

DEPARTMENT OF TRANSPORTATION

Notice of Opportunity to Comment on Proposed Amendments to the rules relating to the ferry terminals and vessels under the jurisdiction of the New York City Department of Transportation.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Transportation by subdivision (c) 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 proposes to amend Chapter 1 of Title 34 of the Official Compilation of the Rules of the City of New York. Matter underlined is new; matter in [brackets] is deleted. These rules were not included in DOT's regulatory agenda because they were not anticipated at the time the agenda was published.

Written comments regarding the proposed rules may be sent to Deputy Commissioner James DeSimone, New York City Department of Transportation, 1 Ferry Terminal Drive, Staten Island, NY 10301 on or before December 2, 2009. A public hearing shall be held on December 2, 2009 at 1 Ferry Terminal Drive, Conference Room, Staten Island, NY 10301 at 10:00 a.m. Persons seeking to testify are requested to notify Deputy Commissioner DeSimone at the address stated above by November 18, 2009. Persons who need a sign language interpreter or other accommodation for a disability at the hearing are asked to notify Deputy Commissioner DeSimone at the foregoing address by November 18, 2009. Persons interested in receiving comments may request them by writing to: New York City Department of Transportation, Record Access Office, 55 Street, New York, N.Y. 10013. Janette Sadik-Khan, Commissioner.

It is proposed to amend Chapter 1, Title 34 of the Rules of the City of New York to read as follows:

§ 1-01 Definitions.

Commissioner. "Commissioner" means the Commissioner of [the Department of] Transportation or [the chief executive officer] his/her designee, or any successor in function to the Commissioner of any successor agency thereof.

Department. "Department" means the Department of Transportation of the City of New York and any successor agency thereof.

Ferry. "Ferry" means any vessel that transports passengers or vehicles pursuant to a regular schedule in either direction between the Borough of Manhattan and the Borough of Staten Island [which] and is owned and operated by the City of New York.

Manager. "Manager," with respect to the terminals (as defined herein), means the Chief Operating Officer, Executive Director of Safety and Security, Director of Terminal Operations, Director of Ferry Operations, Facility Security Officer, Ferry Terminal Manager, Safety Manager, Security Inspector and Ferry Terminal Supervisor as designated by the Department [of Transportation] to exercise the powers and functions vested in him/her by these rules in either

terminal, and his/her duly designated representatives, and, with respect to the ferries, means the Captain designated by the Department of Transportation to exercise the powers and functions vested in him/her by these rules and general maritime law aboard any ferry, and his/her duly designated representatives.

Motor vehicle. "Motor vehicle" means any automobile, truck, bus, motorcycle, moped, or other vehicle that is propelled by [a motor] any power other than muscular power.

Owner. "Owner" means any person owning, operating, or having the use of a vehicle (as defined in § 159 of the New York Vehicle and Traffic Law), bicycle or any other personal property.

Permission. "Permission" means permission or authorization granted by the Commissioner or Manager except where otherwise specifically provided.

Permit. "Permit" means, unless otherwise herein provided, any written authorization issued by or under the authority of the Commissioner or Manager for a specialized privilege, permitting the performance of a specified act or acts in the terminals or on the ferries.

Person. "Person" means any natural person, corporation, society, organization, incorporated or unincorporated association, firm, or partnership, and shall include any assignee, receiver, trustee, executor, administrator or similar representative appointed by a court, and shall mean the United States of America or any political subdivision thereof, or any foreign government or political subdivision thereof.

Person with a Disability. A person with a disability is an individual with a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Personal audio device. "Personal audio device" means a portable sound reproduction device as normally and customarily used for personal purposes, including but not limited to a personal radio, phonograph, television receiver, tape recorder, cassette player, compact disc player, or mp3 player.

Police officer. "Police officer" means any member of the Police Department of the City of New York and any [other City employee who is a Special Patrolman appointed and sworn in by the Police Commissioner who performs special duty in or at the terminals or on the ferries] person designated as a peace officer pursuant to section 2.10 of the New York State Criminal Procedure Law when acting pursuant to his/her special duty in or at the terminals or on the ferries.

Rule. "Rule" means, unless otherwise herein provided, any rule promulgated pursuant to § 2903(c) of the New York City Charter and in compliance with the requirements of Chapter 45 of the New York City Charter.

Service animal. A "service animal" is any animal that is [individually] specifically trained [or able] to provide assistance to a person with a disability[, or any animal shown by documentation to be necessary for the emotional well being of a passenger].

Sound reproduction device. "Sound reproduction device" means any device intended primarily for the production or reproduction of sound, including, but not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, [cassette or disc player , speaker device] or [system and any] electronic sound [amplifier] amplifying system.

Storage. "Storage" means the use of space on the ferries or in the ferry terminals to keep materials or possessions.

Terminals. "Terminals," used in the plural, includes both the ferry terminal located at Whitehall Street in the Borough of Manhattan and the ferry terminal located at St. George in the Borough of Staten Island. "Terminals" shall also include the other ferry terminals and landings owned and/or operated by the Department. Each terminal may also be referred to herein by its specific location, in which case "terminal" shall mean only the terminal referred to. Each terminal [will] may have a different Manager. "Terminal" includes [the vehicular queuing] areas approaching the ferry slips and all other city-owned real property upon which the terminal building is situated, and the surrounding grounds thereof as designated on the city map.

§ 1-02 [Rules of Conduct] Prohibited Uses.

[(a) Permission to use terminals and ferries is conditional. Any permission granted by the Department directly or indirectly, expressly or by implication, to any person to enter upon or use the terminals or ferries, or any part thereof, is conditioned upon acceptance of and compliance with this chapter, as from time to time may be amended, and entry upon or into the terminals or ferries by any person shall be deemed to constitute an agreement by such person to comply with such rules; provided, however, that such rules shall not apply to premises or spaces occupied or used under the provisions of a written agreement made with the Department unless provision is made therein for the application of such rules.]

[(b) Use of terminals or ferries may be denied persons violating laws or rules. The Manager shall have the authority to deny use of the terminals or ferries to any individual violating Department rules or laws, ordinances or regulations of the United States government, the State of New York, or the City of New York, which relate to conduct in public places or in the terminals or the ferries.]

[(c) Restricted areas and times. Permission to enter certain areas of the terminals or ferries is restricted as follows:]

[(1) No person, except a person assigned to duty therein, shall enter without permission any area of the terminals or ferries posted as being closed to the public.]

[(2) In the event that portions of the terminals are closed to all members of the general public except passengers, any person shall, when entering or remaining in such portions of the terminals, if requested by the Manager or a police officer, exhibit such authorization as shall be prescribed by the Commissioner.]

[(d) Unattended property. No person shall leave any property unattended in the terminals or on the ferries. Property shall be deemed abandoned if left unattended for a period longer than one hour. Bicycles shall be stowed at the designated bicycle areas for each Class of ferry. Bicycles left on racks will be removed and may be transferred to the Property Clerk of the New York City Police Department pursuant to the New York City Administrative Code. Owners of reclaimed property may be assessed a removal and/or storage fee.]

[(e)] (a) Gambling prohibited. No person shall gamble or conduct or engage in any game of chance in the terminals or on the ferries unless such game of chance is permitted by local, state or federal law and has been approved by the Commissioner.

[(f) Permission required to post or distribute commercial signs, advertisements, etc. No person shall, for commercial purposes, post, distribute or display commercial signs, advertisements, circulars or printed or written material in the terminals or on the ferries without permission of the Commissioner.]

[(g) Refuse to be deposited in appropriate receptacles. No person shall throw, discharge or deposit trash, garbage, waste, oil or other petroleum products or any other waste material into the harbor or into or upon any portion of the terminals or ferries except by depositing such material in receptacles provided therefor. The placement of all such receptacles shall be subject to the approval of the Manager.]

[(h)] (b) Defacing or damaging terminals or ferries or property therein prohibited. No person shall deface, mark, break, or otherwise damage any part of the terminals or ferries or any property thereat. No person shall remove, alter or deface any barricade, fence or sign in the terminals or on the ferries.

[(i) Distribution of noncommercial printed material and carrying of placards.]

[(1) Any person who wishes to engage in the noncommercial distribution of leaflets, the setting up of card tables to aid in that distribution, the carrying of placards or the posting or displaying of noncommercial signs in the terminals or on the ferries shall apply to the Commissioner for a permit. No leaflets or other material shall be distributed by leaving them unattended in the terminals or on the ferries.]

[(2) The Commissioner may delay or postpone the issuance of any permit or may temporarily suspend any permit already granted in the event of emergencies, such as snowstorms, traffic accidents, power failures, transportation strikes or other conditions which affect the traffic flow in any of the areas covered by the permit such that conduct of the activities would create a dangerous condition or would interfere with traffic in the terminals or on the ferries.]

[(j)] (c) Creation of obnoxious odors, noxious gases, smoke or fumes prohibited. No person shall create, or permit any vehicle or machine of which he/she is in charge to create obnoxious odors, noxious gases, or excessive smoke or fumes in the terminals or on the ferries.

[(k) Sale of merchandise, solicitation of trade, entertainment or solicitation of contributions.]

[(1) No person, unless duly authorized by the Commissioner shall, in or upon any area, platform, stairway, waiting room or any other appurtenance of the terminals or ferries,]

[(i) sell or offer for sale any article of merchandise, or]

[(ii) solicit any business or trade, including the carrying of baggage for hire, the shining of shoes or bootblacking.]

[(2) Any person who wishes to engage in]

[(i) the entertainment of persons by singing, dancing or playing any musical instrument or]

[(ii) the solicitation of contributions in the terminals or on the ferries shall apply to the Commissioner for a permit. Solicitation of contributions, for the purposes of this subdivision (k), does not include panhandling.]

[(l) Panhandling prohibited. Panhandling is prohibited in the terminals and on the ferries.]

[(m)] (d) Bathing prohibited. No person shall bathe, shower, shave, launder or change clothes or remain undressed in any public restroom, sink, washroom or any other area in the terminals or on the ferries.

[(n) Animals barred. No person, except a police officer or another person authorized by the Manager, shall enter the terminals or ferries with any animal except a service animal or an animal properly caged for transport. No person shall feed any animal, including unconfined squirrels and birds, within the ferry terminals or on any vessel.]

[(o) Passage through boarding doors restricted. No person shall pass through the boarding doors to the ferries except:]

[(1) persons employed by or doing business with a concessionaire whose duties require such passage;]

[(2) authorized representatives of the Department of Transportation;]

[(3) persons having permission; and]

[(4) passengers immediately prior to boarding a ferry or immediately after leaving a ferry.]

[(p) Photography and filming. No person may make drawings or take still photographs for commercial use in the terminals or on the ferries without permission from the Commissioner. No person may make motion pictures for commercial use in the terminals or on the ferries without a permit for such activity from the Mayor's Office of Film, Theatre and Broadcasting, which permit shall be granted in coordination with the Department of Transportation's Bureau of Transit Operations.]

[(q) Alcoholic beverages. No person shall drink or carry any open alcoholic beverage in any part of the terminals, except within a concession if permitted therein by the concessionaire.]

[(r) Carrying of firearms or other weapons. No person, shall, without the permission of the Manager, bring into or carry in the terminals or on the ferries any firearms or other weapons; provided, however, that this subdivision (r) shall not apply to persons authorized by federal or state law to carry firearms or other weapons in the terminals or on the ferries.]

[(s) Permission required to bring into or carry explosives, acids, inflammables, compressed gases, etc. No person shall bring into or carry in the terminals or on the ferries any explosives, acids, inflammables, compressed gases or articles or materials having or capable of producing strong offensive odor, or articles or materials likely to endanger persons or property, except with permission of the Manager. No person shall bring or cause to be brought into or kept in the terminals any signal flare or any container filled with or which has been emptied or partially emptied of oil, gas, petroleum products, paint or varnish, except with permission of the Manager. Bringing into the terminals or on the ferries without special permission gasoline or other motor fuel contained in tanks permanently attached to vehicles and not under pressure shall not be an infraction of this regulation.]

[(t) (e) Smoking or carrying lighted cigars, cigarettes, pipes, etc. in certain areas prohibited. No person shall smoke or carry lighted cigars, cigarettes, pipes, matches or any naked flame in areas of the terminals or ferries where smoking is prohibited by the Department [in posted areas] or by law, ordinance, rules or regulations of the United States government, the State of New York or the City of New York.

[(u) Unauthorized interference with or use of terminal or ferry systems or equipment prohibited. No person shall do or permit to be done anything which may interfere with the effectiveness or accessibility of any means of escape, the fire protection system, sprinkler system, drainage system, alarm system, telephone system, public announcement and intercommunication system, plumbing system, air-conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, or other mechanical system, facility or equipment installed or located in the terminals or on the ferries; including closed circuit television cameras and monitors, signs and notices; nor shall any person operate, adjust or otherwise handle or manipulate, without permission, any of the aforesaid systems or portions thereof, or any machinery, equipment or other devices installed or located at the terminals or on the ferries. Tags showing date of last inspection attached to units of fire extinguishing equipment shall not be removed therefrom nor shall any person plug a television, radio or other electrical device into any outlet or connect any device to any utility at or in the terminals or on the ferries.]

[(v)] (f) Noxious conduct. No person shall urinate or defecate in any part of the terminals or ferries other than in a urinal or toilet intended for that purpose. No person shall spit upon the public surfaces of the terminals or ferries including the floors and furniture.

[(w)] (g) Lying down prohibited; sitting restricted. No person shall lie down in any place, including benches or seating facilities, within the terminals or on the ferries. No person shall be

seated in the terminals or on the ferries except upon seating facilities provided for that purpose. No person shall occupy more than one seat. No person shall place [P]personal belongings [shall not be placed] on seating facilities so as to interfere with their use by other persons.

[(x)] (h) No skateboarding, rollerskating, rollerblading or bicycle riding. No person shall skateboard, roller skate, roller blade or ride a bicycle, scooter or any other vehicle or device [(except a wheelchair or other similar device used to assist a person with a disability and/or required for transit)] on or through any part of the terminals or ferries. Bicycles and non-motorized scooters must be walked through the terminals and ferries.

[(y)] (i) Noise. No person shall make, continue, cause or permit to be made or continued any unreasonable noise in the terminals or on the ferries [such as would cause public inconvenience, annoyance or harm]. Unreasonable noise shall mean any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities, or which causes injury to plant or animal life, or damage to property or business. Unreasonable noise shall include, but shall not be limited to sound that exceeds the following prohibited noise levels:

(1) Sound attributable to the source measured at a level of 7dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m., as measured at any point within a receiving property, as defined in section 24-203 of the Administrative Code of the City of New York, or as measured at a distance of 15 feet or more from the source in a terminal or on a ferry.

(2) Sound attributable to the source measured at a level of 10dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property, as defined in section 24-203 of the Administrative Code of the City of New York, or as measured at a distance of 15 feet or more from the source in a terminal or on a ferry.

(3) Sound attributable to a personal audio device with personal earphones such that sound from such earphones is plainly audible to another individual at a distance of five feet or more from the source.

[(z) Fire. No person shall cook, light a fire or otherwise create a fire in any part of the terminals or ferries.]

(j) Disorderly behavior. No person shall engage in disorderly behavior in the terminals or on the ferries, such as, but not limited to the following:

(1) fighting or assaulting any person; or

(2) interfering with, encumbering, obstructing or rendering dangerous any part of the ferry or terminal; or

(3) obstructing pedestrian or vehicular traffic; or

(4) climbing upon any wall, fence, shelter or any structure not specifically intended for climbing purposes; or

(5) engaging in any form of sexual conduct, as that term is defined in section 130.00 of the New York State Penal Law; or

(6) engaging in a course of conduct or committing acts that endanger the safety of others; or

(7) engaging in any other course of conduct or committing acts disruptive to crew members, which obstructs or impairs their ability to carry out their duties; or

(8) engaging in any other course of conduct or committing acts against other passengers, which disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities; or which causes injury to plant or animal life, or damage to property or business.

(k) Controlled substances. No person shall possess, distribute, sell or solicit or consume any controlled substance or marihuana, as those terms are defined in section 220.00 of the New York State Penal Law, on any ferry or in any terminal.

(l) Loitering. No person shall engage in loitering as defined in sections 240.36 or 240.37 or subdivisions 2,4, 5 or 6 of section 240.35 of the New York State Penal Law on any ferry or in any terminal.

(m) Unlawful exposure. No person shall appear in public on any ferry or in any terminal in such a manner that his/her genitalia are unclothed or exposed.

(n) Fishing. No person shall fish from any ferry or terminal.

[(aa) Storage. Storage of materials or possessions of any kind either on the ferries or in the ferry terminals is strictly prohibited at all times. Any materials or possessions stored on the ferries or ferry terminals will be disposed of promptly. This provision shall not apply to any authorized storage by a lessee, concessionaire or contractor pursuant to an agreement with the Department.]

[(bb) No sound reproduction devices. Except with prior permission of the Commissioner, no person shall operate or use any personal radio, television, phonograph, tape recorder or other sound reproduction device in the terminals or on the ferries in such a manner that the sound emanating from such sound reproduction device is audible to another person.]

[(cc) Use of lighting or sound reproduction equipment. No person shall without specific authorization from the Commissioner operate or use or cause to be operated or used any lighting or sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, or any business enterprise, in front or outside of any building, place or premises in the terminals or on the ferries.]

[(dd) Distribution of food, clothing, packages, or other non-printed items. Any person who wishes to engage in the distribution of any food, clothing, packages, or any other non-printed items, or in the setting up of card tables to aid in that distribution in the terminals or on the ferries shall apply to the Commissioner for a permit. No such items shall be distributed by leaving them unattended in the terminals or on the ferries.]

§ 1-03 Regulated Uses.

(a) Permission to use terminals and ferries is conditional. Any permission granted by the Department directly or indirectly, expressly or by implication, to any person to enter upon or use the terminals or ferries, or any part thereof, is conditioned upon acceptance of and compliance with this chapter, as from time to time may be amended, and entry upon or into the terminals or ferries by any person shall be deemed to constitute an agreement by such person to comply with such rules; provided, further, that such rules shall apply to premises or spaces occupied or used under the provisions of a written agreement made with the Department unless provision is made therein that such rules do not apply.

(b) Permits.

(1) When any provision of this section requires a permit as a condition to the performance of an act or activity, no such act or activity shall be implemented or commenced prior to the receipt of written authorization from the Commissioner.

(2) A permit may be granted upon such terms and conditions as the Commissioner shall reasonably impose and shall authorize the permitted acts or activities only insofar as they are performed in strict accordance with the terms and conditions thereof.

(3) Permits shall be applied for on forms prepared and provided by the Department, which forms shall require such information as the Department may deem appropriate for the review and evaluation of the permit application. Applications must be received at least two business days prior to the requested date of the act or activity.

(4) No person shall conduct any activity for which a permit is required unless:

(i) such permit has been issued;

(ii) all terms and conditions of such permit have been complied with; and

(iii) the permit is kept on site, so it is available for inspection by Department employees or a police officer.

(5) Upon application, the Commissioner may deny a permit if:

(i) an applicant was previously granted a permit and on that prior occasion, knowingly violated a material term or condition of the permit, these rules or applicable law;

(ii) the date, time, and/or location requested have been previously allotted; or

(iii) the issuance of the permit would cause the existence of a dangerous condition or a condition that would interfere with operations or traffic in the terminals or on the ferries.

(6) If a permit application is denied, the applicant may, within three business days of such denial, appeal the determination by written request filed with the designated appeals officer who may reverse, affirm or modify the original determination and provide a written explanation of his or her finding. However, if a permit application is denied three business days or less prior to the requested date of the act or activity, the applicant shall have one day from the date such denial is mailed or otherwise delivered to the applicant to appeal such denial. The Department shall render a decision on such appeal as soon as is reasonably practicable.

(7) The Commissioner may, after giving the permittee reasonable notice and an opportunity to be heard, revoke or refuse to renew a permit (i) for failure to comply with the terms and conditions of such permit, these rules or other applicable law in carrying out the activity for which the permit was issued; (ii) whenever there has been any false statement or any misrepresentation as to material fact in the permit application or accompanying documents upon which the issuance of the permit is based; or (iii) whenever a permit has been issued in error contrary to paragraph 5 of subdivision b of this section.

(8) The Commissioner may delay or postpone the issuance of any permit or may temporarily suspend any permit already granted in the event of emergencies, such as snowstorms, traffic accidents, power failures, transportation strikes or other conditions which affect the traffic flow in any of the areas covered by the permit such that conduct of the activities would create a dangerous condition or would interfere with traffic in the terminals or on the ferries.

(c) Use of terminals or ferries may be denied persons violating laws or rules. The Manager shall have the authority to deny use of the terminals or ferries to any individual violating Department rules or laws, ordinances or regulations of the United States government, the State of New York, or the City of New York, which relate to conduct in public places or in the terminals or the ferries.

(d) Restricted areas and times. Permission to enter certain areas of the terminals or ferries is restricted as follows:

(1) No person, except a person assigned to duty therein or a police officer, shall enter, without permission, any area of the terminals or ferries posted as being restricted to the public. If permission to enter a restricted area is granted, such permittee shall be monitored and/or escorted at all times in accordance with the Maritime Transportation Security Act.

(2) In the event that portions of the terminals are closed to all members of the general public, any person shall, when entering or remaining in such portions of the terminals, exhibit such authorization as shall be prescribed by the Commissioner. Effective September 25, 2008 and in accordance with the Maritime Transportation Security Act, all individuals in restricted areas

must display at all times a Transportation Worker Identification Credential or other authorized identification credential, including those issued to police officers.

(e) Unattended property.

(1) No person shall leave any property unattended in the terminals or on the ferries.

(2) Unattended property will be removed and transferred to the Staten Island Ferry's Lost and Found.

(3) Bicycles shall be stowed at the designated bicycle areas. Bicycles left on racks at the terminal for longer than 48 hours shall be deemed abandoned and will be removed and may be transferred to the Property Clerk of the New York City Police Department or other appropriate location.

(4) Owners of reclaimed property may be assessed a removal and/or storage fee.

(f) Distribution of commercial printed materials. No person shall, for commercial purposes, post, distribute or display signs, advertisements, circulars or printed or written material in the terminals or on the ferries without having been granted a permit by the Commissioner.

(g) Distribution of noncommercial printed material and carrying of placards. No person shall engage in the noncommercial distribution of leaflets, the setting up of card tables to aid in that distribution, the carrying of placards or the posting or displaying of noncommercial signs in the terminals or on the ferries without having been granted a permit by the Commissioner. No person shall distribute leaflets or other materials by leaving them unattended in the terminals or on the ferries.

(h) Distribution of food, clothing, packages, or other non-printed items. No person shall engage in the distribution of any food, clothing, packages, or any other non-printed items, or in the setting up of card tables to aid in that distribution in the terminals or on the ferries without having been granted a permit by the Commissioner. No person shall distribute such items by leaving them unattended in the terminals or on the ferries.

(i) Sale of merchandise, solicitation of trade, entertainment or solicitation of contributions.

(1) No person, unless duly authorized by the Commissioner shall, in or upon any area, platform, stairway, waiting room, appurtenance, or any other area of the terminals or ferries,

(i) sell or offer for sale any article of merchandise, or

(ii) solicit any business, service or trade, including the carrying of baggage for hire or the shining of shoes.

(2) No person shall engage in (i) the entertainment of persons by singing, dancing or playing any

musical instrument or (ii) the solicitation of contributions in the terminals or on the ferries without having been granted a permit by the Commissioner.

(j) Assemblies, meetings, exhibitions.

(1) No person shall hold or sponsor any assembly, meeting, exhibition or other event without written approval from the Commissioner or his/her designee. A gathering of 10 or more people shall constitute an assembly or meeting.

(2) No person shall erect any structure, stand, booth, platform or exhibit in connection with any assembly, meeting, exhibition or other event without written approval from the Commissioner or his/her designee.

(k) Refuse to be deposited in appropriate receptacles. No person shall throw, discharge or deposit trash, garbage, waste, oil or other petroleum products or any other waste material into the harbor or into or upon any portion of the terminals or ferries except by depositing such material in receptacles provided therefor. The placement of all such receptacles shall be subject to the approval of the Manager. No person shall remove refuse or other material from such receptacles except as authorized by the Manager.

(l) Animals barred. No person, except a police officer or another person authorized by the Manager, shall enter the terminals or ferries with any animal except a service animal or an animal properly restrained for transport subject to the discretion of the Manager. No person shall feed any animal, including unconfined squirrels and birds, within the terminals or on any ferry.

(m) Passage through boarding doors restricted. No person shall pass through the boarding doors to the ferries except:

(1) persons employed by or doing business with a concessionaire whose duties require such passage;

(2) authorized representatives of the Department of Transportation;

(3) persons having permission;

(4) police officers;

(5) firefighters and emergency medical technicians employed by the New York City Fire Department; and

(6) passengers immediately prior to boarding a ferry or immediately after leaving a ferry.

(n) Photography or filming.

(1) For purposes of this subdivision, "photography or filming" shall include the taking of photographs; the making of motion pictures; the use and operation of television cameras,

transmitting television equipment, or radio remotes; or load-ins or load-outs supporting indoor performances.

(2) A permit from the Mayor’s Office of Film, Theatre and Broadcasting (MOFTB) and a separate permit from the Commissioner are both required in circumstances under which a permit from MOFTB is required by its rules.

(3) As is the case with photography or filming on City streets, sidewalks or other pedestrian passageways, a permit is not required in those instances where a handheld device (with or without a tripod) is used, except when the use of such handheld device (with or without a tripod) unreasonably interferes with the use of the ferry terminal or ferry. For purposes of this subdivision, “unreasonable interference” means the assertion of exclusive use by any means, including physical or verbal, of an area that consists of a radius greater than five feet from where the individual engaged in photography or filming is located. Where such exclusive use is asserted, the individual engaged in photography or filming shall obtain a permit from the Commissioner.

(4) For purposes of this subdivision, standing in a ferry terminal or on a ferry while using a handheld device (with or without a tripod) and not otherwise asserting exclusive use by any means, including physical or verbal, of an area that consists of a radius greater than five feet from where the individual engaged in photography or filming is located, is not activity that requires a permit from MOFTB or the Commissioner.

(o) Fire. No person shall cook, light a fire or otherwise create a fire in any part of the terminals or ferries, except as authorized by the Commissioner.

(p) Alcoholic beverages. No person shall drink or carry any open alcoholic beverage in any part of the terminals, except on the premises of a concession or retail establishment duly licensed for the sale of alcoholic beverages if permitted therein by the concessionaire or leasee. Alcoholic beverages may be purchased and consumed from the concessionaire aboard a ferry in accordance with all federal, state and local laws and rules. It shall be a violation of these rules for any person to enter and/or remain in the terminals and/or aboard a ferry under the influence of alcohol, to the degree that he or she may endanger himself or herself, other persons or property, or unreasonably annoy persons in his or her vicinity.

(q) Carrying of firearms or other weapons. No person, shall, without the permission of the Manager, bring into or carry in the terminals or on the ferries any firearms or other weapons; provided, however, that this subdivision shall not apply to police officers and other persons authorized by federal, state or local law to carry firearms or other weapons.

(r) Permission required to bring into or carry explosives, acids, inflammables, compressed gases, etc. No person shall bring into or carry in the terminals or on the ferries any explosives, acids, inflammables, compressed gases or articles or materials having or capable of producing strong offensive odor, or articles or materials likely to endanger persons or property, except with permission of the Chief Operating Officer or the Executive Director of Safety and Security. No person shall bring or cause to be brought into or kept in the terminals any signal flare or any

container filled with or which has been emptied or partially emptied of oil, gas, petroleum products, paint or varnish, except with permission of the Chief Operating Officer or the Executive Director of Safety and Security. Bringing into the terminals or on the ferries without special permission gasoline or other motor fuel contained in tanks permanently attached to vehicles and not under pressure shall not be an infraction of this regulation.

(s) Unauthorized interference with or use of terminal or ferry systems or equipment prohibited. No person shall do or permit to be done anything which may interfere with the effectiveness or accessibility of any means of escape, the fire protection system, sprinkler system, drainage system, alarm system, telephone system, public announcement and intercommunication system, plumbing system, air-conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, or other mechanical system, facility or equipment installed or located in the terminals or on the ferries; including closed circuit television cameras and monitors, signs and notices; nor shall any person operate, adjust or otherwise handle or manipulate, without permission, any of the aforesaid systems or portions thereof, or any machinery, equipment or other devices installed or located at the terminals or on the ferries. Tags showing date of last inspection attached to units of fire extinguishing equipment shall not be removed therefrom nor shall any person plug a television, radio or other electrical device into any outlet or connect any device to any utility at or in the terminals or on the ferries.

(s) Storage. Storage of materials or possessions of any kind either on the ferries or in the ferry terminals is strictly prohibited at all times. Any materials or possessions stored on the ferries or ferry terminals will be disposed of promptly. This provision shall not apply to any authorized storage by a lessee, concessionaire or contractor pursuant to an agreement with the Department.

(t) No sound reproduction devices. Except with prior permission of the Commissioner, no person shall operate or use any sound reproduction device in the terminals or on the ferries, other than a personal audio device with personal earphones such that sound from such earphones is not plainly audible to another individual at a distance of five feet or more from the source.

(u) Use of lighting or sound reproduction equipment. No person shall without specific authorization from the Commissioner operate or use or cause to be operated or used any lighting or sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, or any business enterprise, in front or outside of any building, place or premises in the terminals or on the ferries.

§ 1-0[3]4 Vehicles.

[(a) Vehicles not maintained, operated and registered in accordance with Department rules and applicable laws, ordinances or regulations may be denied access or removed. The Manager shall have authority to deny access to the terminals or ferries for any vehicle not maintained, operated and registered in accordance with this chapter, or which is otherwise in violation of the Department of Transportation rules or the laws, ordinances or regulations of the United States government, the State of New York, or City of New York; and shall have authority to require removal of any such vehicle from the terminals or ferries prior to departure. In the event the

vehicle is not so removed, the Department of Transportation may remove it in accordance with these rules.]

[(b) Vehicles loaded, constructed, operated, equipped or maintained so as to endanger persons or property or obstruct traffic barred. No vehicle which is loaded in such a manner, or with such materials, or which is so constructed, operated, equipped or maintained so as to endanger or to be likely to endanger persons or property, or to obstruct traffic, shall be permitted in or upon the terminals or ferries.]

[(c) Vehicles with four or more axles. No vehicle with four or more axles will be permitted on the terminal vehicle bridges or on the ferries.]

[(d) Vehicular use of pedestrian ramps. Vehicular use of the pedestrian ramps at the Whitehall terminal will be limited to passenger cars, passenger vans and pickup trucks. Vehicles are permitted to use the ramps between midnight and 6:00 AM, subject to the approval of the Manager. No more than one vehicle will be permitted on a ramp at any given time.]

[(e) Vehicles lacking valid registration plate barred. No vehicle required by law to bear a registration plate shall be permitted on the ferries unless a currently effective registration plate duly issued by appropriate governmental authority is attached thereto.]

[(f) Persons driving motor vehicles upon ferries required to be duly licensed to operate such vehicles. No person shall drive any vehicle upon the ferries without a valid operator's or chauffeur's license issued by appropriate governmental authority permitting the driving by such person of the particular type of vehicle driven and valid within the State of New York.]

[(g) Procedures to be followed by driver in event of vehicular accident. The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to any property shall immediately stop such vehicle at the scene of the accident, render such assistance as may be needed, and give his or her name, address and driver's license, and the registration number of the vehicle to the person injured and to the Manager or his representative. The driver, operator, or owner of such vehicle shall make a report of such accident in accordance with the law of the State of New York.]

[(h) Unauthorized tampering, starting, movement or interference with vehicles prohibited. No unauthorized person shall tamper with any vehicle, start the motor thereof, move the vehicle, or otherwise interfere with the operation thereof in the terminals or on the ferries.]

[(i) Prolonged sounding of vehicle horns prohibited. Prolonged sounding of the horns of vehicles on or approaching the ferries is prohibited.]

[(j) Compliance with authorized traffic orders, signals, signs or directions required. Drivers of vehicles in the terminals or on the ferries must at all times comply with any traffic order, signs or direction, given by voice or by hand, of an authorized representative of the Department. When traffic is controlled by traffic lights or signs or by mechanical or electrical signals, such lights, signs or signals shall be obeyed unless the Manager or his authorized representative directs

otherwise. No person shall park or stand a vehicle in an officially designated ferry waiting line unless awaiting entry onto a ferry, and provided such vehicle is faced in the direction of traffic and is not left unattended.]

[(k) Removal of vehicles from ferries or terminals to be at owner's or operator's risk. In the event the Department is empowered to remove any vehicle from a ferry or move any vehicle within a terminal by any provision of the rules set forth herein, such removal shall be at the risk of the owner or operator of such vehicle, and the cost thereof shall be for the account of such owner or operator and payable to the Department on demand.]

No vehicles shall be permitted on the ferries except with permission from the Chief Operating Officer.

§ 1-0[4]5 Elevators, Escalators, and Loading Docks.

[(a) Elevator and escalator schedule. Elevators and escalators for passengers and freight handling service will be operated in accordance with an established schedule unless arrangements are made with the Manager for operation at other times.]

[(b)] (a) Freight prohibition. Passenger elevators and escalators may not be used to carry freight.

[(c) Equipment control. The use of any escalator, elevator, private right-of-way or truck loading dock at the terminals will be subject to the direct control of the Manager.]

[(d)] (b) Causing an elevator or escalator to stop. No unauthorized person shall cause an elevator or escalator to stop by means of any emergency stopping device unless continued operation would appear to result in probable injury to a person or persons. Any such stoppage should be reported immediately to the Manager.

[(e)] (c) Truck loading docks. Truck loading docks located in the terminals are designed to accomplish the immediate transfer of merchandise between the freight elevators and trucks. All persons will confine their use of the docks to such purpose as directed by the Manager. No storage or holding of merchandise on the truck loading docks awaiting the arrival of trucks or awaiting transfer to premises or space at the terminals will be permitted.

[§ 1-05 Staten Island Ferry Vehicular Fares.]

[(a) Definitions.]

[Car pool vehicle. "Car pool vehicle" means a small vehicle with a total of 3 or more occupants including the driver.]

[Large Vehicle. "Large vehicle" means any bus, school bus, large truck or other vehicle having a length greater than twenty feet.]

[Motorcycle. "Motorcycle" means any motor vehicle having a seat or saddle for the use of the

rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.]

[Semi-Trailer. "Semi-Trailer" is any trailer which is so designed that, when operated, the forward end of its body or chassis rests upon the body or chassis of the towing vehicle.]

[Senior Citizen. "Senior citizen" means any person who is sixty-five years of age or older.]

[Small Vehicle. "Small vehicle" means any passenger car, taxicab, van, small truck or other vehicle, as defined in the vehicle and traffic law, having a length of twenty feet or less.]

[Tractor-Trailer. "Tractor-Trailer" means the combination of a truck-tractor (cab) and a semi-trailer.]

[Trailer. "Trailer" means any vehicle not propelled by its own power, drawn behind a motor vehicle, but not including a semi-trailer or tractor trailer.]

[(b) Vehicular fares.]

[(1) Basic vehicular fares. Except as provided in paragraph (2) below, the one-way fare for any vehicle, not including its operator or passengers, to be transported on a ferry in either direction between the Borough of Manhattan and the Borough of Staten Island, shall be as follows:]

[(i) one dollar and twenty-five cents for any motorcycle;]

[(ii) three dollars for any small vehicle, except that the rate for any car pool vehicle shall be two dollars;]

[(iii) six dollars for any large vehicle;]

[(iv) an additional three dollars for any trailer;]

[(v) no charge for any bicycle.]

[(2) Vehicular fares for senior citizens/disabled persons. For any vehicle owned and operated by a senior citizen or disabled person, the one-way fare shall be one-half of the fare which would otherwise be charged for such vehicle pursuant to paragraph (1) above.]

[(c) Operator and passenger fares.]

[(1) Basic operator/passenger fare in direction of Manhattan. Except as provided in paragraph (3) below, the fare for any operator or passenger of a vehicle transported on a ferry from the Borough of Staten Island to the Borough of Manhattan shall be equal to the fare charged to foot passengers pursuant to § 19-304 of the Administrative Code, in addition to the vehicular fare charged pursuant to subdivision (b) above.]

[(2) No operator/passenger fare in direction of Staten Island. There shall be no additional charge for operators or passengers of vehicles transported from the Borough of Manhattan to the Borough of Staten Island.]

[(3) Operator/passenger fares for senior citizens/disabled persons. The fare for any operator or passenger of a vehicle transported on a ferry between the Borough of Manhattan and the Borough of Staten Island, when the operator or passenger of such vehicle is a senior citizen or disabled person, shall be one-half of the fare which would otherwise be charged pursuant to paragraphs (1) and (2) above, in addition to the vehicular fare charged pursuant to subdivision (b) above.]

[§ 1-06 Student Passes.]

[(a) Definitions. For the purposes of this Chapter, the following terms shall have the stated meanings:]

["Board" means the Board of Education of the City of New York.]

["Department" means the City Department of Transportation.]

[(b) Issuance of passes. Passes may be issued by the Board to students who reside in the city, in accordance with any applicable rules or other legal authority of the Board. Presentation of such a pass shall entitle the student bearer who is a passenger to board the ferry in lieu of paying the ferriage fare.]

[(c) Presentation of pass. In order to board the ferry without tendering the ferriage fare, a pass-holder shall present his or her pass to the Department agent in the coin booth and shall enable the agent to see the pass clearly.]

[(d) Completion of pass. All entries on the face of the pass must be properly filled in for the pass to be valid. Failure to do so constitutes misuse, which is punishable as provided below.]

[(e) Hours of validity. Passes shall be valid from 5:30 a.m. to 7:00 p.m., only on days when school is in session. A student pass may be used only twice a day, once in either direction.]

[(f) Misuse. A pass may be confiscated by an employee of the Department if the pass has been altered without authorization or misused. Any person who uses or attempts to use an altered pass or who misuses or attempts to misuse a pass to board a ferry shall be deemed to have committed criminal trespass and shall be subject to the applicable sanctions provided therefor in the New York State Penal Law. For the purposes of these rules, "misuse" shall constitute any use of a pass not authorized by these rules or the rules of the Board.]

§ 1-06 Penalty.

Failure to comply with these rules or the terms or conditions of any permit issued shall be punishable as provided in the administrative code of the city of New York.

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE

The Commissioner of Transportation is authorized to promulgate rules regarding ferries and their related facilities in the City pursuant to Section 2903(c) of the New York City Charter.

Chapter 1 of Title 34 of the Rules of the City of New York (RCNY) is being amended to update and revise the current rules regarding the ferry terminals and vessels under the jurisdiction of the Department. In the past few years, the ferry terminals and vessels have undergone some operational changes and enhancements, including the United States Coast Guard-approved Staten Island Ferry Combined Facility and Vessel Security Plan. As a result, certain rules are now obsolete while other rules are in need of being updated or established.

Specifically, the Ferry Rules of Conduct as currently codified in Section 1-02 of the RCNY are posted on the Staten Island Ferry vessels and throughout the St. George and Whitehall ferry terminals to ensure the safety, security, and comfort of passengers and employees. The Staten Island Ferry carries approximately 65,000 passengers a day. The Department wishes to continue to prohibit unsafe and disruptive behavior and to maintain good order, as required under general maritime law. In addition, the proposed rule would apply the Rules of Conduct to City-owned ferry landings and terminals. The definition in section 1-01 of the current rules excludes the City-owned ferry landings and terminals, which host the operations of several of the City's private ferries. Private ferry operators transport approximately 25,000 passengers a day and are an important component of the City's mass transportation system. As is the case with the Staten Island Ferry terminals, it is important to maintain a safe and secure environment in all of the City-owned ferry facilities.