

New York City Department of Finance

Notice of Adoption of Final Rule

Pursuant to the authority vested in the New York City Department of Finance (“DOF”) pursuant to New York City Charter §§ 1043(a) and 1504, New York City Administrative Code § 19-203 and Vehicle and Traffic Law (“VTL”) §§ 237, 385-a, and 1180-e, DOF hereby adopts rules establishing a highway construction or maintenance work area speed photo violation monitoring program to enforce state laws against exceeding posted maximum speed limits in highway construction or maintenance work areas. These rules establish the fines and penalty amounts for such violations, provide requirements for the notice of liability that will be sent to motorists by the certain agencies and authorize the Parking Violations Bureau (“PVB”), a division of DOF, to adjudicate allegations of liability. This rule also amends the City’s rules regarding the Weigh-in-Motion Violation Monitoring System to clarify that the PVB will only adjudicate violations occurring within the City of New York.

STATEMENT OF BASIS AND PURPOSE

Rule Background

The New York City Department of Finance (“DOF”) is adopting the following rule change pursuant to the powers set forth in New York City Charter §§ 1043(a) and 1504, as well as Vehicle and Traffic Law § 237(3), 385-a and 1180-e and New York City Administrative Code § 19-203(c). A proposed version of these rules was published in the City Record on March 10, 2026. See City Record at 919-20 (Mar. 10, 2026). DOF held a hearing for public comment on April 10, 2026.

On September 6, 2021, the Governor signed Chapter 421 of the Laws of 2021, which enacted VTL § 1180-e, authorizing the New York State Department of Transportation (“NYSDOT”) to establish a demonstration program to enforce state laws that prohibit exceeding speed limits in highway construction or maintenance work areas.

Part Q of Chapter 58 of the Laws of 2025 amended VTL § 1180-e to permit the Triborough Bridge and Tunnel Authority (“TBTA”), also known as Metropolitan Transportation Authority Bridges and Tunnels, among other authorities, to establish its own pilot program to enforce the same state laws within New York City and to authorize the PVB to adjudicate allegations of liability if such violations occur within New York City. Following a public hearing, on October 27, 2025, TBTA passed a resolution establishing such a demonstration program. See VTL § 1180-e(a)(2-a); TBTA, Resolution (Oct. 27, 2025), <https://tinyurl.com/yx6epfe7>.

Summary of Rule Provisions

Section one of this rule amends 19 RCNY § 39-22 to clarify that the PVB's authority to adjudicate liability relating to the Weigh-in-Motion Violation Monitoring System authorized pursuant to VTL § 385-a is limited to violations occurring within the boundaries of the City of New York.

Section two of this rule adds a new section 19 RCNY § 39-25, establishing fines and penalty amounts for violations of VTL § 1180-e, stating the requirements for the notices of liability, and specifying that the PVB will adjudicate allegations of liability that occur within New York City pursuant to VTL § 1180-e. The applicable authorizing statutory provision, VTL § 1180-e(h), provides that adjudications of liability "for violations occurring in the city of New York shall be by the New York city parking violations bureau" and indicates that the PVB will only adjudicate violations occurring within the boundaries of New York City.

VTL §§ 385-a and 1180-e, Administrative Code § 19-203, and Charter §§ 1043 and 1504 authorize DOF to promulgate this rule.

Comments Submitted in the Rulemaking Process

Prior to and during the April 10, 2026 public hearing, DOF received written and oral comments. As explained below, no changes were made to the rule in response to the comments received. DOF is grateful for the contributions of those who submitted comments.

One commenter from an organization advocating on behalf of taxicab drivers expressed concern that because taxicab drivers may use shared vehicles, the deterrence theory underlying the escalating work-zone penalties authorized by VTL § 1180-e under this rule would be unjustified. In response, DOF notes that the State Legislature, in enacting Part Q of Chapter 58 of the Laws of 2025, established a program to account for penalties applicable to leased and rented vehicles. See VTL § 1180-e(j)(2).

Similarly, other commenters, a trucking trade advocacy organization and a plumbing trade advocacy organization, expressed reservations regarding the Weigh-in-Motion and work zone speed camera automated enforcement rules as providing inadequate due process due to a lack of access to relevant evidence. The trucking trade advocacy organization also cited concerns about the application of these programs given the operational characteristics of commercial vehicles. The parameters of these programs largely derive from an act of the State Legislature, as noted above, and therefore these comments could be resolved through the State Legislature, rather than through a rulemaking process.

First, these organizational commenters expressed the view that the rules did not provide sufficient due process due to a lack of access to relevant evidence needed to challenge liability. Both programs require the maintenance of applicable records regarding the calibration and maintenance of automated enforcement systems. See, e.g., VTL §§ 385-a(a)(2)-(4), (d), 1180-e(a)(3)-(5), (d). The notice of liability for both programs provides adequate information to respondents. See, e.g., VTL §§ 385-a(g), 1180-e(g). A similar photo program recently withstood a constitutional due process challenge. *Muladzhyanov v. City of New York*, 245 A.D.3d 601, 603 (1st Dep't 2026). These commenters also expressed concern regarding the sufficiency of appeal rights before the PVB. Adequate appellate review is available under existing rules. See 19 RCNY § 39-12. These commenters also cited concerns about the application of these programs given the operational characteristics of commercial vehicles. As described above, the State Legislature has addressed liability and penalties where an owner is the lessor of a vehicle. See VTL §§ 385-a(j)(2), 1180-e(j)(2). Finally, these commenters urged the City to engage in a holistic review of its penalty and permitting processes and engage in relevant reporting. Permitting matters are outside the scope of PVB jurisdiction and therefore cannot be addressed in this rulemaking process. Reporting obligations are also outside the scope of this rulemaking.

Two commenters expressed general support for the goals of this rule, one of whom also expressed some concern that signage requirements were not incorporated into the implementing rule with respect to the work zone speed camera and Weigh-in-Motion programs. However, such provisions regarding signage are outside the scope of this rule, which relates to the operations of the PVB. Additionally, signage requirements are established in the applicable statutory authority. See VTL § 1180-e(a)(3).

Another commenter opposed speed camera limitations based on transportation policy and environmental concerns. As noted above, this rulemaking implements a policy determination of the State Legislature, which balanced public safety needs against other considerations. Many of this commenter's remarks were specifically addressed to the New York City Department of Transportation ("DOT"); however, DOT is not the rulemaking agency. This rule is promulgated by PVB, which is organized within DOF, and relates to the adjudication of work zone speed camera and Weigh-in-Motion violations, not to transportation policy more broadly.

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.

Section 1. Subdivision (d) of section 39-22 of Title 19 of the Rules of the City of New York is amended to read as follows:

(d) *Adjudication.* The Parking Violations Bureau will adjudicate liability imposed upon owners [under] for violations occurring within the city of New York pursuant to § 385-a of the Vehicle and Traffic Law.

§ 2. Title 19 of the Rules of the City of New York is amended by adding a new section 39-25 to read as follows:

§ 39-25 Highway Construction or Maintenance Work Area Speed Camera Violation Monitoring System

(a) *Liability.* The liability of an owner pursuant to § 1180-e of the Vehicle and Traffic Law shall be \$50.00 for a first violation within an eighteen-month period, \$75.00 for a second violation within an eighteen-month period, and \$100.00 for a third or subsequent violation within an eighteen-month period. For the purposes of this subdivision, the term “eighteen-month period” is defined as the eighteen months going backward from the date of the most recent violation.

(b) *Additional penalty.* If the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability, an additional penalty of \$25.00 may be assessed pursuant to subdivision (e) of § 1180-e of the Vehicle and Traffic Law.

(c) *Notice of liability.* The notice of liability must be in accordance with the requirements of subdivision (g) of § 1180-e of the Vehicle and Traffic Law and in the form and substance prescribed by the director of the New York City Parking Violations Bureau.

(d) *Adjudication.* The New York City Parking Violations Bureau will adjudicate liability imposed upon owners for violations occurring within the city of New York pursuant to subdivision (h) of § 1180-e of the Vehicle and Traffic Law.

(e) *Effective date.* This section shall remain in effect for as long as § 1180-e of the Vehicle and Traffic Law shall remain in effect.