

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? This proposed rule would amend sections 4-02, 4-03, 4-04, and 4-05 of Chapter 4 of Title 34 of the Rules of the City of New York (“34 RCNY”) to decriminalize jaywalking, aligning New York City’s traffic rules with section 19-195 of the New York City Administrative Code, as amended by Local Law 98 of 2024.

When and where is the hearing? The New York City Department of Transportation (“DOT”) will hold an online public hearing on the proposed rule. The public hearing will take place on Thursday, April 17, 2025 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.

Join Zoom Meeting

<https://zoom.us/j/95945402615?pwd=yjLcFaFEh4Z7V8vectaKZUuvj8gbUA.1>

Meeting ID: 959 4540 2615

Passcode: 694458

- Then follow the prompts.
- If you have low bandwidth or inconsistent Internet connection, we suggest you use the “Call-in” option for the hearing.

Join via phone only:

- To join the meeting only by phone, use the following information to connect:

Phone: 1-929-205-6099

Access code: 959 4540 2615

Passcode: 694458

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 Erin LaFarge, Director of Safety Policy, 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 April 16, 2025 and including your name and affiliation. 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. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? The deadline for written comments is April 17, 2025 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 during the hearing. You must tell us if you need a sign language interpreter. You can tell us by e-mailing at rules@dot.nyc.gov. If you wish to receive a reasonable accommodation, you must do so by Thursday, April 10, 2025.

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) 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(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 promulgate rules regarding traffic regulations in the City pursuant to Section 2903(a) of the New York City Charter. The rules that DOT is seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York (“Traffic Rules”).

The proposed rule would implement Local Law 98 of 2024, which amended section 19-195 of the New York City Administrative Code to decriminalize jaywalking. The proposed rule would make conforming changes.

Specifically, the proposed amendments would be as follows:

- Section 4-02 would be amended to allow pedestrians to cross any roadway, other than a limited access highway, while clarifying that pedestrians who fail to yield to

the right-of-way of other traffic would not be subject to a violation of the traffic rules.

- Section 4-03(a) would be amended to update the requirements for vehicle operators and pedestrians facing green, yellow, and red traffic control signals.
- Section 4-03(b) would be amended to update the requirements for vehicle operators facing blinking traffic control signals.
- Section 4-03(c) would be amended to update the requirements for pedestrians facing pedestrian control signals.
- Section 4-04 would be amended to replace “shall” with “are advised” or “are cautioned” as it relates to pedestrians abiding by traffic and pedestrian control signals, and to update vehicle operator and pedestrian responsibilities as it relates to the right-of-way and duty of care inside and outside of crosswalks.
- Section 4-05 would be amended to update a vehicle operator’s responsibilities when making U-turns.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

Section 1. Paragraph (1) of subdivision (d) of section 4-02 of chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new subparagraph (vi) to read as follows:

(vi) *Pedestrians.* Pedestrians may cross any roadway, other than a limited access highway, at any point, including points outside of a marked or unmarked crosswalk, but must yield to other traffic that has the right of way, provided that a failure to yield shall not be a violation of these rules.

§ 2. Subdivision (a) of section 4-03 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(a) *Traffic control signals.* Whenever traffic is controlled by traffic control signals exhibiting different colored lights successively, the following colors shall indicate and apply to operators of vehicles and to pedestrians, except as superseded by pedestrian control signals, as follows:

(1) *Green alone:*

(i) Vehicular traffic facing such signals may proceed straight through or turn right or left unless a sign at such place prohibits any such movement. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and

to pedestrians [lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited].

(ii) Pedestrians facing such signal may proceed across the roadway, [within any crosswalk] other than a limited access highway, at any point, including points outside of a marked or unmarked crosswalk, but must yield to other traffic that has the right of way, provided that a failure to yield shall not be a violation of these rules.

(2) *Steady yellow alone, dark period, or red-green combined when shown following the green signal:*

(i) Vehicular traffic facing such signal is thereby warned that the red signal will be exhibited immediately thereafter and such vehicular traffic shall not enter the intersection when the red signal is exhibited.

(ii) Pedestrians facing such signal are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway [must] are cautioned to proceed to the nearest safety island or sidewalk in the direction of such signal. Other traffic must yield the right of way to pedestrians proceeding across the roadway within the crosswalk towards such signal for as long as such signal remains flashing.

(3) *Steady red alone:*

(i) Vehicular traffic facing such signal [shall] must stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and [shall] must remain standing until an indication to proceed is shown.

(ii) Notwithstanding the foregoing provisions of this subdivision (a), or any provisions of state law, an operator approaching an intersection where a sign authorizes right or left turns on red signal may make such turn after coming to a complete stop, but [shall] must yield the right-of-way to all vehicles [and pedestrians] lawfully within the intersection and pedestrians.

(iii) Pedestrians facing such signal [shall not enter or cross the road way] do not have the right of way. Pedestrians entering the roadway in the direction of such signal will be at risk of injury due to other traffic that has the right of way. Pedestrians may proceed across the roadway in the direction of a steady upraised hand but must yield to other traffic that has the right of way, provided that a failure to yield shall not be a violation of these rules.

(iv) Notwithstanding any other provision of these rules, a pedestrian must exercise all duty of care when entering a roadway at a crosswalk facing a pedestrian signal with a steady upraised hand or at a point other than a marked or unmarked crosswalk. Nothing in these rules shall be construed to relieve any person from the duty of due care for their safety or the safety of others in a roadway.

§ 3. Subdivision (b) of section 4-03 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(b) *Blinking traffic control signals.*

(1) *Red.* Vehicular traffic facing such signals [shall] must come to a complete stop and shall proceed only after yielding to any pedestrians and vehicles approaching from the cross street.

(2) *Yellow.* Vehicular traffic facing such signals [shall] must proceed with caution through the intersection and must yield to any pedestrians.

§ 4. Paragraphs (2) and (3) of subdivision (c) of section 4-03 of chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:

(2) *Flashing upraised hand or flashing upraised hand with pedestrian countdown display.* Pedestrians facing such signal are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway [must] are cautioned to proceed to the nearest safety island or sidewalk in the direction of such signal. Other traffic must yield the right-of-way to pedestrians proceeding across the roadway [within the crosswalk] towards such signal for as long as such signal remains flashing.

(3) *Steady upraised hand.* [No pedestrians shall start to cross the roadway in the direction of such signal; provided, however that any pedestrians who have partially completed their crossing on a steady walking person signal or any flashing upraised hand signal must proceed to the nearest sidewalk or safety island in the direction of such signal while such steady upraised hand signal is showing.] Pedestrians crossing in the direction of such signal do not have the right of way. Pedestrians entering the roadway in the direction of such signal will be at risk of injury due to other traffic that has the right of way. Pedestrians may proceed across the roadway in the direction of a steady upraised hand but must yield to other traffic that has the right of way, provided that a failure to yield shall not be a violation of these rules.

§ 5. Section 4-04 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(a) *Pedestrians subject to traffic rules, except as otherwise provided herein.*

Pedestrians [shall be subject to] are advised to abide by traffic control signals and pedestrian control signals as provided in 34 RCNY § 4-03(a) and (c) and to the lawful orders and directions of any law enforcement officer, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this section.

(b) *Right-of-way in crosswalks.*

(1) *Operators [to] must stop for pedestrians in marked or unmarked crosswalk.* When traffic control signals or pedestrian control signals are not in place or not in operation, any operator of a vehicle or operator of a bicycle must stop for a pedestrian crossing a roadway within a marked or unmarked crosswalk. Such operators of vehicles and operators of bicycles in any lane of travel must stop and remain stopped for a pedestrian in such crosswalk until such pedestrian crosses a roadway.

(2) *Pedestrians [shall] are cautioned not to cross in front of oncoming vehicles.* Notwithstanding the provisions of paragraph (1) of this subdivision (b), [no pedestrian shall] pedestrians are cautioned not to suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the operator to yield.

(3) *Vehicles stopped for pedestrians.* Whenever any vehicle is stopped [at a crosswalk] to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear in the same or adjacent lanes shall not overtake and pass such stopped vehicle.

(c) Right-of-way outside of crosswalks. Pedestrians crossing at points outside of a marked or unmarked crosswalk do not have the right of way. Pedestrians may cross any roadway, other than a limited access highway, at any point, including points outside of a marked or unmarked crosswalk, but must yield to other traffic that has the right of way, provided that a failure to yield shall not be a violation of these rules.

[(c)] (d) *Restrictions on crossings.*

(1) [No pedestrian shall enter or cross] Pedestrians are cautioned against entering or crossing a roadway at any point where signs, fences, barriers, or other devices are erected to prohibit or restrict such crossing or entry.

(2) [No pedestrian shall cross] Pedestrians are cautioned against crossing any roadway at an intersection except within a [cross- walk] crosswalk.

(3) [No pedestrian shall cross] Pedestrians are cautioned against crossing a roadway except at a crosswalk on any block in which traffic control signals are in operation at both intersections bordering the block.

[(d)] (e) *Operators to exercise due care.* Notwithstanding other provisions of these rules, the operator of a vehicle [shall] must exercise due care to avoid colliding with any pedestrian.

[(e)] *Hitch-hiking and soliciting prohibited.*

(1) *Talking or selling.* No person shall stand in the roadway to talk with or sell or offer to sell anything to an occupant of any vehicle.

(2) *Soliciting rides.* No person shall solicit a ride from the occupant of a vehicle by word or gesture.

(3) *Washing, polishing, cleaning and assisting parking.* No person shall approach an operator or other occupant of a passenger vehicle on any street, while the vehicle

has stopped temporarily, is about so to stop, is parked or is about to be parked, for the purpose of washing, polishing, or cleaning such vehicle or any part of it, or offering to do so. Nor shall any person approach an operator or other occupant of a passenger vehicle for the purpose of directing it to a place for parking on any street or assisting in such parking, or offering any other service in relation to such vehicle, or soliciting a gratuity, except services rendered in connection with emergency repairs at the request of the operator of the vehicle.

(4) *Opening or closing doors.* No person, other than an occupant or prospective occupant of a passenger vehicle on a street, shall open, hold open, or close, or offer to open, hold open, or close any door of the vehicle. This provision shall not apply to such acts when intended purely as a social amenity without expectation or acceptance of a gratuity, nor to doormen or other persons employed by owners, occupants, or managers of abutting premises to render such service, nor when such service is incidental to other legitimate service being rendered to such an occupant or prospective occupant of a passenger vehicle.

(5) *Hailing taxis.* Unless asked to do so without advance solicitation (direct or implied), no person shall hail or procure for another, not in his or her social company, a taxi or other passenger vehicle.]

(f) *Pedestrians to exercise due care.* Notwithstanding other provisions of these rules, pedestrians must yield to other traffic that has the right-of-way, provided that a failure to yield shall not be a violation of these rules.

(g) *Hitch-hiking and soliciting prohibited.*

(1) *Talking or selling.* No person shall stand in the roadway to talk with or sell or offer to sell anything to an occupant of any vehicle.

(2) *Soliciting rides.* No person shall solicit a ride from the occupant of a vehicle by word or gesture.

(3) *Washing, polishing, cleaning and assisting parking.* No person shall approach an operator or other occupant of a passenger vehicle on any street, while the vehicle has stopped temporarily, is about so to stop, is parked or is about to be parked, for the purpose of washing, polishing, or cleaning such vehicle or any part of it, or offering to do so. Nor shall any person approach an operator or other occupant of a passenger vehicle for the purpose of directing it to a place for parking on any street or assisting in such parking, or offering any other service in relation to such vehicle, or soliciting a gratuity, except services rendered in connection with emergency repairs at the request of the operator of the vehicle.

(4) *Opening or closing doors.* No person, other than an occupant or prospective occupant of a passenger vehicle on a street, shall open, hold open, or close, or offer to open, hold open, or close any door of the vehicle. This provision shall not apply to such acts when intended purely as a social amenity without expectation or acceptance of a gratuity, nor to doormen or other persons employed by owners, occupants, or managers of abutting premises to render such service, nor when such service is incidental to other

legitimate service being rendered to such an occupant or prospective occupant of a passenger vehicle.

(5) *Hailing taxis.* Unless asked to do so without advance solicitation (direct or implied), no person shall hail or procure for another, not in his or her social company, a taxi or other passenger vehicle.

§ 6. Paragraph (2) of subdivision (b) of section 4-05 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) The operator of a vehicle shall not make a U-turn upon any street outside a business district unless such turn is made without interfering with pedestrians or the right-of-way of any vehicle [or pedestrian].

**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 Rules Relating to Jaywalking

REFERENCE NUMBER: DOT-86

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 the rule eliminates a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

March 4, 2025
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 Rules Relating to Jaywalking

REFERENCE NUMBER: 2025 RG 017

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 4, 2025