/j.php?MTID=mb2551e26310e62baa32445dc8621767b>. If prompted to provide the meeting number, please enter the following: 2333 959 5748. If prompted for a password, please enter: BUS72024. When entering as a Guest, please enter a valid name and email address. You can also participate in the hearing via telephone by calling 646-992-2010 or 408-418-9388. The meeting access code is 2333 959 5748.

How do I comment on the proposed rule? Anyone can comment on the proposed rule 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) 748-6981.
- **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 July 1, 2024.

What if I need assistance to participate in the hearing? Please contact DOF’s Legal Affairs Division if you need 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 a 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. Please provide at least five business days' notice prior to the hearing to ensure availability.

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 2333 959 5748.

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 on the DOF website. Copies of these documents may also be reviewed at NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30th Floor, New York, NY 10038.

What authorizes DOF to make this rule? VTL sections 1111-c and 1111-c-1 and New York City Charter ("Charter") sections 1043 and 1504 authorize DOF to make this proposed rule.

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 at <http://rules.cityofnewyork.us>.

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. This proposed rule was not included in DOF's regulatory agenda for this Fiscal Year because it was not contemplated when DOF published the agenda.

STATEMENT OF BASIS AND PURPOSE

Section 39-18 of title 19 of the Rules of the City of New York (“Rule 39-18”) sets forth the penalties, form of notice of liability and adjudication procedures for notices of liability issued pursuant to section 1111-c of the Vehicle and Traffic Law (“VTL”), which authorizes the City of New York to establish a program imposing liability on owners of vehicles for certain traffic violations recorded by bus lane photo devices. VTL section 1111-c provides that adjudications of liability under such section shall be by the New York City Parking Violations Bureau (“PVB”), which is within the Department of Finance.

Part MM of chapter 56 of the laws of 2023 (the “Law”) amends the VTL to add a new section 1111-c-1 authorizing the City of New York to establish a new program to impose liability upon an owner of a vehicle for failure of an operator of such vehicle to comply with certain “bus operation-related traffic regulations” recorded by means of bus operation-related photo devices. “Bus operation-related traffic regulation” is defined in the Law to include four specific provisions of chapter 4 of title 34 of the RCNY relating to restrictions on stopping, parking, or standing in or near bus lanes, bus stops, or bicycle lanes. The Law authorizes PVB to promulgate a schedule of fines and penalties for violations of bus operation-related traffic regulations, sets forth the maximum allowable amounts of such penalties, establishes minimum requirements relating to notices of liability issued pursuant to section 1111-c-1, and authorizes PVB to adjudicate such notices of liability. The Law also amends subdivision (e) of VTL section 1111-c to replace uses of the term “offense” with “violation,” among other changes.

In accordance with the Law, the New York City Department of Transportation (“DOT”) will implement the bus operation-related photo device program in conjunction with the Metropolitan Transportation Authority (“MTA”). DOT will send notices of liability to registered vehicle owners and transmit information relating to such notices of liability to PVB.

Section one of this proposed rule amends Rule 39-18 to replace uses of the term “offense” with “violation,” and to change a reference to the Director of Adjudications to the Director of PVB. Section two of this proposed rule amends chapter 39 of title 19 of the RCNY to add a new section 39-24 to set forth the penalties, the form of notice of liability and the adjudication procedures for notices of liability issued pursuant to section 1111-c-1 of the VTL, in accordance with such section. Such adjudication procedures are consistent with the existing procedures for notices of liability issued pursuant to VTL section 1111-c.

Sections 1043 and 1504 of the New York City Charter and sections 1111-c and 1111-c-1 of the VTL authorize DOF to promulgate this 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.

Amendments to Chapter 39 of Title 19 of the Rules of the City of New York Relating to Parking Violations

Section 1. Section 39-18 of chapter 39 of title 19 of the Rules of the City of New York is amended to read as follows:

§ 39-18 Bus Lane Restriction Program.

(a) *Liability.* The liability of an owner pursuant to § 1111-c of the [vehicle and traffic law] Vehicle and Traffic Law shall be \$50.00 for a first [offense] violation within a twelve-month period, \$100.00 for a second [offense] violation within a twelve-month period, \$150.00 for a third [offense] violation within a twelve-month period, \$200.00 for a fourth [offense] violation within a twelve-month period, and \$250.00 for each subsequent [offense] violation within a twelve-month period. For the purposes of this subdivision, the twelve-month period is defined as the twelve months going backwards from the date of the most recent [offense] violation.

(b) *Additional penalties.* An additional penalty of \$25.00 may be assessed where the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability.

(c) *Notice of liability.* The notice of liability will be in accordance with § 1111-c of the [vehicle and traffic law] Vehicle and Traffic Law and in such form and substance as prescribed by the director of [Adjudications] the New York City Parking Violations Bureau.

(d) *Adjudication.* The Parking Violations Bureau will adjudicate liability imposed upon owners under § 1111-c of the Vehicle and Traffic Law.

(e) *Effective dates.* This section will remain in effect for as long as § 1111-c of the [vehicle and traffic law] Vehicle and Traffic Law will remain in effect.

§2. Chapter 39 of title 19 of the rules of the city of New York is amended by adding a new section 39-24 to read as follows:

§ 39-24 Bus Operation-Related Traffic Regulation Program.

(a) *Liability.* The liability of an owner pursuant to § 1111-c-1 of the Vehicle and Traffic Law shall be \$50.00 for a first violation within a twelve-month period, \$100.00 for a second violation within a twelve-month period, \$150.00 for a third violation within a twelve-month period, \$200.00 for a fourth violation within a twelve-month period, and \$250.00 for each subsequent violation within a twelve-month period. For the purposes of this subdivision, the twelve-month period is defined as the twelve months going backwards from the date of the most recent violation.

(b) *Additional penalties.* An additional penalty of \$25.00 may be assessed where the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability.

(c) Notice of liability. The notice of liability will be in accordance with § 1111-c-1 of the Vehicle and Traffic Law and in such form and substance as prescribed by the director of the New York City Parking Violations Bureau.

(d) Adjudication. The Parking Violations Bureau will adjudicate liability imposed upon owners under § 1111-c-1 of the Vehicle and Traffic Law.

(e) Effective dates. This section will remain in effect for as long as § 1111-c-1 of the Vehicle and Traffic Law will remain in effect.