

## DEPARTMENT OF TRANSPORTATION

### Notice of Adoption of Rules regarding Bus Parking in Lower Manhattan

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE** Commissioner of Transportation by subdivision (a) of Section 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby adopts the amendments to section 4-08 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules, by adding a new paragraph (6) to subdivision (l) and amending paragraph (4) of subdivision (o). This rule was first published on May 27, 2011, and a public hearing was held on June 28, 2011. This rule shall take effect 30 days from the date hereof.

New material is indicated by underlining; deleted material is in brackets [ ].

Section 1. Subdivision l of section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph 6 to read as follows:

**(6) Special Lower Manhattan Area Rule: standing time limit.**

Between the hours of 7 a.m. and 7 p.m., daily, on any street south of Houston Street, from the East River to the Hudson River, in the Borough of Manhattan:

(i) An operator must not stand or park a bus on any one block of streets, including where a space on that block is regulated by a meter, for more than three hours unless otherwise posted.

(ii) Where a space is regulated by a meter and signs are posted restricting the use of the curb to buses, it is unlawful to stand or park any vehicle at that regulated space unless the vehicle is a bus. The provisions of subdivision (h) of this section shall apply to buses parked at such a parking meter, including a “Muni-Meter.”

(iii) Where a parking sign designates a regulated space as “No Standing/Parking Except Authorized Buses”:

(A) It is unlawful to stand or park any vehicle at that regulated space unless the vehicle is a bus and the operator has first obtained a permit from the Department according to paragraph (4) of subdivision (o) of this section.

(B) Where that space is also regulated by a meter, the provisions of subdivision (h) of this section shall apply to permitted buses parked at such a parking meter, including a “Muni-Meter.”

(iv) A bus not being used for the expeditious pickup and drop off of passengers is deemed to constitute a parked vehicle subject to parking rules applicable to that particular location.

§ 2. Paragraph 4 of subdivision o 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:

**(4) Single issue permits for parking in contradiction to rules on city streets.**

Single issue permits are issued by the Department of Transportation or any other agency authorized by the Department to for-profit and not-for-profit medical, blood and human service programs; press events; bus operators parking pursuant to paragraph (6) of subdivision (1) of this section; and concerts, film production companies, special events and emergencies. An IVPS must be activated to authorize parking.

**(i) Information required.** The request for such a single issue permit shall be made in writing to the Department of Transportation and must include:

- (A) Date(s) of the event,
- (B) Hours,
- (C) Location,
- (D) Number and size of vehicles, and
- (E) License plates or identifying markings of the vehicles.

**(ii) Parking permitted.** Parking with single issue permits is permitted in areas specified on or programmed into the permit and may include some or all of the following:

- (A) Meters,
- (B) Truck loading and unloading zones,
- (C) No Standing/Parking Except Authorized Vehicles, [and]
- (D) "No Parking" areas[.], and
- (E) No Standing/Parking Except Authorized Buses.

**(iii) Parking not permitted.** Parking with single issue permits is not permitted at:

- (A) "No Standing" areas.
- (B) "No Stopping" areas.
- (C) Fire hydrants.
- (D) Bus stops.
- (E) Double parking.
- (F) Driveways.
- (G) On bridges and highways, and
- (H) Areas where a traffic hazard would be created.

**(iv) Duration.** Single issue permits are issued for the minimum hours and days essential for the event. The Commissioner or his/her designee may, at his/her discretion, issue, extend or revoke these permits.

## **STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULES**

The Commissioner of Transportation is authorized to promulgate rules regarding parking regulation in the City pursuant to §2903 of the New York City Charter.

The purpose of the rule amendment is to:

- accommodate the 60 to 100 additional tour buses that are expected in and around the World Trade Center Memorial site after it opens in September 2011, and
- maintain the quality of life for local residents and businesses.

### **Background**

As the City of New York prepares for the opening of the 9/11 Memorial in September, 2011, the Department of Transportation (DOT) is working with partner government agencies to ensure a safe, secure, and pleasant environment on the Memorial plaza and the surrounding areas. One of the City's primary goals in this effort is to support a positive visitor experience while maintaining the quality of life for local residents and businesses.

Of the approximately 5 million annual visitors expected to visit the 9/11 Memorial, roughly 1 million are expected to arrive by tour bus. DOT expects that from 60 to 100 tour buses each day will bring visitors to the 9/11 Memorial, in addition to the tour buses that already bring visitors to Lower Manhattan. This influx of additional tour buses will overwhelm the existing supply of suitable curbside drop-off, pick-up, and parking locations.

This expected shortage is worsened by the recent loss of approximately 30 bus parking spaces in Lower Manhattan, due chiefly to the redevelopment of the East River Waterfront. These spots, most of which were located underneath the FDR viaduct, are no longer available. At the same time, many streets that were once used by tour bus operators for short- and medium-term parking are no longer suitable for that purpose because of the rapid growth of residents and businesses in Lower Manhattan.

The 9/11 Memorial Foundation, which operates the 9/11 Memorial, has recognized the negative impact that buses serving its visitors could have on the local community, and has taken steps to address it. Specifically, the foundation will encourage visitors to use mass transit whenever possible. The 9/11 Memorial Foundation is also developing partnerships with the tour and travel industry to minimize the need for tour bus parking in Lower Manhattan. For example, the 9/11 Memorial Foundation will provide incentives to

tour bus carriers to drop passengers off at ferry or PATH hubs and park their buses in off-street parking lots.

The Department of Transportation continues to work with community stakeholders to identify new charter tour bus parking locations. However, it will not be possible to add enough spaces to accommodate the projected demand for spaces or to restore the number of spaces that have been lost over the past several years. When the 9/11 Memorial opens in September 2011, there will be fewer curbside tour bus parking spaces in Lower Manhattan than there have been in decades.

This rule aims to offset that shortage by creating metered parking spaces with time limits, as well as parking permits for some of those metered spaces.

New York City successfully demonstrated the use of metered parking to encourage turnover when it instituted a metered commercial vehicle parking program in Midtown Manhattan. That program resulted in greater turnover of commercial loading/unloading spaces, along with an appreciable increase in the efficiency of all deliveries in the area with commercial parking metering.

### **Adopted Rule**

The rule adopted by the Department of Transportation applies to Lower Manhattan, defined as the area below Houston Street, river to river. The rule establishes a 3-hour maximum stay for buses in Lower Manhattan. Three hours was selected because it represents the most common length of stay for tour buses in Lower Manhattan.

The Department of Transportation will create new metered spaces for bus parking to manage the small supply of remaining curbside parking spaces in Lower Manhattan. By charging tour buses an hourly fee for parking at these spaces and establishing the 3-hour maximum stay, DOT will ensure turnover of these limited number of curbside spaces and their use by the maximum number of tour buses.

To implement the meter program established by the rule, DOT will:

- install muni-meters at all authorized bus parking locations,
- establish meter rates (rates will be subject to change), and,
- post signs prohibiting standing in metered bus parking spaces (violators will be subject to summons).

Additionally, the rule provides that at several designated locations, in addition to paying the meter rates, DOT will require bus operators who wish to park at metered bus parking spaces to obtain a no-fee parking placard from the Department before they can use those spaces. This system will enable the Department to forecast and plan for the use of this curb space. DOT will issue bus parking placards on a “first come, first served” basis.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise.