

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Transportation (“DOT”) is proposing an amendment to DOT’s rules concerning the Temporary Emergency Food Delivery Program. The proposed rule would amend the applicable Traffic Rules to exempt drivers and vehicles delivering free meals to participants in this program from parking and standing rules for a period of up to 20 minutes.

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 August 24, 2020 at 12PM.

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/96719877743?pwd=Y3V5UndPcytrWjlRK2kzb2s5MHVRQT09>

Meeting ID: 967 1987 7743

Password: 558774

- Then follow the prompts.
- If you have low bandwidth or inconsistent Internet connection, we suggest you use the phone option below 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
- Meeting ID: 967 1987 7743
- Password: 558774

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 Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Eric Beaton, Deputy Commissioner of Transportation Planning and Management, 6th Floor, New York City Department of Transportation, 55 Water Street, New York, NY 10041.
- **Fax.** You can fax comments at 212-839-9685.

- **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 or calling 212-839-6500 by August 21, 2020 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? Yes, the deadline for written comments is at 5pm on August 24, 2020.

What if I 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 at the hearing other than the one(s) indicated above. You must tell us if you need a sign language interpreter. You can tell us by e-mailing at rules@dot.nyc.gov or calling 212-839-6500 by August 17, 2020.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments concerning the proposed rule will be available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4th Floor, New York, NY 10041.

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 rule was not included in DOT's regulatory agenda as it was not anticipated.

Where can I find the Department of Transportation rules? DOT's rules are in Title 34 of the Rules of the City of New York.

What laws 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 issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter.

The New York City Office of Emergency Management ("NYCEM") adopted an emergency rule establishing a temporary emergency food delivery program to ensure that certain vulnerable New Yorkers facing food insecurity as a result of the COVID-19 public health emergency have adequate access to food. The program aims to feed New Yorkers facing food insecurity during the COVID-19 health emergency by paying drivers designated by NYCEM to deliver free meals to program participants.

On May 22, 2020 DOT Commissioner Polly Trottenberg and Mayor Bill de Blasio promulgated a rule on an emergency basis amending section 4-08(a) of Title 34 of the Rules of the City of New York so that drivers and vehicles delivering free meals to participants in the NYCEM temporary emergency food delivery program are exempt from parking and standing rules for a period of up to 20 minutes.

The DOT emergency rule was published in the City Record on June 1, 2020.

Section 4-08(a) is now being amended by non-emergency rulemaking to replace the emergency rule. This proposed rule would exempt drivers and vehicles delivering free meals to participants in the NYCEM temporary emergency food delivery program from parking and standing rules for a period of up to 20 minutes.

The City Administrative Procedure Act provides that an emergency rule is effective for 60 days and may be extended for an additional 60 days to provide an opportunity to adopt a final rule replacing the emergency rule on a non-emergency basis. DOT hereby provides notice that the emergency rule promulgated on May 22, 2020 is extended for an additional 60 days.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (a) of section 4-08 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (11), to read as follows:

(11) Temporary Emergency Food Delivery Program. (i) Notwithstanding any other provision of these rules, the operator and owner of a vehicle designated by the New York City Department of Emergency Management and engaged in delivering free meals to a recipient of food pursuant to the temporary emergency food delivery program established in Title 72 of the Rules of the City of New York shall be exempt from the parking and standing rules of this section while such operator is actually performing a delivery in such program, not to exceed 20 minutes. It shall be an affirmative defense to any summons issued for violation of such rules that the operator of the vehicle to which such summons was issued was engaged in the activity described in this paragraph, upon presentation by such operator of proof of such activity issued by the City of New York, and that such vehicle, at the time of the issuance of such summons, was parked or standing for 20 minutes or less.

**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: Suspension of Parking and Standing Rules for Temporary Food Distribution Program

REFERENCE NUMBER: DOT-56

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

July 14, 2020
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: Suspension of Parking and Standing Rules for Temporary Food Distribution Program

REFERENCE NUMBER: 2020 RG 070

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 L. GOULDEN
Acting Corporation Counsel

Date: July 14, 2020