

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 amendments to DOT’s Traffic Rules to clarify that an elevated pedestrian walkway or a bicycle lane on a bridge or a bridge approach may not be used for the vending of merchandise or services. Accordingly, a vendor may not stop, remain upon or otherwise encumber, or permit any cart, table, wagon, vehicle or other object owned or controlled by such vendor to stop, remain, or otherwise encumber, an elevated pedestrian walkway or bicycle lane on a bridge or bridge approach, for the purpose of selling, displaying, storing or creating merchandise or providing a service.

When and where is the hearing? DOT will hold a public hearing on the proposed rule online. The public hearing will take place on November 15 at 10:00 am.

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/97846414498?pwd=VjVuVnJLQmJCM1pQb1FwNkIFVWhCZz09>

Meeting ID: 978 4641 4498

Password: 473337

- 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: +1 646 518 9805
- Meeting ID: 978 4641 4498
- Password: 473337

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 Paul Schwartz, Deputy Commissioner of Bridges, New York City Department of Transportation, 55 Water Street, New York, NY 10041.
- **Fax.** You can fax comments to 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 November 14, 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? Yes, the deadline for written comments is at 5pm on November 15, 2023.

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 November 8, 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/>. Copies of all comments submitted online, copies of all written comments, and a recording of the hearing may be requested by emailing rules@dot.nyc.gov.

What authorizes DOT to make this rule? Sections 1043 and 2903(a) of the New York City Charter ("City Charter") authorize DOT to make this proposed rule. This rule was included in DOT's regulatory agenda for this Fiscal Year.

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

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 promulgate rules regarding parking and traffic operations in the City pursuant to section 2903(a) of the New York City Charter.

Pursuant to paragraph (1) of subdivision (a) of section 2903 of the Charter, DOT has authority to promulgate rules regulating the conduct of vehicular and pedestrian traffic on streets of the City, which includes the pedestrian walkways and bicycle lanes on bridges and bridge approaches.

DOT, in consultation with the Police Department ("NYPD") and the Department of Sanitation ("DSNY"), has determined that it is necessary to promulgate a rule prohibiting vending on such walkways and lanes in order to enhance pedestrian safety, ease overcrowding and promote the safety and security of the bridges. The proposed rule will aid in the City's enforcement efforts, thereby promoting safety and security in these areas.

In recent years, pedestrian counts on the elevated pedestrian walkway of the Brooklyn Bridge have increased. In 2022, there were an average of over 34,000 pedestrians traversing the Brooklyn Bridge elevated pedestrian walkway on a fall weekend day, compared to an average of over 17,000 pedestrians on such a weekend day in 2021. The width of the elevated pedestrian walkway of the Brooklyn Bridge averages 16 feet, but is less than 5 feet in multiple areas along the length of the Bridge. These high pedestrian counts make vending along the walkway an unsafe condition, particularly in areas where the width of the elevated pedestrian walkway narrows to 5 feet. The ability of pedestrians to exit the bridge safely is jeopardized by vendors who display and store their wares, carts, tables, tents, tarps, canopies, coolers, and generators along the elevated pedestrian walkway, impeding pedestrian traffic flow. Further, the Brooklyn Bridge is a critical link in and out of Manhattan and, as a result, is, at times, subjected to

extremely high pedestrian traffic, such as during emergencies and protests, where the safe egress of pedestrians is crucial.

In addition to the safety challenges posed by the high number of pedestrians and the potential for obstruction of the elevated pedestrian walkway, DOT has concerns about the effect of the carts, tables, wagons, generators, and similar items on the structural load capacity of the Brooklyn Bridge. Lastly, prohibiting such objects on the elevated pedestrian walkway would reduce the susceptibility of the bridge to fire threats and to threats to national security.

The specific change to the DOT Traffic Rules that is proposed would amend section 4-12(g) relating to vendors to specify that no vendor may stop, remain upon or otherwise encumber, or permit any cart, table, wagon, vehicle, or other object owned by them to stop, remain upon, or otherwise encumber, elevated pedestrian walkways and bicycle lanes on bridges and bridge approaches for the purpose of selling, displaying, storing or creating merchandise or providing a service. This amendment would apply to all the bridges under the jurisdiction of DOT.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (g) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(g) *Peddlers.*

[No peddler, vendor, hawker, or huckster shall stop or remain or permit any cart, wagon, or vehicle owned or controlled by him/her, to stop, remain upon or otherwise encumber any street in front of any premises if the owner or lessee of the ground floor objects.]

(1) No peddler, vendor, hawker, or huckster shall permit his cart, wagon, or vehicle to stand on any street when stopping, standing, or parking is prohibited or on any street within 25 feet of any corner of the curb or to stand at any time on any sidewalk or within 500 feet of any public market or within 200 feet of any public or private school.

(2) No peddler, vendor, hawker, or huckster shall stop, remain upon or otherwise encumber, or permit any cart, table, wagon, vehicle, or other object owned or controlled by such peddler, vendor, hawker or huckster to stop, remain upon or otherwise encumber, any elevated pedestrian walkway or bicycle lane on a bridge or a bridge approach for the purpose of selling, displaying, storing or creating merchandise or providing a service. For purposes of this subdivision, the term "bridge" means a structure erected to allow for travel over a highway, body of water, railway or other obstacle; the term "elevated pedestrian walkway" means a portion of a bridge that is separated from vehicular traffic and is intended for use by pedestrians; and the term "bridge approach" means the area within the envelope of a bridge that connects a bridge to the street.

**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 Relating to Elevated Pedestrian Walkways and Bridge Bicycle Lanes

REFERENCE NUMBER: DOT-72

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) Traffic rules violations are not subject to cure.

/s/ Francisco X. Navarro
Mayor's Office of Operations

September 29, 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 Relating to Elevated Pedestrian Walkways and Bridge Bicycle Lanes

REFERENCE NUMBER: 2023 RG 035

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
Acting Corporation Counsel

Date: October 2, 2023