

§ 4-01 Words and Phrases Defined.

(a) *Vehicle and Traffic Law definitions apply.* Whenever any words and phrases used in these rules are not defined herein but are defined in Article 1 of the New York State Vehicle and Traffic Law, any such definition shall be deemed to apply to such words and phrases used herein.

(b) *Definitions.* The following words and phrases, when used in these rules, shall, for the purpose of these rules, have the following meanings:

Access-A-Ride vehicle. An "Access-A-Ride vehicle" means a vehicle authorized by the Metropolitan Transportation Authority New York City Transit to provide only the Access-A-Ride service. Such vehicle must bear a license plate with the New York Department of Motor Vehicles designation of "New York City Transit Authority", and must also have an authorized and clearly visible Access-A-Ride logo on its back side, not smaller than six inches by six inches in size.

Bicycle. "Bicycle" means every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it will not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children. For the purposes of these rules the term bicycle includes a pedal-assist bicycle as defined in this section.

Bicycle sharing system. The term "bicycle sharing system" means a network of self-service and publicly available bicycles in which a bicycle trip begins and/or ends on any public highway in the City of New York.

Blockface. The term "blockface" means that portion of the street along the curb on one side of a street which is between the boundaries of the corner area at either end of the block.

Bus. "Bus" means every motor vehicle having a seating capacity of more than fifteen passengers, in addition to the operator, and used for the transportation of persons, and every charter bus, school bus and sight-seeing bus, regardless of seating capacity, as defined below.

(i) **Charter bus.** The term "charter bus" means a bus transporting passengers for compensation in a chartered party.

(ii) **School bus.** The term "school bus" means every motor vehicle regardless of seating capacity owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated on a regular basis for compensation for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

(iii) **Sight-seeing bus.** The term "sight-seeing bus" means a bus for hire carrying passengers from a fixed point in the City of New York, at which point the passengers embark and are generally discharged to a place or places of interest, assembly, or amusement in the City of New York, and including a charter bus, as defined in these rules, when engaged in a sight-seeing operation.

(iv) **Shuttle bus.** The term "shuttle bus" means a bus operating entirely within the City of New York that does not charge a fee to its passengers.

(v) **Intercity bus.** An "intercity bus" means a bus that transports the general public between the City of New York and any location outside the City of New York in scheduled bus service. Such term does not include a school bus, a bus providing public transportation, or a charter bus.

Chartered party. The term "chartered party" means a group of persons who, pursuant to a common purpose and under a single contract and at a fixed charge, have acquired exclusive use of a bus to travel together as a group to a specific destination or for a particular itinerary either agreed upon in advance or modified after having left the place of origin by such group.

Commercial vehicle.

(i) For purposes of parking, standing and stopping rules, a vehicle will not be deemed a commercial vehicle or a truck unless:

(A) it bears commercial plates; and

(B) it is permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property, except that for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab will not be considered in determining whether the vehicle is properly altered; and

(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.

(ii) For the purposes of rules other than parking, stopping and standing rules, a vehicle designed, maintained, or used primarily for the transportation of property, or for the provision of commercial services and bearing commercial plates will be deemed a commercial vehicle.

(iii) Vehicles bearing commercial or equivalent registration plates from other states or countries will not be deemed trucks or commercial vehicles unless they are permanently altered and marked as required in (i)(B) and (C) of this definition, above.

Commissioner. "Commissioner" means the Commissioner of the New York City Department of Transportation or his/her authorized designee.

Commuter Van. The term "commuter van" means a van which: (i) is used as part of a commuter van service as defined in § 19-502(q) of the New York City Administrative Code; (ii) has a seating capacity of at least nine passengers but not more than twenty passengers or such greater capacity as the New York City Taxi and Limousine Commission may establish by rule; (iii) carries passengers for hire in the City; (iv) is duly licensed as a commuter van by the New York City Taxi and Limousine Commission; and (v) is not permitted to accept hails from prospective passengers in the street.

Credential. The term "credential" means any explicit approval from the Department or other authorized agency to park at a parking meter or other location, including, but not limited to, a record of payment or valid parking permit.

Crosswalk.

(i) **Marked crosswalk.** The term "marked crosswalk" means that part of a roadway defined by two parallel lines or highlighted by a pattern of lines (perpendicular, parallel or diagonal used either separately or in combination) that is intended to guide pedestrians into proper crossing paths.

(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.

Cruising. "Cruising" means the movement of any vehicle on any street in search of prospective passengers who may wish to hire the vehicle.

Dedicated use sign. The term "dedicated use sign" shall mean a curb regulation sign that allows a designated vehicle to use the regulated block face. Other vehicles may not stand or park at these locations.

Department. "Department" means the New York City Department of Transportation.

Designated Activities. The term "Designated Activities" means commercial activities, including solicitation of any kind, distribution of anything, entertainment or performances by individuals or groups, posing for or taking photographs or videos, and vending expressive matter, where any form of

compensation, donation, or gratuity is requested or accepted. Persons who engage in designated activities shall be deemed to be engaged in such activities for the entirety of their interactions with each member of the public for the purpose of conducting commercial activity. Designated activities shall not include commercial activities by vendors who are licensed pursuant to §§ 17-307 and 20-453 of the New York City Administrative Code.

Designated Activity Zone. The term "Designated Activity Zone" means an area designated as such by the Department by signage and/or markings in which individuals conduct Designated Activities.

Driveway. "Driveway" means every entrance or exit authorized, pursuant to applicable law and used by vehicular traffic to or from lands or buildings abutting a roadway.

D/S Decals. "D/S Decals" means valid nontransferable service vehicle decals or delivery vehicle decals issued by the City of New York that are affixed to the inside of the operator's side of the windshields of vehicles bearing "A", "C" or "D" series license plates issued by the U.S. Department of State.

Electric vehicle. "Electric vehicle" means a commercially available, mass-produced vehicle originally equipped by the manufacturer with an electric propulsion system or a vehicle retrofitted with an electric propulsion system, provided the vehicle owner can provide supporting documentation of such retrofit. Electric vehicles include both (1) battery electric vehicles which have batteries that are recharged by connecting the vehicle to an external power source; and (2) plug-in hybrid electric vehicles, which have batteries that can be recharged by connecting the vehicle to an external power source or by an onboard internal-combustion engine and generator.

Electric vehicle charging. The term "electric vehicle charging" means when an electric vehicle's charging port is connected to the electric vehicle charger via a cable.

Electric vehicle charging station. The term "electric vehicle charging station" means a location with (1) one or more electric vehicle chargers that supply electric energy for the recharging of electric vehicles, and (2) one or more parking spaces dedicated to each electric vehicle charger to accommodate charging vehicles.

Electronic communication device. The term "electronic communication device" means any electronic equipment approved by the Department capable of transmitting information via telephone, cable, fiber, satellite or antenna to the Department for payment at parking spaces where payment for such space is requested. This includes but is not limited to mobile or vehicle mounted computers with an on-line connection, mobile or cellular phones, personal digital assistants, or any other electronic communication device approved by the Department.

Emergency vehicle (authorized). The term "emergency vehicle (authorized)" means every police vehicle, fire vehicle, emergency ambulance service vehicle, and every other emergency vehicle as defined in § 101 of the Vehicle and Traffic Law.

Expressive Matter. The term "expressive matter" means materials or objects with expressive content, such as newspapers, books, or other similar written matter and visual art such as paintings, prints, photography, or sculpture.

For-hire vehicle. The term "for-hire vehicle" means a motor vehicle, licensed by the New York City Taxi and Limousine Commission, for hire in the City, used for the carriage of passengers by prearrangement only and designed to carry fewer than nine passengers, including but not limited to livery vehicles, and excepting taxis or wheelchair accessible vans.

High Occupancy Vehicle (HOV). The term "HOV" means a vehicle, except a truck as defined in 34 RCNY § 4-13(a)(1), with two or more occupants, the number of which is specified by signs placed on express lanes on highways or bridges, pursuant to 34 RCNY § 4-07(k).

Holidays. "Holiday" when used on traffic control devices means the days on which the following holidays are officially celebrated: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Horse drawn cab. The term "horse drawn cab" shall mean a vehicle drawn by a horse and used for the carriage of passengers for compensation in conformance with a New York City Department of Consumer Affairs license. Where signs limit parking to horse drawn cabs, only those cabs licensed by the New York City Department of Consumer Affairs will be permitted.

Impounded vehicle. A vehicle is considered "impounded" when the City of New York takes it into custody by taking any action preventing the free use of the vehicle by the motorist, including, but not limited to, beginning to attach to the vehicle an immobilization device such as a "boot" or a hook on a Department of Transportation tow truck.

Law enforcement officer. The term "law enforcement officer" means a police officer or any authorized agent of the Department of Transportation.

Limited use vehicle. The term "limited use vehicle" means a motor vehicle, other than a motorcycle, which has a maximum performance speed of forty miles per hour.

Marginal street. The term "marginal street" means any street, road, place, area or way adjoining or adjacent to waterfront property and designated as a marginal street, wharf or place on a plan or map adopted, pursuant to law.

Motor vehicle. The term "motor vehicle" means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except as otherwise provided in § 125 of the Vehicle and Traffic Law.

Official time standard. The term "official time standard" means, whenever certain hours are named in these rules or on traffic control devices, standard time or daylight-saving time, whichever may be in current use in the City of New York.

Parking. "Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Parking field. The term "parking field" means any parking lot containing parking meters that is owned, operated and controlled by the City or its contractor and is available for public use. The term "parking field" does not include any parking lot operated by a City agency intended for exclusive use by such agency's employees or by the public to conduct business with such agency.

Parking meter. The term "parking meter" means a device which accepts payment or a credential, including, but not limited to, a pay-and-display parking meter or a pay-by-plate parking meter.

Passenger car. The term "passenger car" when used on traffic control devices means a motor vehicle designed and used for conveying not more than eight people and includes motorcycles designed and used only for conveying people.

Pay-and-display parking meter. The term "Pay-and-display parking meter" means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

Pay-by-plate parking meter. The term "Pay-by-plate parking meter" means an electronic parking meter that requires entry of license plate information or other credential for proper registration of payment.

Pedal-assist bicycle. A "pedal-assist bicycle" shall mean a bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower) whereby such electric motor engages only when the operator is pedaling and the rate of speed of the bicycle is less than 20 miles per hour, and disengages or ceases to function when (i) the operator applies the brakes, (ii) the operator stops pedaling, or (iii) the bicycle

achieves a speed of twenty miles per hour. A pedal-assist bicycle shall not be equipped with any throttle capacity or have any additional motorized equipment affixed to it.

Pedestrian countdown display. The term "pedestrian countdown display" means any automated digital reading used in a crosswalk that displays, at the beginning of the flashing upraised hand signal, the number of seconds remaining until the termination of such signal.

Pedestrian Flow Zone. The term "Pedestrian Flow Zone" means an area designated as such by the Department by signage and/or markings for the safe and continuous movement of pedestrian traffic.

Pedestrian Plaza. The term "pedestrian plaza" means an area designated by the Department as such for pedestrian circulation, use and enjoyment on property under the jurisdiction of the Department including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.

Pedestrian Plaza Partner. The term "pedestrian plaza partner" means an organization selected by the Department to assist with functions related to pedestrian plazas, pursuant to a nonexclusive agreement with the Department, which may include, but is not limited to, a maintenance agreement or concession agreement.

Pedicab. "Pedicab" means a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

Person. "Person" means a natural person, partnership, corporation, limited liability company, association or any other entity.

Public highway. The term "public highway" means any highway, road, street, avenue, alley, public place, public driveway or any other public way.

Public transportation. The term "Public transportation" means:

(i) mass transportation services provided to the general public by any public benefit corporation constituting a transportation authority, or a subsidiary thereof, or any public transportation corporation constituted as an instrumentality of a State, or a subsidiary thereof, directly or through a contract with another entity; or

(ii) mass transportation services provided to the general public by any county, City, town or village directly or through a contract with another entity, pursuant to section one hundred nineteen-r of the general municipal law, or provided to the general public by another state or any county, City, town or village in a State other than New York directly or through a contract with another entity, pursuant to a similar law of such other State.

Service vehicle. The term "Service vehicle" means a commercial vehicle used for providing commercial services other than making pickups and deliveries, but does not include a vehicle bearing "A", "C" or "D" series license plates issued by the U.S. Department of State and displaying a valid non-transferable service vehicle decal issued by the City of New York that is affixed to the inside of the operator's side of the windshield.

Sidewalk. "Sidewalk" means that portion of a street, whether paved or unpaved, between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians. Where it is not clear which section is intended for the use of pedestrians, the sidewalk will be deemed to be that portion of the street between the building line and the curb.

Standing. "Standing" means the stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stopping. "Stopping" means any halting, even momentarily of a vehicle, whether occupied or not.

Taxi. A "taxi" means a motor vehicle used for the carriage of passengers for compensation, equipped with a taxi meter, painted yellow or green and displaying a current medallion or other license issued by the New York City Taxi and Limousine Commission.

Transitway. A "transitway" means any roadway or series of roadways designated for the exclusive use of buses or taxis or such other designated high occupancy vehicles as may be permitted, during certain hours of the day, with access to such roadway(s) limited to one block thereof to other vehicles for the purpose of delivery of goods or services or the picking up or dropping off of passengers.

Truck. For the purposes of parking, standing and stopping rules, a "truck" is a commercial vehicle, as defined in Paragraph (i) of the definition of commercial vehicle, above, except that, for the purposes of parking, standing and stopping rules in the area bounded by 35th Street on the south, 41st Street on the north, Avenue of the Americas on the east, and 8th Avenue on the west, all inclusive, in the Borough of Manhattan, between the hours of 7:00 a.m. to 7:00 p.m., a vehicle is not be deemed a truck unless it complies with the provisions of 34 RCNY § 4-13(a)(1).

Vehicle. A "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Waterfront property. The term "waterfront property" means all waterfront property, City or privately owned, between salt water and the next adverse owner. An adverse owner is the first private owner of property not designated as waterfront property.

Wharf property. The term "wharf property" means all wharves, piers, decks and bulkheads and structures thereon and slips and basins, the land beneath any of the foregoing, and all rights, privileges and easements appurtenant thereto and land under water in the port of the City of New York, and such upland or made land adjacent thereto owned by the City of New York as is vested in or may be assigned to the Department of Small Business Services of the City of New York.

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