

CAPA REGULATORY AGENDA FY 2024
DEPARTMENT OF TRANSPORTATION

Pursuant to section 1042 of the Charter, the New York City Department of Transportation (DOT) sets forth below its regulatory agenda for the City's fiscal year of 2024:

DIVISION OF TRANSPORTATION PLANNING AND MANAGEMENT

1. SUBJECT: Vehicles Entering Busways

- A. Anticipated contents: Amend various sections of the Traffic Rules relating to bus lanes, including but not limited to sections 4-01, 4-08(f), and 4-12(m), to differentiate the elements of a bus lane violation from a busway violation. Specifically, remove the requirement that busway violations require that a vehicle travels 200 feet in the busway.
- B. Reason: Non-buses driving 200 feet in a bus lane is a bus lane violation while merely entering a busway is a busway violation. Despite their differences, busway violations are currently enforced using bus lane rules which creates an enforcement issue for non-buses operating on a busways because violations cannot be issued when busways are less than 200 feet long, which allows a subset of vehicles to operate on busways with no legal ramifications.
- C. Objectives: To clarify the elements of a bus lane violations versus a busway violation to eliminate the enforcement concerns.
- D. Legal basis: Section 2903(a) of the New York City Charter and New York State Vehicle & Traffic Law Section 1111-c
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: All motorists.
- G. Approximate schedule: Fourth Quarter of FY 2024

Agency Contact: Paul Goebel
Telephone: 212-839-3890

2. SUBJECT: Truck Route Network update

- A. Anticipated contents: Amend Section 4-13 of the Traffic Rules to update the truck route network.
- B. Reason: This network was established in the 1970s and has largely remained the same despite unparalleled growth in freight/truck activity across the city. The network was last updated with minor revisions in 2015 and 2018. This proposed rule also advances recommendations from the Delivering New York: Smart Truck Management Plan.

- C. Objectives: The proposed truck route changes will add connectivity to, from, and within Industrial Business Zones (IBZ) and fill in gaps in the network along limited access highways and commercial corridors.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: All commercial vehicle operators and trucks
- G. Approximate schedule: Third Quarter of FY 2024

Agency Contact: Diniece Mendes/Ryan Cuffe
 Telephone: 212-839-7704/212-839-7727

3. **SUBJECT:** Delivery eHand Carts and Motorized Delivery Trailers for Commercial Purposes

- A. Anticipated contents: Amend various sections of the Traffic Rules to allow for hand-steered power-assisted delivery hand carts on sidewalks; and motorized delivery trailer (which attaches to a bicycle or commercial bicycle with pedal-assist) on the public right-of-way, except sidewalks.
- B. Reason: To allow human-controlled, hand-steered power-assisted devices on sidewalks to make commercial deliveries. The proposed rule will define and regulate how commercial deliveries by human-controlled eHand carts are used on sidewalks. The proposed rule will also define and regulate how human-controlled motorized trailers, which may attach to commercial bicycles, are used in the public right of way (except sidewalks). The technology provides a new delivery concept that replaces the use of traditional courier hand dollies/trucks and is in alignment with a shared focus on initiatives that solve urban mobility issues with more sustainable solutions in New York City.
- C. Objectives: Reduce curb dwell time and improve efficiency of deliveries, enable couriers to manage their delivery volume, reduce physical burden for couriers hauling packages, while ensuring safety of others.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: New York State Vehicle & Traffic Law Section 1234 and NYC Administrative Code Section 19-176
- F. Types of individuals and entities likely to be affected: Freight industry, couriers/delivery workers, and the general public.

G. Approximate schedule: First Quarter of FY 2024

Agency Contact: Ryan Cuffe/Andrew Diaz
Telephone: 212-839-7704/212-839-4182

4. **SUBJECT:** Shared Streets

A. Anticipated contents: Amend section 4-12(r) of the Traffic Rules to update the provisions relating to restricted use streets and limited use streets so that they align with the concept of shared streets.

B. Reason: DOT has implemented more shared streets across the city and there is a need for clarity regarding these spaces portions of which are fully pedestrianized.

C. Objectives: To define the design, use, and regulation of a shared street

D. Legal basis: Section 2903(a) of the New York City Charter and NYC Administrative Code Sections 19-107.1(i) and 19-107.1(d)(2)

E. Other relevant laws: None.

F. Types of individuals and entities likely to be affected: General public, motorists, pedestrians and cyclists.

G. Approximate schedule: Second Quarter of FY 2024

Agency Contact: Emily Weidenhof
Telephone: 212-839-4325

5. **SUBJECT:** Vending Prohibition on the Elevated Pedestrian Walkways of Bridges (jointly proposed with the Division of Bridges)

A. Anticipated contents: Clarify that vending is prohibited on the elevated pedestrian walkways and their approaches of bridges.

B. Reason: While existing rules imply that vending is effectively prohibited on bridges, an explicit restriction would clarify the City's complex vending rules and aid in enforcement efforts.

C. Objectives: To enhance pedestrian safety and ease overcrowding on the elevated pedestrian walkways of bridges.

D. Legal basis: Section 2903(a) of the New York City Charter

E. Other relevant laws: Various vending laws, rules, and regulations

F. Types of individuals and entities likely to be affected: General public, general and food vendors

G. Approximate schedule: First Quarter of FY 2024

Agency Contact: Paul Schwartz (Bridges) and Sean Quinn (TPM)
Telephone: 212-839-6300/ 212-839-7209

6. **SUBJECT:** Markings Designated Walking Area

A. Anticipated contents: Amend various sections of the Traffic Rules, including but not limited to:

- Add two new definitions in Section 4-01 for the terms “markings” and “markings designated walking areas.”
- Add in Section 4-04, requirements relating to “markings designated walking areas”
- Amend Section 4-07(c) to include “markings designated walking areas” and clarify that no vehicle is to cross a double solid line when used to define walking areas. Double solid lines are already defined in the federal Manual on Uniform Traffic Control Devices (MUTCD) section 3B.04.30 to be used when crossing the lane line markings is prohibited but does not clearly convey such use at the edge of the roadway or for walking areas.
- Amend Section 4-08(e), to clarify that no vehicle shall be parked/standing/stopping in an “markings designated walking area”, since they are for walking only.

B. Reason: To provide a clear definition of term “markings designated walking area” (MDWA) and to define intended and prohibited activities within a “markings designated walking area”.

C. Objectives: To prevent any operation of a vehicle, including parking, standing, and stopping, in areas marked by a double solid line or bound by a double solid line at the curb or edge of traveled way that is intended to provide additional sidewalk, median, or refuge space for walking, and to empower enforcement activities against such motor vehicle operation.

D. Legal basis: Section 2903(a) of the New York City Charter.

E. Other relevant laws: MUTCD section 3B.04.30

F. Types of individuals and entities likely to be affected: General public.

G. Approximate schedule: Third Quarter of FY 2024

Agency Contact: Roger Weld
Telephone: 646-892-1040

7. **SUBJECT:** Commercial Bicycles with Pedal-Assist

A. Anticipated contents: Amend various sections of the Traffic Rules including:

- Add a new definition of “commercial bicycle” and amend definitions of “bicycle” and “pedal-assist bicycle” in Section 4-01.
- Amend section 4-08(a)(3)(i) to include a “Commercial Bicycle Loading Only” sign as a dedicated use sign.
- Amend section 4-08(o)(3)(ii) to include Commercial Bicycle Loading Only as a prohibited area for agency-authorized parking.
- Amend section 4-08(o)(4)(iii) to include Commercial Bicycle Loading Only as a prohibited area for single-use permits.
- Amend section 4-12(j) (1) to prohibit advertising on bicycles.
- Amend section 4-12 (p)(5) to include additional pedal-assist commercial bicycle regulations.
- Amend section 4-12(p) to include commercial bicycle regulations.

B. Reason: To formalize commercial bicycles with pedal-assist (formerly cargo bicycles) rules, building from the successes of the pilot program.

C. Objectives: To provide rules governing the operation and parking of commercial bicycles with pedal-assist on NYC streets.

D. Legal basis: Section 2903(a) of the New York City Charter and New York State Vehicle & Traffic Law Section 1642.

E. Other relevant laws and rules: New York State Vehicle & Traffic Law Sections 102-c and 1242

F. Types of individuals and entities likely to be affected: Businesses that own and operate commercial bicycles with pedal-assist and the general public

G. Approximate schedule for adopting the proposed rule: First Quarter FY 2024

Agency Contact: Diniece Mendes
Telephone: 212-839-7704

8. **SUBJECT:** Update Truck Width Limits

- A. Anticipated contents: Amend Section 4-15(b) of the Traffic Rules to reflect changes in the trucking industry including truck safety features.
- B. Reason: To update the truck width limit from 96 inches to the standard width of 102 inches and to require safety features on trucks.
- C. Objectives: To provide consistency with current truck industry width standards and to require safety features on trucks.
- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: New York Vehicle & Traffic Law Section 385(1)(a)(i) and federal statutes.
- F. Types of individuals and entities likely to be affected: Trucking industry and general public.
- G. Approximate schedule: Second Quarter of FY 2024

Agency Contact: Diniece Mendes
Telephone: 212-839-7704

9. **SUBJECT:** Cyclist Permission to Deviate from Some Traffic Control Devices

- A. Anticipated contents: Amend section 4-12(p) allowing cyclists to:
 - Follow Pedestrian Control Signals when crossing an intersection, except where otherwise indicated by traffic control devices, and provided that the cyclist yields to pedestrians in the crosswalk.
 - Turn on Red Signal: Cyclist must stop and yield to pedestrians and, if merging into a travel lane, yield to oncoming traffic on the intersecting street turning onto an intersecting street during a steady red light. Under this proposed rule a cyclist may not turn across opposing lanes of traffic.
 - Proceed through red signal/stop signs at “Top of the T”: Cyclist must stop and yield to pedestrians before being allowed to proceed through red signal indication or Stop sign at “top of the T” locations.
- B. Reason: Enhance safety for cyclists
- C. Objectives: To formalizing existing behavior after successful 2018 pilot indicating that these “permissions” do not increase the number of crashes. To provide consistency between the NYC Administrative Code and the Traffic Rules.

- D. Legal basis: Section 2903(a) of the New York City Charter.
- E. Other relevant laws: Section 19-195.1 of the NYC Administrative Code (Local Law 154 of 2019), New York Vehicle & Traffic Law Section 1111
- F. Types of individuals and entities likely to be affected: Cyclists, drivers, and general public.
- G. Approximate schedule: Second Quarter of FY 2024.

Agency Contact: Carl Sundstrom
Telephone: 212-839-7222

DIVISION OF SIDEWALK MANAGEMENT AND INSPECTION

10. **SUBJECT:** Conex Storage Boxes on City Streets

- A. Anticipated contents: Amend the Highway Rules that creates an enforcement mechanism for Conex boxes stored on City streets.
- B. Reason: To protect the street from the use and damage of unauthorized storage containers.
- C. Objectives: To establish a violation and penalty amount for unauthorized Conex boxes
- D. Legal basis: Section 2903(b) of the New York City Charter
- E. Other relevant laws: None
- F. Types of individuals and entities likely to be affected: Construction work sites, businesses, and property owners.
- G. Approximate schedule: Second Quarter of FY 2024

Agency Contact: Latisha V. Pender
Telephone: 212-839-8839

11. **SUBJECT:** Update Penalty Schedule

- A. Anticipated contents: Increase penalty amounts relating to the following five sections of the Highway Rules:
 - 34 RCNY 2-07 (b)(1)- Requires permittee/entities maintain and monitor the area around their street covers, grating or concrete pads extending 12 inches outward

- 34 RCNY 2-05 (h)(1)-Construction Activity without Permit
 - 34 RCNY 2-11(e)(12)(vii)-Construction in Designated Historic District - violation for failing to restore historic district streets in kind
 - 34 RCNY 2-09 (f)(4)(xvi) -Distinctive Sidewalks Penalty failing to restore distinctive sidewalks to its original state
 - 34 RCNY 2-20 (a)(7)-Breaking, defacing, removing, or interfering with equipment (streetlight and power)
- B. Reason: Deter permittees from failing to follow rules. Currently fines are too low and are seen as the cost of doing business.
- C. Objectives: To enhance public safety
- D. Legal basis: Section 2903(b) of the New York City Charter
- E. Other relevant laws: N/A
- F. Types of individuals and entities likely to be affected: DOT permittees
- G. Approximate schedule: First Quarter of FY 2024

Agency Contact: Latisha V. Pender (HIQA) and Felicia Tunnah (Traffic Operations)
 Telephone: 212-839-8839/ 212-839-3330

12. **SUBJECT:** Restorations on Non-Protected Streets

- A. Anticipated contents: Amend Highway Rules so that all restorations conform to applicable Standard Detail Drawing #H-1042 or to a standard as determined by the Department on protected streets and non-protected streets. The new rule will incorporate non-protected streets into section 2-11(f)(v).
- B. Reason: To avoid discrepancy between protected and non-protected streets for H-1042 restorations on non-protected streets.
- C. Objectives: To avoid ambiguity regarding Standard Detail Drawing #H-1042 restoration requirements on protected and non-protected streets.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: Utility companies and DOT permittees

G. Approximate schedule: Fourth Quarter of FY 2024

Agency Contact: Jerome Cirillo
Telephone: 212-839-4721

13. **SUBJECT:** Winter Moratorium Clarification

- A. Anticipated contents: Amend section 2-11(e)(10) of the Highway Rules to require all permittees/entities who have plating and decking during the Winter Moratorium to post “Steel Plates Ahead” or “Raise Plow” signs as well as counter sink said plates flush to the level of the roadway.
- B. Reason: To enhance roadwork safety.
- C. Objectives: To require permittees/entities to place safety signs during the Winter Moratorium “Steel Plates Ahead” or “Raise Plow” signs.
- D. Legal basis: Section 2903(b) of the New York City Charter
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: DOT permittees and entities performing work on a City roadway.
- G. Approximate schedule: Second Quarter of FY 2024

Agency Contact: Latisha V. Pender
Telephone: 212-839-8839

14. **SUBJECT:** Construction Over Bike Lane

- A. Anticipated contents: Amend the Highway Rules relating to any non-stipulated permit construction related activity that obstructs a bicycle lane without authorization, proper warning signs and/or a proper bicycle path alternative for cyclists
- B. Reason: To avoid unauthorized obstruction of bicycle lanes and create a safe alternative for cyclists at locations that do not have permits with bike stipulations.
- C. Objectives: To establish a rule that prohibits any construction related activity that obstructs a bicycle lane. Presently only permit related stipulations are available to enforce compliance with bicycle lane obstructions.
- D. Legal basis: Section 2903(b) of the New York City Charter
- E. Other relevant laws: None.

F. Types of individuals and entities likely to be affected: DOT permittees, cyclists, and motorists.

G. Approximate schedule: Fourth Quarter of FY 2024

Agency Contact: Jerome Cirillo
Telephone: 212-839-4721

15. **SUBJECT:** Transporting Liquid Concrete

A. Anticipated contents: To clarify what “during the transport of liquid concrete” means within the context to NYC Administrative Code section 19-159.4 (b).

B. Reason: To enhance safety and promote the longevity of City streets.

C. Objectives: To clarify section 19-159.4 to allow for enforcement of concrete trucks transporting liquid concrete on or through city streets.

D. Legal basis: NYC Administrative Code 19-159.4(c) and Section 2903(b) of the New York City Charter

E. Other relevant laws: None.

F. Types of individuals and entities likely to be affected: Concrete truck industry

G. Approximate schedule: Second Quarter of FY 2024

Agency Contact: Latisha V. Pender
Telephone: 212-839-8839

16. **SUBJECT:** Maintenance of Street Hardware

A. Anticipated contents: Amend the Highway Rules requiring that all loose, slippery, or broken utility (manhole) covers, castings, and other street hardware must be replaced in accordance with DOT.

B. Reason: The Highway Rules do not currently include a provision requiring DOT permittees to replace or repair hardware that is loose, slippery, or noisy.

C. Objectives: To ensure all street hardware is safe for vehicular traffic and pedestrians.

D. Legal basis: Section 2903(b) of the New York City Charter and NYC Administrative Code Section 19-147(f)

E. Other relevant laws: None

F. Types of individuals and entities likely to be affected: Utility companies, DOT permittees.

G. Approximate schedule: Second Quarter of FY 2024

Agency Contact: Latisha V. Pender
Telephone: 212-839-8839

17. **SUBJECT:** Repair of Damaged Roadway Unrelated to Construction Restoration

A. Anticipated contents: Amend Section 2-07(b) of the Highway Rules requiring DOT permittees who damage the roadway unrelated to roadway construction to repair the damage they have caused.

B. Reason: The Highway Rules do not currently include a provision requiring DOT permittees to repair defective conditions that do not fall within a restoration or 12 inches of hardware.

C. Objectives: To establish a new rule that would require permittees to properly repair and maintain roadway defects they cause.

D. Legal basis: Section 2903(b) of the New York City Charter.

E. Other relevant laws: None.

F. Types of individuals and entities likely to be affected: Utility companies, DOT permittees.

G. Approximate schedule: Fourth Quarter of FY 2024

Agency Contact: Joseph T. Yacca
Telephone: 212-839-8856

18. **SUBJECT:** Update Accessibility Requirements

A. Anticipated contents: Amend the Highway Rules to establish a specific accessibility section addressing accessibility in its entirety, including but not limited to requiring that all work performed in the right-of-way must comply with the latest versions of the Highway Rules Standard Specifications, Standard Details of Construction, and the Americans with Disabilities Act of 1990 (ADA).

B. Reason: DOT is enhancing its accessibility program, including its pedestrian ramp program and as a result the Highway Rules must be updated to reflect existing accessibility requirements.

- C. Objectives: To combine and update all accessibility requirements into one cohesive and comprehensive section of the Highway Rules so that work being performed in the public right-of-way is compliant with DOT guidelines, operations and procedures.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: Americans with Disabilities Act of 1990 (ADA), Rehabilitation Act of 1973, ADA Accessibility Guidelines for Buildings and Facilities adopted in 2010 by the US Department of Justice.
- F. Types of individuals and entities likely to be affected: Utility companies, DOT permittees, contractors, developers, governmental entities conducting work in the public right-of-way.
- G. Approximate schedule: Third Quarter of FY 2024.

Agency Contact: Rosa Rijos
Telephone: 212-839-4262

DIVISION OF LEGAL AFFAIRS--
OFFICE OF CITYSCAPE AND FRANCHISES

19. **SUBJECT:** Open Restaurants Program

- A. Anticipated contents: Establish a rule describing DOT's permanent Open Restaurants Program as authorized by Local Law 114 of 2020 and any successor local law.
- B. Reason: Part of DOT's efforts to conform with Local Law 114 of 2020 and any successor local law.
- C. Objectives: To implement the Open Restaurants Program as required by Local Law 114 of 2020 and any successor local law.
- D. Legal basis: Section 2903(a) of the New York City Charter, Local Law 114 of 2020, and any successor local law.
- E. Other relevant laws: None
- F. Types of individuals and entities likely to be affected: General Public and restaurant owners
- G. Approximate schedule: Second Quarter of FY 2024

Agency Contact: Lauren Deutsch
Telephone: (212) 839-4513

20. **SUBJECT:** Fee Increase for Revocable Consents

- A. Anticipated contents: Amend various sections of Chapter 7 of Title 34 of the Rules of the City of New York to increase the fees relating to revocable consents.
- B. Reason: To update the current fees Revocable Consents Rules since the revocable consent fees have been stagnant for approximately 20 years.
- C. Objectives: To clarify and update the filing fees and annual fees in the revocable consent rules.
- D. Legal basis: Section 364 of the New York City Charter.
- E. Other relevant laws: None.
- F. Types of individuals and entities likely to be affected: Current revocable consent holders and prospective revocable consent holders.
- G. Approximate schedule: Second Quarter of FY 2024.

Agency Contact: Michelle Craven
Telephone: 212-839-4478

21. **SUBJECT:** Vault Program

- A. Anticipated contents: Amend Section 2-13 of the Highway Rules to broaden the circumstances in which vault licenses are issued and to clarify appropriate vault uses; require the submission of a vault license in conjunction with any request for a permit to do any work on a vault; and provide for vaults to be categorized as encroachments when DOT requires the vault to be removed for public projects/purposes.
- B. Reason: The current rules require vault licenses only for new vaults or enlargement of existing vaults. The amendment would expand this requirement to require vaults that are altered or repaired as well. In addition, it would clarify the appropriate uses of new building vaults. It would also require those applicants that come to DOT to obtain a permit to present a vault license. Additionally, the rule will provide express and clear authority for DOT to identify the vault as an encroachment to facilitate the removal of the vault in furtherance of public projects.
- C. Objectives: Revise and clarify the vault rules relating to the issuance of vault licenses and uses of vaults and to clarify the City's ability to deactivate vaults and require their removal in furtherance of public projects/purposes.
- D. Legal basis: Section 2903(b) of the New York City Charter.
- E. Other relevant laws: None.

F. Types of individuals and entities likely to be affected: Property owners who alter or repair vaults that were built before 1991 and property owners constructing new vaults.

G. Approximate schedule: Third Quarter of FY 2024.

Agency Contact: Michelle Craven
Telephone: 212-839-4478

22. **SUBJECT:** Update Revocable Consent Rules

A. Anticipated contents: Amend various sections of Chapter 7 of Title 34 of the Rules of the City of New York relating to revocable consents.

B. Reason: The current DOT Revocable Consent Rules require some updating, such as adding clearer and more concise language and clarifying certain categories of revocable consents. Some of these updates were identified through the City's Retrospective Rules Review; others were identified as part of a New York State Comptroller's audit of the Revocable Consent unit.

C. Objectives: To clarify and update the rules on revocable consents, establishing a formal procedure for renewing revocable consents.

D. Legal basis: Section 364 of the New York City Charter.

E. Other relevant laws: None.

F. Types of individuals and entities likely to be affected: Current revocable consent holders and prospective revocable consent holders.

G. Approximate schedule: Fourth Quarter of FY 2024

Agency Contact: Michelle Craven
Telephone: 212-839-4478