

**THE CITY OF NEW YORK
DEPARTMENT OF SANITATION**

**NOTICE OF ADOPTION OF FINAL RULES GOVERNING THE REMOVAL AND
DISPOSAL OF DERELICT BICYCLES**

NOTICE IS HEREBY GIVEN in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by section 753(a) and (b) of the New York City Charter and by sections 16-122 and 16-128 of the New York City Administrative Code that the Department adopts the following rule governing the removal and disposal of derelict bicycles. This rule amends Section 1-05.1 of Chapter 1 of Title 16 of the Rules of the City of New York. The Department published a Notice of Opportunity to Comment on the proposed rules in the City Record on January 17, 2012. On February 22, 2012 the Department held a public hearing on the proposed rules. Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

STATEMENT OF BASIS AND PURPOSE

The purpose of this rule is to add bicycle racks to the definition of public property so as to allow the Department of Sanitation to remove derelict bicycles from these racks.

Since the initial rules regarding the removal of derelict bicycles from public property became effective on October 3, 2010, the City has received numerous complaints regarding derelict bicycles being affixed to bicycle racks. To alleviate the concerns of interested parties, including residents, community groups and bicycle owners, the Department is amending its definition of public property to include those bicycle racks that are installed by the Department of Transportation, its contractors, permittees or any other entity authorized to do so by the Department of Transportation,

The definition of public property will not include those docks or stations installed under authority of the Department of Transportation's Bikeshare Program, since the equipment utilized under the Program would be owned and operated by the vendor, who would be responsible for the maintenance of all Program bicycles.

Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

Section 1. Paragraph (3) of subdivision (a) of section 1-05.1 of Chapter 1 of title 16 of the rules of the city of New York is amended to read as follows:

§ 1-05.1 Removal of derelict bicycles.

(a) Definitions. When used in this section,

* * *

(3) “Public property” shall mean city property or property maintained by the city, or any public sidewalk or roadway, including, but not limited to any bicycle rack, light pole, bus pole, parking meter, tree, tree pit, railing or similar structure. For purposes of this section, [public property shall not include any bicycle rack installed by the department of transportation,] public property shall include any bicycle rack installed by the department of transportation, its contractors, permittees or other entity authorized by the department of transportation. Public property shall not include those docks or stations installed under authority of the department of transportation’s Bikeshare Program.