

Notice of Adoption of Rules

Pursuant to the authority vested in the Commissioner of the New York City Department of Transportation (DOT) by 2903 of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter, DOT is making amendments to Chapters 4 and 8 of Title 34 of the Rules of the City of New York.

This rule was first published on September 17, 2021 and a public hearing was held on October 19, 2021. DOT received written comments from the public, but no changes were made, other than to clarify that the bicycles removed pursuant to section three of this proposed rule shall be treated as lost property.

Statement of Basis and Purpose of Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rule provisions regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The rule provisions that DOT is amending are contained within Chapter 4 and Chapter 8 of Title 34 of the Rules of the City of New York.

These amendments to Title 34 of the Rules of the City of New York are as follows:

- DOT is amending Paragraph (1) of Subdivision (b) of Section to require operators of vehicles and operators of bicycles to stop for pedestrians in crosswalks when traffic controls are not in place or not in operation, rather than yield, in order to enhance pedestrian safety. This rule amendment further clarifies that this provision applies to vehicles and operators of bicycles in any lane of travel, and that such vehicles and bicycles must stop and remain stopped for a pedestrian in a crosswalk until such pedestrian crosses a roadway.
- DOT is amending Paragraph (2) of Subdivision (j) of Section 4-08 to include an exception to the prohibition on obstructions of a license plate to authorize the placing a receiver-transmitter on a license plate, in order to conform with the provisions of the New York State Vehicle and Traffic Law.
- DOT is adding a new Paragraph (7) of Subdivision (p) of Section 4-12 to prohibit persons, their agents or their employees from leaving any bicycle unattended, whether or not owned by such person, in any City-owned bike-rack within the jurisdiction of DOT in excess of seven consecutive days in order to keep bicycle racks available to all users. This amendment also clarifies that a bicycle left unattended in any City-owned bike-rack within the jurisdiction of DOT in excess of seven consecutive days following the date on which notice of removal was affixed to such bicycle will be removed by DOT, the Police Department, or any other agency delegated by DOT. This provision does not limit the City's ability to immediately remove any bicycle or take any other agency action if the presence of the bicycle creates a dangerous condition by restricting traffic. Bicycles removed pursuant to this new paragraph shall be treated as lost property pursuant to article 7-B of the Personal Property Law.
- DOT is repealing Chapter 8, relating to the employee commute options program. The State

rules outlining the operation of the program were repealed. Those State rules were previously codified in Part 38 of Title 17 of the New York Codes, Rules and Regulations.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraph (1) of Subdivision (b) 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:

(1) *Operators to [yield to] stop for pedestrians in crosswalk.* When traffic control signals or pedestrian control signals are not in place or not in operation, [the] any operator of a vehicle [shall yield the right of way to] or operator of a bicycle must stop for a pedestrian crossing a roadway within a crosswalk [when the pedestrian is in the path of the vehicle or is approaching so closely thereto as to be in danger]. Such operators of vehicles and operators of bicycles in any lane of travel must stop and remain stopped for a pedestrian in crosswalk until such pedestrian crosses a roadway.

§ 2. Paragraph (2) of Subdivision (j) 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:

(2) *Valid plates must be properly displayed.* No person shall stand or park a vehicle required to bear a license plate unless [it] such vehicle properly displays the current plate or plates issued to it. For the purposes of this paragraph (j)(2), New York plates shall not be deemed properly displayed unless they are conspicuously displayed, one on the front and one on the rear of the vehicle, each securely fastened so as to prevent the same from swinging and placed, whenever reasonably possible, not higher than 48 inches and not lower than 12 inches from the ground, and they are kept clean and in a condition so as to be readable and shall not be covered by glass or any plastic material, and the view thereof shall not be obstructed by any part of the vehicle or by anything carried thereon, except for a receiver-transmitter issued by a publicly owned tolling facility in connection with electronic toll collection when such receiver-transmitter is affixed to the exterior of a vehicle in accordance with mounting instructions provided by the tolling facility. New York dealer or transporter plates issued pursuant to § 415 of the Vehicle and Traffic Law shall be deemed properly displayed if the one plate issued is placed on the rear of the vehicle as described above. New York motorcycle plates and plates from other states shall be deemed properly displayed if at least one plate is fastened on the rear of the vehicle.

§ 3. Subdivision (p) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (7) to read as follows:

(7) No person or such person's agent or employee shall leave unattended, or permit to be left unattended, any bicycle, whether or not owned by such person, in any city owned bike-rack within the jurisdiction of the department of transportation in excess of seven consecutive days. A notice may be affixed to any unattended bicycle advising that the bicycle must be removed within seven days from the date of the notice. This notice shall also state that the failure to

remove the unattended bicycle within the designated time period will result in the removal of the unattended bicycle by the department of transportation, the police department, or any other agency delegated by the department of transportation. Nothing in this section shall preclude the immediate removal of any bicycle or the taking of any other action by any agency if the presence of such bicycle creates a dangerous condition by restricting vehicular or pedestrian traffic. Bicycles removed pursuant to this paragraph shall be treated as lost property pursuant to article 7-B of the Personal Property Law.

§ 4. Chapter 8 of Title 34 of the Rules of the City of New York, relating to the Employee Commute Options Program, is REPEALED.