

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 4-01, 4-04 and 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York (“34 RCNY”) to prohibit vehicles from blocking pedestrian crossing points where a pedestrian ramp exists at unmarked crosswalks; and to update provisions relating to unaltered commercial vehicle markings to align with federal requirements and section 10-127 of the New York City Administrative Code.

When and where is the hearing? The New York City Department of Transportation (“DOT”) will hold a public hearing on the proposed rule online. The public hearing will take place on Tuesday, September 5, 2023 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/93494827258?pwd=WmJBeVBLVUNwU1E4QThZV2FhWm5lZz09>

Meeting ID: 934 9482 7258

Passcode: 436492

- 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: 934 9482 7258

Password: 436492

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 Terra Ishee, Director of the Pedestrian Unit, New York City Department of Transportation, 55 Water Street, New York, NY 10041.
- **Fax.** You can fax comments to Terra Ishee at (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 September 4, 2023 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.

Is there a deadline to submit written comments? The deadline for written comments is 5pm on September 5, 2023.

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 Friday, August 25, 2023.

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/>. A few days after the hearing, a transcript or audio file of the hearing and copies of the written comments are available by submitting a Freedom of Information Law request electronically on the NYC OpenRecords Portal at <https://a860-openrecords.nyc.gov/>.

What authorizes DOT to make this rule? Section 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 parking and traffic operations 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 existing definition of "unmarked crosswalk" excludes crossing points at T-intersections even if there is a pedestrian ramp located at the intersection. This proposed rule would amend the term "unmarked crosswalk" to include T-intersections where there is an existing pedestrian ramp and prohibit vehicles from blocking pedestrian crossing points at those intersections. This proposed change will enhance safety and accessibility for pedestrians by removing the distinction between unmarked crosswalks at regular and T-intersections where there is an existing pedestrian ramp.

The proposed rule also implements Local Law 80 of 2021, which, among other things, amended the New York City Administrative Code's requirements governing commercial vehicle markings to align

with the Federal requirement to display the legal or trade name of the commercial vehicle operator (section 390.21 of Title 49 of the Code of Federal Regulation). Pursuant to Local Law 80, section 10-127 of the Administrative Code no longer requires that the owner's address be displayed. The proposed rule makes conforming changes.

Specifically, the proposed amendments would be as follows:

- The definition of “commercial vehicle” in section 4-01(b) would be amended to align with federal marking requirements relating to the display of the commercial vehicle operator name.
- The definition of “unmarked crosswalk” in section 4-01(b) would be expanded to apply to T-intersections where there is an existing pedestrian ramp.
- Section 4-04(c)(3) would be revised due to the amendments being made to the definition of “unmarked crosswalk.”
- Section 4-08(f)(7) would be amended to prohibit vehicles from blocking pedestrian ramps.
- Section 4-08(k)(1) would be amended to align the existing unaltered commercial vehicle markings with the requirement in Section 390.21 of Title 49 of the Code of Federal Regulation that a commercial vehicle operator's name be displayed.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

Section 1. The definitions of “commercial vehicle” and “unmarked crosswalk” in subdivision (b) of section 4-01 of chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:

Commercial vehicle.

(C) it displays the registrant's name [and address permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels] in accordance with Section 390.21 of Title 49 of the Code of Federal Regulations.

(ii) Unmarked crosswalk. The term "unmarked crosswalk" means that part of a roadway, other than a marked crosswalk, that is included within the extensions of the sidewalk lines between opposite sides of the roadway at an intersection, provided that (A) the roadway crosses

through the intersection rather than ending at the intersection, and/or (B) all traffic on the opposing roadway is controlled by a traffic control device, and/or (C) a pedestrian ramp exists at such intersection where the roadway does not cross through the intersection and there is at least one pedestrian ramp within the limits of the crosswalk.

§2. Paragraph 3 of subdivision (c) of section 4-04 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

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

§3. Paragraph 7 of subdivision (f) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(7) Pedestrian ramps. Alongside or in a manner which obstructs a curb area which has been cut down, lowered or otherwise constructed or altered to provide access for persons with disabilities at a marked or unmarked crosswalk as defined in subdivision (b) of 34 RCNY § 4-01. [A person may stop, stand or park a vehicle alongside or in a manner which obstructs a pedestrian ramp not located within such crosswalk, unless otherwise prohibited.]

§4. Paragraph 1 of subdivision (k) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(1) Parking of unaltered commercial vehicles prohibited. No person shall stand or park a vehicle with commercial plates in any location unless [it has been permanently altered with all seats and rear seat fittings, except the front seats, removed, except that for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab shall not be considered in determining whether the vehicle is properly altered, and has the name and address of the owner as shown on the registration certificate plainly marked on both sides of the vehicle in letters and numerals not less than three inches in height, in compliance with § 10-127 of the Administrative Code and is also in compliance with paragraph (i) of] such vehicle meets the definition of a commercial vehicle as set forth in paragraphs (b) and (c) of subdivision (i) of 34 RCNY § 4-01.

**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 Traffic Rules

REFERENCE NUMBER: DOT-67

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

May 23, 2023
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 Traffic Rules

REFERENCE NUMBER: 2022 RG 030

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

Date: May 23, 2023

Acting Corporation Counsel