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THE CITY RECORD

BILL DE BLASIO

Mayor

STACEY CUMBERBATCH

Commissioner, Department of Citywide Administrative Services

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Editor, The City Record

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - MANHATTAN

MEETING

The Manhattan Borough Board will meet Thursday, June 19, 2014, at 8:30 A.M. in the Manhattan Borough President's Office, 1 Centre Street, 19th Floor South, New York, N.Y.

j12-19

CITY PLANNING COMMISSION

NOTICE

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held in Spector Hall, 22 Reade Street, New York, NY, on Wednesday, June 25, 2014 at 10:00 A.M.

BOROUGH OF THE BRONX

No. 1

GRANT AVENUE DEMAPPING & PARK MAPPING

CD 4

C 090189 MMX

IN THE MATTER OF an application submitted by the Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Grant Avenue between East 169th Street and East 170th Street; and
- the establishment of a park bounded by East 169th Street, East 170th Street, Sheridan Avenue and Morris Avenue; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13125 dated September 27, 2013 and signed by the Borough President.

BOROUGH OF MANHATTAN

No. 2

155 MERCER STREET

CD 2

C 140263 ZSM

IN THE MATTER OF an application submitted by RVART Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)

(a) to allow retail uses (Use Group 6 uses) below the floor level of the second story of an existing 3-story commercial building occupying more than 3600 square feet of lot area, on property located at 155 Mercer Street (Block 513, Lot 28), in an M1-5A District, within the SoHo Cast-Iron Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007. **Resolution for adoption scheduling June 25, 2014 for a public hearing.**

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, NY 10007
Telephone (212) 720-3370

j12-25

COMMUNITY BOARDS

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 09 - Tuesday, June 24, 2014 at 7:00 P.M., Middle School 61, 400 Empire Boulevard, Brooklyn, NY

#C 010610MMK

IN THE MATTER OF an application submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving: the modification of legal grades in the intersection of Empire Boulevard, Flatbush Avenue and Ocean Avenue; and the delineation of a bridge easement.

• j18-24

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 16 - Tuesday, June 24, 2014 at 6:00 P.M., 444 Thomas S. Boyland Street, Brooklyn, NY

#C140351PQK

Shirley Chisholm 5 Advent CCC
IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 265 Sumpter Street, for continued use as a child care center.

#C140360PSK

Brownsville Community Justice Center
IN THE MATTER OF an application submitted by the Mayor's Office of the Criminal Justice Coordinator and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 444 Thomas S. Boyland Street, for use as a community justice center.

• j18-24

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, June 18, 2014 at 7:00 P.M., 2335 Bergen Avenue, Brooklyn, NY

BSA# 698-59-BZ

2773 Nostrand Avenue
IN THE MATTER OF an application filed pursuant to Sections 11-413 and 73-01(d) of the Zoning Resolution to seek to re-open and amend a variance to permit the conversion of the building to a convenience store, to relocate and re-size curb cuts, to legalize the location of the tanks to legalize the existing remediation equipment on the site and to permit additional trees on the site.

BSA# 102-14-BZ

4017 Avenue P
IN THE MATTER OF an application filed pursuant to Sections 72-21 and 24-11, 24-35 and 24-36 of the Zoning Resolution for a variance to extend an existing approved House of Worship, Synagogue, in an R3-2 zoning district, proposed increase in floor area and the elimination of side and rear yards.

j12-18

ENVIRONMENTAL CONTROL BOARD

MEETING

The next meeting will take place on Thursday, June 26, 2014 at 100 Church Street, 12th Floor, Training Room # 143, New York, NY 10007 at 9:15 A.M. at the call of the Chairman.

j16-18

HOUSING AUTHORITY

MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, June 18, 2014 at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar are available on NYCHA's Website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are also available on NYCHA's Website or can be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website at http://www.nyc.gov/html/nycha/html/about/boardmeeting_schedule.shtml to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary at (212) 306-6088 no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's Website or contact (212) 306-6088.

j9-18

RENT GUIDELINES BOARD

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the New York City Rent Guidelines Board will hold a public hearing on **June 19, 2014** at Queens Borough Hall, 120-55 Queens Boulevard, Kew Gardens, NY from 5:00 P.M. to 8:00 P.M. to consider public comments concerning proposed rent adjustments for renewal leases for apartments, lofts, hotels (including class A and class B hotels, SROs, rooming houses and lodging houses) and other housing units subject to the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974. These adjustments will affect renewal leases commencing between October 1, 2014 through September 30, 2015.

Registration of speakers is required and pre-registration is now being accepted and is advised. Pre-registration requests for the hearing must be received before 1:00 P.M. one business day **prior** to the public hearing date. Speakers may also register the day of the hearing until 7:30 P.M. For further information and to pre-register for the public hearing call the Board at (212) 385-2934 or write to the NYC Rent Guidelines Board, 51 Chambers Street, Room 202, New York, NY 10007. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at a hearing are requested to notify the Rent Guidelines Board by June 12, 2014 at 4:30 P.M.

Proposed rent guidelines for all of the above classes of stabilized housing units were adopted on **May 5, 2014** and published in the City Record on **May 9, 2014**. Copies of the proposed guidelines are available from the NYC Rent Guidelines Board office at the above listed address, at the Board's website nycrgb.org, or at rules.cityofnewyork.us.

j9-18

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, June 25, 2014. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF a proposed revocable consent authorizing 26 Bruckner, LLC to continue to maintain and use two bollards and one bench on the west sidewalk of Alexander Avenue, between Bruckner Boulevard and East 132nd Street, and two bollards and two benches on the south sidewalk of Bruckner Boulevard, between Alexander Avenue and Lincoln Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2014 to June 30, 2024 - \$950/per annum.

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 IN THE MATTER OF a proposed revocable consent authorizing 157 West 57th Street Condominium to construct, maintain and use an electrical snowmelt system in the north sidewalk of West 57th Street and in the south sidewalk of West 58th Street, east of Seventh Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from date of Approval by the Mayor to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of Approval by the Mayor to June 30, 2015 - \$14,691/annum
 For the period July 1, 2015 to June 30, 2016 - \$15,110
 For the period July 1, 2016 to June 30, 2017 - \$15,529
 For the period July 1, 2017 to June 30, 2018 - \$15,948
 For the period July 1, 2018 to June 30, 2019 - \$16,367
 For the period July 1, 2019 to June 30, 2020 - \$16,786
 For the period July 1, 2020 to June 30, 2021 - \$17,205
 For the period July 1, 2021 to June 30, 2022 - \$17,624
 For the period July 1, 2022 to June 30, 2023 - \$18,043
 For the period July 1, 2023 to June 30, 2024 - \$18,462
 For the period July 1, 2024 to June 30, 2025 - \$18,881

the maintenance of a security deposit in the sum of \$18,900 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate

#3 IN THE MATTER OF a proposed revocable consent authorizing 329 West 21st Street Corp. to continue to maintain and use a fenced-in area, together with cellar entrance stairs, on and in the north sidewalk of West 21st Street, between 9th Avenue and 8th Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2015 - \$1,870
 For the period July 1, 2015 to June 30, 2016 - \$1,923
 For the period July 1, 2016 to June 30, 2017 - \$1,976
 For the period July 1, 2017 to June 30, 2018 - \$2,029
 For the period July 1, 2018 to June 30, 2019 - \$2,082
 For the period July 1, 2019 to June 30, 2020 - \$2,135
 For the period July 1, 2020 to June 30, 2021 - \$2,188
 For the period July 1, 2021 to June 30, 2022 - \$2,241
 For the period July 1, 2022 to June 30, 2023 - \$2,294
 For the period July 1, 2023 to June 30, 2024 - \$2,347

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 IN THE MATTER OF a proposed revocable consent authorizing Bronx Full Gospel Assembly to continue to maintain and use a ramp, together with a stairway, on the south sidewalk of East 222nd Street, east of Carpenter Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of 10 years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2014 to June 30, 2024 - \$25/per annum

the maintenance of a security deposit in the sum of \$7,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per

occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 IN THE MATTER OF a proposed revocable consent authorizing Inglary, Inc. to continue to maintain and use a walled-in and fenced-in area on the southwest sidewalk of Remsen Avenue and on the west sidewalk of East 51st Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of 10 years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2015 - \$10,368
 For the period July 1, 2015 to June 30, 2016 - \$10,663
 For the period July 1, 2016 to June 30, 2017 - \$10,958
 For the period July 1, 2017 to June 30, 2018 - \$11,253
 For the period July 1, 2018 to June 30, 2019 - \$11,548
 For the period July 1, 2019 to June 30, 2020 - \$11,843
 For the period July 1, 2020 to June 30, 2021 - \$12,138
 For the period July 1, 2021 to June 30, 2022 - \$12,433
 For the period July 1, 2022 to June 30, 2023 - \$12,728
 For the period July 1, 2023 to June 30, 2024 - \$13,023

the maintenance of a security deposit in the sum of \$19,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing JAV, Inc. to continue to maintain and use a fenced-in parking area and planted area on the north sidewalk of Co-Op City Boulevard, east of Baychester Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of 10 years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2015 - \$4,147
 For the period July 1, 2015 to June 30, 2016 - \$4,265
 For the period July 1, 2016 to June 30, 2017 - \$4,383
 For the period July 1, 2017 to June 30, 2018 - \$4,501
 For the period July 1, 2018 to June 30, 2019 - \$4,619
 For the period July 1, 2019 to June 30, 2020 - \$4,737
 For the period July 1, 2020 to June 30, 2021 - \$4,855
 For the period July 1, 2021 to June 30, 2022 - \$4,973
 For the period July 1, 2022 to June 30, 2023 - \$5,091
 For the period July 1, 2023 to June 30, 2024 - \$5,209

the maintenance of a security deposit in the sum of \$5,200 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#7 IN THE MATTER OF a proposed revocable consent authorizing Montefiore Medical Center to continue to maintain and use a transformer vault in the south sidewalk of Gun Hill Road, west of Bainbridge Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of 10 years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2015 - \$4,981
 For the period July 1, 2015 to June 30, 2016 - \$5,123
 For the period July 1, 2016 to June 30, 2017 - \$5,265
 For the period July 1, 2017 to June 30, 2018 - \$5,407
 For the period July 1, 2018 to June 30, 2019 - \$5,549
 For the period July 1, 2019 to June 30, 2020 - \$5,691
 For the period July 1, 2020 to June 30, 2021 - \$5,833
 For the period July 1, 2021 to June 30, 2022 - \$5,975
 For the period July 1, 2022 to June 30, 2023 - \$6,117
 For the period July 1, 2023 to June 30, 2024 - \$6,259

the maintenance of a security deposit in the sum of \$15,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#8 IN THE MATTER OF a proposed revocable consent authorizing VNO 100 West 33rd Street LLC to continue to maintain and use a bridge over and across West 32nd Street, west of Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of 10 years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2015 - \$5,728
 For the period July 1, 2015 to June 30, 2016 - \$5,891
 For the period July 1, 2016 to June 30, 2017 - \$6,054
 For the period July 1, 2017 to June 30, 2018 - \$6,217
 For the period July 1, 2018 to June 30, 2019 - \$6,380
 For the period July 1, 2019 to June 30, 2020 - \$6,543
 For the period July 1, 2020 to June 30, 2021 - \$6,706
 For the period July 1, 2021 to June 30, 2022 - \$6,869
 For the period July 1, 2022 to June 30, 2023 - \$7,032
 For the period July 1, 2023 to June 30, 2024 - \$7,195

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be the amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#9 IN THE MATTER OF a proposed revocable consent authorizing The United Nations to construct, maintain and use bollards, horizontal ties, operable raptor barrier, operable gate arms, pedestrian signals and a staircase and ramp each having a fence, a guardrail and a handrail along the perimeter of the United Nations headquarters complex on First Avenue upon the property of City of New York, in the Borough of Manhattan. The proposed revocable consent is for a term of Five years from date of approval by the Mayor and provides among other terms and conditions according to the following schedule:

There shall be no Compensation

There is no security deposit and the insurance shall be the amount of Twenty Five Million Dollars (\$25,000,000) per occurrence, and Twenty Five Million Dollars (\$25,000,000) aggregate.

#10 IN THE MATTER OF a proposed revocable consent authorizing Wing Wah Realty Co. Inc. to continue to maintain and use the cellar entrances on the south sidewalk of Bayard Street, east of Mott Street, and the cellar entrance on the east sidewalk of Mott Street, south of Bayard Street, in the Borough of Manhattan. The proposed revocable consent is for a term of 10 years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2014 to June 30, 2015 - \$2,588
- For the period July 1, 2015 to June 30, 2016 - \$2,662
- For the period July 1, 2016 to June 30, 2017 - \$2,736
- For the period July 1, 2017 to June 30, 2018 - \$2,810
- For the period July 1, 2018 to June 30, 2019 - \$2,884
- For the period July 1, 2019 to June 30, 2020 - \$2,958
- For the period July 1, 2020 to June 30, 2021 - \$3,032
- For the period July 1, 2021 to June 30, 2022 - \$3,106
- For the period July 1, 2022 to June 30, 2023 - \$3,180
- For the period July 1, 2023 to June 30, 2024 - \$3,254

the maintenance of a security deposit in the sum of \$8,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

j5-25

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

NOTICE

NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

NOTICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned property,

obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31

PROCUREMENT

"Compete To Win" More Contracts!

Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- Win More Contracts at nyc.gov/competetowin

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs) released Fall 2013 and later, vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. To establish this, the City of New York is using the innovative procurement method, as permitted and in accordance with Section 3-12 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"). The new process will remove redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding will be more focused on program design, scope, and budget.

Important information about the new method:

- Prequalification applications are required every three years.

- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

RFPs to be managed by HHS Accelerator are listed on the NYC Procurement Roadmap located at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

Participating NYC Agencies

HHS Accelerator, led by the Deputy Mayor for Health and Human Services, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Client and Community-based Services Agencies:

- Administration for Children's Services (ACS)
- Department for the Aging (DFTA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit www.nyc.gov/hhsaccelerator.

ADMINISTRATION FOR CHILDREN'S SERVICES

■ AWARD

Human Services/Client Services

- SPECIALIZED RESIDENTIAL CARE SERVICES - RAPID INTERVENTION** - Renewal - PIN# 06811P0019001R001 - AMT: \$3,857,212.00 - TO: The Children's Village, 1 Echo Hills, Dobbs Ferry, NY 10522.
- **NON-SECURE DETENTION** - Renewal - PIN# 06811N0005001R001 - AMT: \$3,467,322.00 - TO: Episcopal Social Services of New York, 305 Seventh Avenue, New York, NY 10001.
 - **DRUG TESTING SERVICE AND TESTIMONY** - Negotiated Acquisition - PIN# 06809B0016CNVN002 - AMT: \$1,040,400.00 - TO: Counseling Service E. D. N. Y. Inc., 180 Livingston Street, Brooklyn, NY 11201. Pursuant to PPB Rule 3-04(b)(iii)

◀ j18

CHIEF MEDICAL EXAMINER

AGENCY CHIEF CONTRACTING OFFICER

■ AWARD

Services (other than human services)

RENEWAL FOR CALIBRATION, MAINTENANCE OF RAININ BRAND MICRO-PIPETTES - Renewal - PIN# 81615ME0004 - AMT: \$71,165.00 - TO: Rainin Instruments LLC, 7500 Edgewater Drive, Oakland, CA 94621.

◀ j18

■ INTENT TO AWARD

Services (other than human services)

SERVICE, MAINTENANCE AND REPAIR OF ILLUMINA MISEQ INSTRUMENT - Sole Source - Available only from a single source - PIN# 81616ME0001 - Due 6-19-14 at 10:00 A.M.

The Office of Chief Medical Examiner (OCME) intends to enter into a sole source contract with Illumina Inc. at 5200 Illumina Way, San Diego, CA 92121 for the service, maintenance and repair of Illumina MiSeq Instrument.

Any other vendor who is capable of providing these services to the NYC Office of Chief Medical Examiner may express their interest in writing.

Use the following address unless otherwise specified in notice, to

secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Chief Medical Examiner, 421 E. 26th Street, 10th Floor, New York, NY 10016. Luis Rodriguez (212) 323-1733; Fax: (646) 500-5547; lrodriguez@ocme.nyc.gov

j13-19

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ AWARD

Goods

MEATS AND POULTRY "GENERAL POPULATION" FOR DOC - Competitive Sealed Bids - PIN# 8571400318 - AMT: \$153,623.86 - TO: Advanced Commodities Inc. dba Midwest Quality Foods, 840 West Bartlett Road, Suite 3, Bartlett, IL 60103.

◀ j18

VEHICLE, SUV, HYBRID ELECTRIC - Competitive Sealed Bids - PIN# 8571400239 - AMT: \$1,131,900.00 - TO: Manhattan Ford Lincoln Mercury Inc. dba Manhattan Automobile Company, 787 11th Avenue, New York, NY 10019.

◀ j18

NYS AUDIO VISUAL EQUIPMENT AND ACCESSORIES (STATE WIDE) NYPD - Intergovernmental Purchase - PIN# 8571400485 - AMT: \$159,310.00 - TO: Presentation Concepts Corp. - ration, 6517 Basile Rowe, East Syracuse, NY 13057.

OGS Contract PC# 64215
Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

◀ j18

■ VENDOR LIST

Goods

EQUIPMENT FOR DEPARTMENT OF SANITATION CORRECTION: In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509

j2-d31

■ SOLICITATION

Services (other than human services)

PUBLIC SURPLUS ONLINE AUCTION - Other - PIN#0000000000 - Due 12-31-14

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Citywide Administrative Services, 66-26 Metropolitan Avenue, Queens Village, NY 11379. Donald Lepore (718) 417-2152; Fax: (212) 313-3135; dlepore@dcas.nyc.gov

f25-d31

DESIGN AND CONSTRUCTION

■ AWARD

Construction/Construction Services

SAFE ROUTES TO TRANSIT, PHASE IV IN THE VICINITY OF THE FOLLOWING LOCATIONS: WHITE PLAINS ROAD AT ALLERTON AVENUE, ETC. - THE BRONX - Competitive Sealed Bids - PIN# 85014B0113001 - AMT: \$1,831,140.09 - TO: C.A.C. Industries Inc., 54-08 Vernon Boulevard, Long Island City, NY 11101.

Project ID: HWSRT2009/DDC PIN: 8502014HW0060C

◀ j18

CONTRACTS

■ SOLICITATION

Construction/Construction Services

CONSTRUCTION OF COMBINED SEWERS AND APPURTENANCES IN: THERIOT AVENUE BETWEEN SEWARD AVENUE AND LAFAYETTE AVENUE - BOROUGH OF THE BRONX - Competitive Sealed Bids - PIN# 85014B0143 - Due 7-10-14 at 11:00 A.M.

PROJECT NO.: SEX002256/DDC PIN: 8502014SE0012C. Bid Document Deposit-\$35.00 per set-Company Check or Money Order Only-No Cash Accepted-Late Bids Will Not Be Accepted. Special Experience Requirements. Bid Documents Are Available At: <http://www.nyc.gov/buildnyc> - VENDOR SOURCE ID: 86663

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Design and Construction, 30-30 Thomson Avenue, First Floor, Long Island City, NY 11101. Emmanuel Charles (718) 391-2200; Fax: (718) 391-2615; charlesm@ddc.nyc.gov

◀ j18

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 A.M. and 4:30 P.M. For information regarding bids and the bidding process, please call (212) 442-4018.

j2-d31

HOUSING AUTHORITY

PURCHASING

■ SOLICITATION

Goods

SMD DUCT TAPE, INDUSTRIAL - Competitive Sealed Bids - RFQ # 61246 SS - Due 7-3-14 at 10:30 A.M.

Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml; Vendors are instructed to access the "register Here" link for "New Vendors"; if you have supplied goods or services to NYCHA in the past and you have your log-in credential, click the "Log into iSupplier" link under "Existing Vendor". If you do not have your log-in credentials, click the "Request a Log-in ID" using the under "Existing Vendor". Upon access, reference applicable RFQ number per solicitation.

Vendors electing to submit a non-electronic bid (paper document) will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, 90 Church Street, 6th Floor; obtain receipt and present it to 6th Floor/Supply Management Procurement Group. A bid package will be generated at time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007 - Bid documents available via Internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Surinderpal Sabharwal (212) 306-4708; sabharws@nycha.nyc.gov

◀ j18

HUMAN RESOURCES ADMINISTRATION

AGENCY CHIEF CONTRACTING OFFICER

■ AWARD

Human Services/Client Services

TRANSITIONAL CONGREGATE HOUSING AND SUPPORTIVE SERVICES - Renewal - PIN# 09610P0024002R001 - AMT: \$8,756,765.00 - TO: Services for the Underserved Inc., 305 Seventh Avenue, 10th Floor, New York, NY 10001.

Term: 7/1/14-6/30/19

◀ j18

GENERAL SUPPORT SERVICES

■ SOLICITATION

Services (other than human services)

MOVE PLANNING CONSULTANT - Request for Proposals - PIN# 09614P0012 - Due 7-15-14 at 2:00 P.M.

The Human Resources Administration (HRA) seeks a qualified contractor to provide the services of a Move Planning Consultant. HRA is consolidating its headquarters and moving approximately 2,458 employees from two (2) locations in Manhattan to 4 World Trade Center, which provides 344,860 square feet of newly constructed office space. The Move Planning Consultant will plan, facilitate, and supervise all aspects of the various moves and will ensure that all required activities are completed in a timely, coordinated, and efficient manner.

Pre-Proposal Conference will be held on June 25, 2014 from 2:00 P.M. to 4:00 P.M. at 180 Water Street, 7th floor conference room, New York, NY 10038.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Human Resources Administration, 250 Church Street, 13th Floor, New York, NY 10006. Lorna Spann (212) 274-6393; Fax: (212) 274-6423; spannl@hra.nyc.gov

◀ j18

MAYOR'S OFFICE OF CRIMINAL JUSTICE

■ INTENT TO AWARD

Human Services/Client Services

PROVISION OF RESOURCE COORDINATORS FACILITATE REFERRAL AND PLACEMENT OF FAMILY COURT-INVOLVED YOUTH - Government to Government - PIN# 00209T0002CNVR003 - Due 6-23-14 at 3:00 P.M.

The Mayor's Office of Criminal Justice ("MOCJ"), in accordance with Section 4-04 of the Procurement Policy Board Rules, intends to exercise its option to renew its agreement with the New York State Unified Court System, Office of Court Administration to: 1) facilitate the referral and placement of Family Court-involved youth to the City's Alternative to Detention (ATD) Program, and, 2) to liaise between the courts, Probation and the ATD providers to ensure the timely exchange of information required to ensure participants' compliance with court mandates, for an amount not to exceed \$306,748. The term of the renewal agreement will be from January 1, 2013 to December 31, 2013. There will be no option to renew.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Mayor's Office of Criminal Justice, One Centre Street, Room 1012 North, New York, NY 10007. Monique Davis (212) 788-6793; mdavis@cityhall.nyc.gov

j16-20

PARKS AND RECREATION

CAPITAL PROJECTS

■ **VENDOR LIST**

Construction / Construction Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualifications and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction reconstruction site work of up to \$3,000,000 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contractors by making them more competitive in their pursuit of NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained on-line at: <http://a856-internet.nyc.gov/nycvendoronline/home.asp>; or <http://www.nycgovparks.org/opportunities/business>

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other

information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 60, Flushing Meadows-Corona Park, Flushing, NY 11368. Charlette Hamamgian (718) 760-6789; Fax: (718) 760-6781; charlette.hamamgian@parks.nyc.gov

f10-d31

TRANSPORTATION

FERRIES

■ **SOLICITATION**

Services (other than human services)

MAINTENANCE, SERVICE, AND REPAIRS OF BUILDING MAINTENANCE SYSTEMS AT THE STATEN ISLAND FERRY TERMINALS - Competitive Sealed Bids - PIN# 84114MBSI804 - Due 7-15-14 at 11:00 A.M.

A printed copy of the contract can also be purchased. A deposit of \$50.00 is required for the contract in the form of a Certified Check or Money Order payable to: New York City Department of Transportation. NO CASH ACCEPTED. Company address, telephone and fax numbers are required when picking up proposal documents. Entrance is located on the South Side of the Building facing the Vietnam Veterans

Memorial. Proper government issued identification is required for entry to the building (driver's license, passport, etc.). The Pre-Bid Meeting will be held on June 25, 2014 at 11:00 A.M. at Whitehall Ferry Terminal, Staten Island, NY 10301. For additional information, please contact Nicola Rahman at (212) 839-8167.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Transportation, Office of the Agency Chief Contracting Officer, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. BID WINDOW (212) 839-9435;

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.

EDUCATION

■ **PUBLIC HEARINGS**

Committee on Contracts Agenda

The Department of Education's (DOE) Chancellor's Committee on Contracts (COC) has been asked for approval to enter into contract negotiations with the following organization(s) for the services described below. Other organizations interested in providing these services to the DOE are invited to indicate their ability to do so in writing to Tara Ellis at 65 Court Street, Room 1201, Brooklyn, NY 11201. Responses should be received no later than 9:00 A.M., Wednesday, June 25, 2014. Any COC approval will be contingent upon no expressions of interest in performing services by other parties

Items for Consideration:

- 1. **Service(s):** The Division of Early Childhood Education (DECE) is seeking approval to award Universal Pre-Kindergarten full-day services.

Term: 7/1/14-6/30/17

Total Estimated Cost: \$3,775,683

Vendors

Annual Amounts

Nesivos Bais Yaakov	\$398,907.00
Generation 21	\$344,275.00
Hanson Place Child Development	\$183,757.00
Yeled v' Yalda	\$351,000.00

← j18

AGENCY RULES

HEALTH AND MENTAL HYGIENE

■ **NOTICE**

**COMMISSIONER OF HEALTH AND MENTAL HYGIENE
NOTICE OF ADOPTION OF A NEW CHAPTER 13
IN TITLE 24 OF THE RULES OF THE CITY OF NEW YORK**

In compliance with §§1043(a) and 389(b) of the New York City Charter, a notice of public hearing and notice of intent to add a new Chapter 13 ("Cigarette and Tobacco Product Sales") to Title 24 of the Rules of the City of New York were published in the City Record on March 28, 2014, and a public hearing was held April 28, 2014. No written comments were received and three individuals testified at the hearing. The proposed rule was not modified.

Statement of Basis and Purpose

Statutory authority

These amendments to Title 24 of the Rules of the City of New York are issued pursuant to §§556 and 1043 of the New York City Charter ("Charter"), and §§17-176.1, 17-706, and 17-709.1 of the Administrative Code of the City of New York ("Administrative Code").

Pursuant to Section 556 of the Charter, the Department of Health and Mental Hygiene (the "Department" or "DOHMH") has jurisdiction to regulate all matters affecting health in the City of New York. Section 1043 of the Charter gives the Department rulemaking powers. Chapter 1 and Chapter 7 of Title 17 of the Administrative Code authorize the Department to make rules with regard to the sale of cigarettes, tobacco products, and electronic cigarettes.

Basis and purpose of the rule

Tobacco is a leading cause of preventable premature death in the United States and the City of New York. Smoking-related illnesses cost New Yorkers billions of dollars annually in health care costs and lost productivity. There is strong evidence that people who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age. Several studies also show that the availability of low-priced cigarettes and tobacco products increases demand for cigarettes and tobacco products and contributes to continued use, particularly among youth. Local Law 94 of 2013 ("Tobacco 21") and Local Law 97 of 2013 ("Sensible Tobacco Enforcement") aim to reduce tobacco use and protect public health by raising the legal minimum sales age for cigarettes, tobacco products, and electronic cigarettes, and prohibiting the redemption of price reduction instruments in the purchase of cigarettes and tobacco products.

On November 19, 2013, the Mayor signed into law Tobacco 21 and Sensible Tobacco Enforcement, amending sections 17-176, 17-702, 17-704, and 17-706, and adding sections 17-176.1 (Prohibition on the Sale of Discounted Cigarettes and Tobacco Products), 17-703.1 (Sign Required), 17-703.2 (Requirements for Retail Dealers Concerning Cigarette Tax), and 17-709.1 (Rules) to Chapter 7 of Title 17 of the Administrative Code. These laws amend the definitions of cigarette and tobacco product, and impose new licensing, sales, and signage requirements on cigarette and tobacco product retailers.

Local Law 94 raises the minimum sales age for cigarettes, tobacco products, and electronic cigarettes from eighteen to twenty-one, and requires retailers to post signage that informs consumers and establishments of this sales restriction. Local Law 97 prohibits the redemption of price reduction instruments (such as coupons) for cigarette or tobacco products and the sale of cigarettes or tobacco products below the listed price. In addition, Local Law 97 establishes a price floor (lowest price possible) for cigarettes and little cigars, imposes a packaging requirement on cigars priced at \$3 or less, and requires cigarette retailers to post a sign stating that all cigarette packages must bear valid New York State and New York City tax stamps.

These rules facilitate compliance with Chapter 7 by explaining the requirements Local Law 97 and Local Law 94 impose on retail dealers. Anyone required to comply with the requirements for cigarette and tobacco product sales should read these rules together with Chapter 7 of the Administrative Code.

The rules:

- Set forth the listed price requirements for cigarettes and other tobacco products;
- Provide the minimum sales age for cigarettes, tobacco products, electronic cigarettes, herbal cigarettes, pipes, and rolling papers; and
- Specify the format and content of the tax stamp and age restriction signs that all cigarette and tobacco product retailers are required to post under the new laws.

Changes made in response to comments

At the public hearing, the Bodega Association of the United States requested that the Department provide retailers with sufficient time to comply with the rules, educational materials, and the required age restriction and tax stamp signs.

A second person expressed his support for the rules.

No one requested any changes to the rules and none have been made.

The rule is as follows. Matter underlined is new.

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

Section 1. Title 24 of the Rules of the City of New York is amended by adding a new Chapter 13, Cigarette and Tobacco Product Sales, to read as follows:

CHAPTER 13

CIGARETTE AND TOBACCO PRODUCT SALES

§13-01. Scope and applicability.

§13-02. Prohibition on the sale of cigarettes or tobacco products for less than the listed price.

§13-03. Price floor for cigarettes and little cigars.

§13-04. Out-of-package sales prohibited

§13-05. Sale of cigarettes, tobacco products, or electronic cigarettes to minors and young adults prohibited.

§13-06. Signage.

§13-01. Scope and applicability.

This chapter applies to sales of cigarettes and tobacco products in the City of New York pursuant to section 17-176.1 and Chapter 7 of Title 17 of the Administrative Code of the City of New York ("Administrative Code").

§13-02. Prohibition on the sale of cigarettes or tobacco products for less than the listed price.

- (a) Pursuant to subdivision (a) of §17-176.1 of the Administrative Code, the listed price is the price listed for cigarettes or tobacco products on their packages or on any related shelving, posting, advertising or display at the place where the cigarettes or tobacco products are sold or offered for sale, including all applicable taxes.
- (b) "All applicable taxes" includes excise taxes and sales taxes.
- (c) For cigarettes and tobacco products subject to §20-708 of the Administrative Code, the listed price must specify the price exclusive of sales tax and the amount of sales tax to be charged.
- (d) Paragraph four of subdivision (b) and paragraph four of subdivision (c) of §17-176.1 of the Administrative Code prohibit the sale of cigarettes or tobacco products to a consumer for less than the listed price, but do not prohibit a person from:
- changing the listed price; or
 - informing customers that the listed price has changed.

§13-03. Price floor for cigarettes and little cigars.

Pursuant to subdivision (d) of §17-176.1 of the Administrative Code, the price floor for a package of cigarettes and little cigars is \$10.50 including sales tax and \$9.65 excluding sales tax.

§13-04. Out-of-package sales prohibited.

Pursuant to subdivision (b) of §17-704 of the Administrative Code, retail dealers are prohibited from selling a cigar for \$3.00 or less including sales tax, or \$2.76 or less excluding sales tax, unless it is sold in a package of at least four cigars.

§13-05. Sale of cigarettes, tobacco products, or electronic cigarettes to minors and young adults prohibited.

- (a) Pursuant to subdivision (a) of §17-706 of the Administrative Code, any individual purchasing cigarettes, tobacco products, or electronic cigarettes must be at least twenty-one years of age.
- (b) Pursuant to subdivision (b) of §17-706 and §17-714 of the Administrative Code, any individual purchasing non-tobacco shisha, herbal cigarettes, pipes, or rolling papers must be at least eighteen years of age.

§13-06. Signage.

- (a) *Age restriction sign.* Pursuant to subdivision (c) of §17-706 of the Administrative Code, any person operating a place of business where cigarettes, tobacco products, electronic cigarettes, herbal cigarettes, non-tobacco shisha, pipes, or rolling papers are sold or offered for sale must post in a conspicuous place a sign, printed on a white card in bold red letters that are at least one-half inch in height and capitalized as indicated below, which states:

**"PROHIBITED for SALE to persons UNDER 21:
Cigarettes, cigars, chewing tobacco, powdered tobacco,
other tobacco products, or electronic cigarettes,
and**

**"PROHIBITED for SALE to persons UNDER 18:
Non-tobacco shisha, herbal cigarettes,
pipes, rolling papers, or smoking paraphernalia"**

- (b) *Cigarette tax stamp sign.* Pursuant to §17-703.1 of the Administrative Code, a retail dealer must post, in a conspicuous place at the point of sale of cigarettes or at the place where cigarettes are displayed or offered for sale, a sign that complies with the requirements of this subdivision. The sign must be printed on a white card in bold red letters that are at least one-half inch in height and capitalized as indicated below. The sign must include images of the current New York City and New York State tax stamp

and a pack of cigarettes with a New York City and New York State tax stamp on the bottom of the pack, and must state:

**“ALL CIGARETTES MUST HAVE
A NEW YORK CITY AND
NEW YORK STATE TAX STAMP”**

The sign must also include the contact number for the Sheriff’s hotline for reporting potential violations, available on the New York City Department of Consumer Affairs website.

§2. The Table of Contents in Title 24 of the Rules of the City of New York is amended to read as follows:

TITLE 24

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Chapter 1 Posting Regulations for Vendors of Alcoholic Beverages

* * *

12 Window Guards

Appendix A Lease Notice to Tenant

Appendix B Notice to Tenant or Occupant [English]

Appendix B Notice to Tenant or Occupant [Spanish]

13 Cigarette and Tobacco Product Sales

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BOARD OF HEALTH

NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 141 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 141 of the New York City Health Code (the “Health Code”) was published in the City Record on March 19, 2014 and a public hearing was held on April 21, 2014. Five written comments were received and 5 individuals testified at the public hearing. No changes have been made to this proposal since it was presented to the Board of Health on March 11, 2014. At its meeting on June 9, 2014, the Board of Health adopted the following resolution.

STATEMENT OF BASIS AND PURPOSE

Article 141 of the New York City Health Code concerns the maintenance of the purity and sanitary condition of the City’s potable water supply. Water for thousands of New York City buildings is kept in water storage tanks. Health Code section 141.07 (“Building Drinking Water Storage Tanks”) requires that these tanks be inspected annually and that the person in control of a building serviced by a water storage tank keep copies of the inspection records and make them available to the New York City Department of Health and Mental Hygiene (the “Department”) upon request.

This amendment requires owners of buildings with water tanks to report annually to the Department the fact that the tanks have been inspected as required by section 141.07 of the Health Code and section 17-194 of the Administrative Code of the City of New York. The amendment authorizes the Department to issue rules dictating the manner and form of these reports. Requiring annual reporting promotes building owner compliance with the inspection mandate and facilitates the Department’s ability to monitor compliance. Data from these reports submitted to the Department will be made publically available.

The amendment is as follows:

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

New material is underlined.

[Deleted material is in brackets]

RESOLVED, that subdivisions (c) and (f) of Section 141.07 of Article 141 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, subdivision (c) as added by resolution on June 30, 2009 and subdivision (f) as amended by resolution on September 21, 2011, be and the same hereby is amended to be printed together with explanatory notes to read as follows:

(c) *Reporting and record keeping.* [A written report documenting the results of such] The annual inspection report required by subdivision (b) of this section shall be maintained by the owner, agent or other person in control of a building for at least 5 (five) years from the date of the inspection and such reports shall be made available to the Department upon request within 5 (five) business days. Effective January 1, 2015, documentation of such annual inspection is required to be submitted to the Department in a form and manner prescribed by the Department. The inspection report shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with those requirements.

(f) *Enforcement.* If an inspection report required by subdivision (b) of this section is not submitted to the Department when requested, or documentation of such report is not submitted annually in accordance with rules issued by the Department pursuant to this section, such failure to submit shall be considered prima facie evidence that no inspection was conducted for the time period in question. A separate violation shall be issued for each year for which a required inspection report was not submitted.

Notes: The Board of Health amended subdivisions (c) and (f) of §141.07 by resolution adopted June 9, 2014 to require building owners who use water tanks to store potable water that is distributed as part of the building’s drinking water supply system to submit documentation of required annual drinking water tank inspections in a manner prescribed by the Department.

◀ j18

Board of Health

Notice of Adoption

of an Amendment to Article 47 of the New York City Health Code

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 47 (Child Care Services) of the New York City Health Code (the “Health Code”) was published in the City Record on March 19, 2014. The notice indicated that no public hearing would be held but that comments on the proposed amendment could be submitted no later than April 21, 2014. No comments were received and no changes were made to the resolution. At its meeting on June 9, 2014, the Board of Health adopted the following resolution.

Statement of Basis and Purpose of the Amendment

The authority for this amendment is found in §§556 and 558 of the New York City Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the New York City Health Code (the “Health Code”) all matters to which the Department’s authority extends. Section 1043 grants the Department rule-making authority.

The Charter provides the New York City Department of Health and Mental Hygiene (the “Department” or “DOHMH”) with jurisdiction to protect and promote the health of all New Yorkers.

The Bureau of Child Care, in the Department’s Division of Environmental Health, enforces Article 47 (Child Care Services) of the Health Code, which regulates all public and private group day care services providing care for children under six years of age. Health and safety standards for school-based programs for children ages three through five are established in Article 43 of the Health Code.

At its meeting on December 10, 2013, the Board of Health amended Articles 43 and 47 to add a new requirement that children between 6 and 59 months of age attending school based programs and child care services receive annual influenza vaccinations. The resolution as adopted contained a drafting error in §47.25(a)(2)(C), which used the term “school” instead of “permittee,” to refer to the entity holding a child care service permit.

The Board of Health is amending Article 47 to correct the error and substitute the term “permittee” for “school” in this provision.

The resolution is as follows:

Note-matter in brackets [] to be deleted

Matter underlined is new

RESOLVED, that subparagraph (C) of paragraph 2 of subdivision (a) of section 47.25 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

(C) A [school] permittee that fails to maintain documentation showing that each child in attendance has received each vaccination required by this subdivision or is exempt from such a requirement pursuant to paragraph A or B of this subdivision will be subject to fines for each child not meeting such requirements as provided for under this Code.

Notes: Subparagraph (C) of paragraph 2 of subdivision (a) of §47.25 was amended by resolution of the Board adopted on June 9, 2014 to correct an error referring to a school rather than a child care service permittee as being responsible for documenting compliance with vaccination requirements.

◀ j18

Board of Health

Notice of Adoption of Amendments to Articles 11 and 13 of the New York City Health Code

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Articles 11 and 13 of the New York City Health Code (the "Health Code") was published in the City Record on March 19, 2014 and a public hearing was held on April 23, 2014. One person testified and nine written comments were received, including one from the person who testified. In response to the comments, changes were made to the resolution. At its meeting on June 9, 2014, the Board of Health adopted the following resolution.

Statement of Basis and Purpose

Statutory Authority

These amendments to the New York City Health Code (the Health Code) are promulgated pursuant to §§558 and 1043 of the New York City Charter (the Charter). Sections 558(b) and (c) of the Charter empower the Board of Health (the Board) to amend the Health Code and to include in the Health Code all matters to which the authority of the New York City Department of Health and Mental Hygiene (the Department) extends. Section 1043 grants the Department rule-making authority. Further, New York State Public Health law §580(3) permits the Department to "enact or enforce additional laws, codes or regulations affecting clinical laboratories...related to the control, prevention or reporting of diseases or medical conditions or to the control or abatement of public health nuisances."

Background

The Charter provides the Department with jurisdiction over all matters concerning health in the City of New York. The Department's Division of Disease Control conducts disease surveillance and control activities for most of the infectious diseases listed in Article 11 of the New York City Health Code (Health Code). The Department's Divisions of Epidemiology, Healthcare Access and Improvement, Health Promotion and Disease Prevention and Environmental Health also conduct surveillance and control activities for noninfectious reportable diseases and conditions. The Department is also required to comply with various provisions of Chapter 1 of the New York State Sanitary Code (the Sanitary Code), found in Title 10 of the Codes, Rules and Regulations of the State of New York (10 NYCRR), with respect to control of communicable diseases.

The lists of reportable diseases in the Health Code and Sanitary Code are periodically modified in response to emerging infections and changing priorities for disease surveillance and control.

In addition to reportable disease surveillance, the Department has successfully implemented several different and complementary syndromic surveillance systems to improve outbreak detection capacity as well as provide situational awareness of a wide variety of public health conditions, both routinely and during emergencies.

Since implementation of the Article 13 requirement that clinical laboratories report electronically (approved by the Board in 2006), the Department has greatly enhanced its capacity for receiving more complete and timely reports on notifiable diseases to monitor disease trends and conduct effective investigations.

To conduct more effective, timely and complete disease surveillance and control, the Board of Health is amending various provisions of Health Code Articles 11 and 13 as follows:

- A. Amend Health Code §11.03(a) to update the current list of reportable diseases:
 - 1) Change reporting of "Severe Acute Respiratory Syndrome" to "severe or novel coronavirus" - also changed in paragraph (1) of subdivision (b)
 - 2) Delete reporting requirement for Kawasaki syndrome
 - 3) Delete requirement to report "viral and aseptic meningitis" from reporting of meningitis
- B. Amend Health Code §11.03(e) to clarify the authority of the Department to obtain information necessary for public health investigations.
- C. Amend Health Code §§11.15 and 11.19 to lower the age for exclusion of children with enteric infections in daycare from less than six years of age to less than five years of age.
- D. Amend Health Code §11.17 to clarify Department authority to order health care providers, hospitals and other medical facilities to isolate individuals with certain communicable diseases that may pose imminent and significant threats to public health until action can be taken by the Commissioner or designee.
- E. Amend Health Code §13.03(a) (1) to add data elements to be included, if known, on all laboratory reports.
- F. Amend Health Code §13.03(b)(1) to require reporting of results of all subsequent TB test results (negative or positive) on samples

collected within one year from patients with a prior positive acid fast bacilli (AFB) smear or test for *M. tuberculosis* complex (e.g., culture or nucleic acid amplification [NAA]).

- G. Amend Health Code §13.03(b)(3) to require reporting of all hepatitis B virus (HBV) test results (positive, negative and indeterminate) for hepatitis B surface antigen (HBsAg) and hepatitis B surface antibody (anti-HBs), both qualitative and quantitative, for children ages 0 days to 1,825 days (birth up to the fifth birthday), when a patient's age is known. The Department will require only laboratories that electronically submit through the Electronic Clinical Laboratory Reporting System (ECLRS) to report negative HBV laboratory test results through ECLRS. Healthcare providers will not be required to report these results.
- H. Amend Health Code §13.03(b)(3) to add to hepatitis C reporting all positive and negative hepatitis C (HCV) nucleic acid tests (NAT) laboratory test results. The Department will require only laboratories that electronically submit through the Electronic Clinical Laboratory Reporting System (ECLRS) to report negative HCV NAT laboratory test results through ECLRS. Blood bank laboratories are exempted from compliance, and healthcare providers will not be required to report these results.
- I. Amend Health Code §13.05(b)(1) and add a new paragraph (8) to require reporting of all subsequent TB test results on samples collected within one year from persons with a prior positive AFB smear or positive test for *M. tuberculosis* complex by culture or NAA.

Reasons for the changes

- A) **Changes to the reportable disease list in Health Code §11.03.** Health Code §11.03 (a) and (b) has been amended as follows:
 - 1) **Change reporting of "Severe Acute Respiratory Syndrome (SARS)" to "severe or novel coronavirus."** The 2003 epidemic of Severe Acute Respiratory Syndrome (SARS) was due to a novel coronavirus that emerged from mainland China and then spread internationally. In response, the Department added SARS to the list of reportable diseases in Health Code §11.03 to monitor for the re-emergence and potential introduction of this virus into New York City. In 2013, a different coronavirus emerged in the Middle East and resulted in several importations into Europe and hospital outbreaks in both the Middle East and Europe. As of May 16, 2014, there have been 572 confirmed cases, 173 of which were fatal, in 14 countries; this includes two imported cases in the United States. The syndrome caused by this novel coronavirus has been named Middle East Respiratory Syndrome or MERS. To enable the Department to monitor for the introduction of SARS-related, MERS-related, and other novel or severe coronaviruses, the Board has amended "SARS" in §11.03(a) to "severe or novel coronavirus". Both suspect and confirmed cases of this disease are listed in Health Code §11.03 (b) (1) as being immediately reportable.
 - 2) **Delete Kawasaki syndrome.** Kawasaki syndrome is a rare but serious rash illness that most commonly occurs in children less than 5 years of age. The etiologic agent(s) responsible for Kawasaki syndrome remain unknown despite intensive investigations during prior outbreaks, and the disease does not appear to be spread from person to person. From 2002 to 2012, there has only been a median of 20 cases (range 2 to 35 cases) of Kawasaki syndrome reported in New York City per year. There is no public health response to an individual case other than confirming that the case meets clinical criteria. Kawasaki syndrome is not currently listed as reportable in either the State Sanitary Code or the Centers for Disease Control and Prevention (CDC) National Notifiable Disease Surveillance System. As the Health Code §11.03 (a) requires reporting of suspected or confirmed outbreaks of any disease or condition (defined as 3 or more cases), the Department would still respond to reports of outbreaks of Kawasaki syndrome after it is removed from the list. There is no reason, however, to continue to make individual cases reportable. Therefore, the Board is removing Kawasaki syndrome from the list of reportable diseases.
 - 3) **Delete viral and aseptic meningitis.** Viral meningitis is a clinical syndrome that can be caused by a wide variety of viruses, most of which do not represent a public health concern, especially for single cases. Aseptic meningitis is when a patient has the clinical syndrome of meningitis, but the laboratory identifies no microorganisms. Most cases of aseptic meningitis are due to viruses. Arboviral diseases, including arboviral meningitis, are currently listed and reportable separately in Health Code §11.03 (a) and will remain reportable given the need to monitor for diseases like West Nile virus to ensure prompt detection and control of mosquito borne viruses in New York City. There is no public health response to an individual case for most other

causes of viral or aseptic meningitis. For many, the specific etiologic agent remains unknown once more common causes of bacterial or viral meningitis are ruled out by laboratory testing. Neither viral nor aseptic meningitis are currently listed in the CDC's National Notifiable Disease Surveillance System. The New York State Department of Health has also indicated they intend to request that the State Public Health and Health Planning Council remove this disease from the State Sanitary Code at some time in the future. However, even if deleted from the Health Code list, until the disease is deleted from the State Sanitary Code, it will remain reportable in New York City. Lastly, as Health Code §11.03(a) requires reporting of suspected or confirmed outbreaks of any disease or condition (defined as 3 or more cases), the Department would still respond to clusters of viral or aseptic meningitis even after this disease is removed from the list. Therefore, the Department is requesting the Board remove viral and aseptic meningitis from the list of reportable diseases.

- B) Amend Health Code §11.03(e) to clarify the Department's authority to obtain medical information for public health investigations.** Currently, this provision authorizes the Department to obtain additional information concerning any report made by required reporters listed in Health Code §11.05(a) or other individuals required to submit reports in accordance with other applicable law. However, this limits the Department's authority to obtain information necessary for public health investigations when information about a public health problem originates not with a required reporter of a case or condition, but with other individuals or entities. In dangerous dog investigations, for example, the health care provider treating the bite victim is required to report the bite pursuant to Health Code §11.03(a) and (e). However, other sources may also report on the bites, such as the person bitten, the owner of the dog, a police officer, a bystander, or local media. In the course of such an investigation, the Department may learn about other bites inflicted by a particular dog that were not reported by a treating health care provider. Medical information about the other bite victim's injuries is also vital to such an investigation. As currently drafted, §11.03(e) could limit the ability of the Department to obtain necessary medical information regardless of whether the case was reported in accordance with §11.03(a). The Board is amending this provision to clarify its authority to obtain necessary medical information for public health investigations. Although New York City Charter §555 (b) authorizes the Commissioner to issue subpoenas to compel production of witnesses, records, and other documents in any proceeding before the Commissioner, there are so many reported diseases and conditions being investigated at any one time, that requiring subpoenas to be issued is unnecessarily cumbersome. It should also be noted that HIPAA authorizes disclosure of medical information for public health purposes to public health agencies, such as the Department, without patient consent. In most reportable disease and condition investigations, it is important to be able to investigate and intervene appropriately, based on the best available information, as quickly as possible to prevent further transmission of a communicable disease or injuries from poisonings or other conditions the Department has the duty to investigate.

Another reason to amend this provision is the emergence of organizations that manage the exchange of health information in a defined geographic area for outpatient clinics, provider offices, hospitals, laboratories, and other healthcare entities, currently referred to as regional health information organizations (RHIOs) or Qualified Entities (QEs). With the increasing use of electronic health records and health information exchanges, the Department recognizes health information exchange organizations as potential sources of information necessary for investigations of reportable diseases and conditions listed in Health Code §11.03. Accordingly, the Board is adding a requirement to §11.03(e) that affords the Department access to electronically stored patient health information by entities such as health information exchange organizations for any confirmed or suspected cases, contacts, or carriers of reportable diseases that is necessary for the Department to conduct its surveillance and epidemiologic investigations, including in response to suspected or confirmed outbreaks.

- C) Amend Health Code §§11.15 and 11.19 to change the age of exclusion for children with enteric infections in daycare and pre-kindergarten from under six years of age to under five years of age.** Health Code §11.15 currently requires exclusion of a child under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp, or other congregate care setting who has been diagnosed with one of the following gastrointestinal illnesses: amebiasis, Campylobacteriosis, cholera, Cryptosporidiosis, *E. coli* O15:H7 or other Shiga toxin producing *Escherichia coli* (STEC) infections, Giardiasis, Hepatitis A, Paratyphoid fever, Salmonellosis (other than typhoid), Shigellosis, Typhoid fever, and Yersiniosis.

Age criteria are being lowered from under six to under five years, so that control efforts are focused on the children at highest risk in daycare or pre-kindergarten settings. Outbreaks or person-to-person spread are much less common among children who are toilet trained and no longer require diaper care. Excluding children from kindergarten requires children to miss educational services and a parent or caregiver to stay home from work creating a significant burden for families. Changing the threshold from under 6 years to under 5 years will allow the Department to focus enforcement efforts in children attending daycare or pre-kindergarten settings, and not children attending kindergarten or elementary school where the risk of disease transmission is less. For the same reasons, Health Code §11.19 (a) and (b) are being amended with regard to exclusion of children under age five who are cases of paratyphoid and typhoid fever or staff persons in institutions or schools who are such cases and who may have contact with children under age five.

- D) Amend Health Code §11.17 to clarify the Department's authority to order the isolation of persons with communicable diseases that may pose an imminent and significant threat to public health.** Subdivision (a) of Health Code §11.17 (Control measures; duty to isolate; and isolation, quarantine and examination orders) requires that suspected or confirmed cases and carriers of specific contagious infectious diseases and "any other contagious disease that in the opinion of the Commissioner may pose an imminent and significant threat to the public health ... shall be isolated in a manner consistent with recognized infection control principles and isolation procedures in accordance with State Department of Health regulations or guidelines." The Health Code provision does not explicitly impose a duty upon the physicians attending these cases or carriers to isolate them until the Commissioner or designee takes further action. The proposed amendment clarifies that physicians attending to these patients are required to isolate them.

A similar provision in the State Sanitary Code §2.27 imposes a duty upon attending physicians to isolate persons with "highly communicable diseases," pending public health action. It refers to Sanitary Code §2.1 for a definition of "highly communicable diseases." However, Sanitary Code §2.1 lists only certain reportable diseases and does not indicate that there may be other emergent diseases of public health concern that are not listed. The amendment to Health Code §11.17(a) clarifies that physicians, hospitals, and other medical facilities attending patients with diseases listed in Health Code §11.17, as well as those with emergent diseases that are not currently reportable but are of public health concern, are also required to isolate them pending further action by the Department.

- E) Amend Health Code §13.03(a) to require additional data elements to be submitted with electronic laboratory reports of notifiable diseases and conditions.** Electronic laboratory reporting has greatly improved the timeliness and completeness of reportable disease surveillance. As more health care information is now available with enhancements and improved linkages in electronic health record systems, it is possible to obtain more complete information on the case-patient and the health care provider who requested testing to facilitate case investigations. The Board is adding the following data elements to the list of information that should accompany all electronic laboratory reports, if known, in Health Code §13.03:

Patient email
 Patient mobile phone number
 Provider email
 Provider fax number
 Provider mobile phone number
 Provider National Provider Identification (NPI) number
 Facility National Provider Identification (NPI) number

In addition, paragraph (1) of Health Code §13.03(a) currently requires the pregnancy status to be indicated if known and if clinically relevant (e.g., for hepatitis B and syphilis). Although the laboratory may not know the patient's pregnancy status based on information provided by the requesting health care provider, the laboratory would know that a pre-natal panel of laboratory tests was ordered. Therefore, this provision only applies to situations in which pregnancy status is known and indicated or when pregnancy is probable (e.g., a pre-natal panel is ordered).

These additional data elements will enhance the Department's disease surveillance efforts by improving its ability to contact patients and/or providers to obtain additional information required for a case investigation.

- F) Amend Health Code §13.03(b)(1) and §13.05 to require reporting of all tuberculosis test results of subsequent samples for patients with either an initial positive acid fast bacilli (AFB) smear or positive culture or other test for *M. tuberculosis* complex.** Health Code §13.03(b)(1) is being amended to require the reporting of all subsequent test results for

a patient within one year of a previous positive test result for AFB smear, nucleic acid amplification (NAA), mycobacterial culture, or other test for *M. tuberculosis* complex. Currently negative results are only reported when results are from samples with an AFB positive smear. This amendment will enable the Department to more quickly rule out a suspected diagnosis of TB and discontinue unnecessary treatment and to better monitor treatment.

Cases and suspect cases of TB disease residing in New York City are managed by the Department, sometimes in partnership with private providers. Currently, laboratories are required to report to DOHMH all results from biological samples found positive for AFB, cultures and NAA tests positive for *M. tuberculosis* complex, drug susceptibility tests performed on *M. tuberculosis* complex cultures, pathology findings indicative of TB, and any culture or NAA result associated with an AFB-positive smear sample even if negative. Current reporting is not, however, timely enough to identify persons who were suspected as having TB, started treatment, and later found not to have TB disease, nor is it adequate enough to track TB patients' response to treatment.

Test results on initial samples collected from patients are used to diagnose TB disease and determine infectiousness. Test results from subsequent samples collected after an initial positive sample are used to monitor a patient's response to treatment. Receiving timely test results, either positive or negative, is critical for these purposes.

Current required test results are reported electronically or via fax to the Department when they become available. To obtain negative test results that are not currently reportable, Department staff must visit hospitals to perform chart reviews and visit or call providers and laboratories. Getting a negative result can take multiple attempts over months. Patients suspected of TB are placed on treatment until TB diagnosis is ruled out, which is generally based on laboratory test results. Reducing the time to obtain negative test results can reduce the time the patient is on unnecessary treatment. More importantly, negative results are critical for monitoring patients on treatment. In general, patients on appropriate treatment are expected to have negative culture results within 60 days of treatment. Extending treatment may be necessary if patients do not have a documented negative culture conversion. Having negative results automatically reported to the Department will decrease the time it takes for patients to be deemed non-infectious and will assist the Department in determining the optimal treatment length for TB patients.

- G) Amend Health code §13.03(b)(3) to require reporting of negative hepatitis B virus (HBV) test results for children for children ages 168 days to 1,825 days (six months of age up to the fifth birthday).** The addition of required reporting of HBsAg (hepatitis B surface antigen) and anti-HBs (hepatitis B surface antibody) test results for children up to five years of age, when the child's age is known, will support the Department's efforts to help prevent perinatal HBV among children born to HBV-infected mothers and to conduct surveillance for this nationally notifiable disease. Children born to HBV-infected mothers are at high risk of acquiring this infection. If infected, 90% will develop chronic hepatitis infection, placing them at risk for cirrhosis and hepatic carcinoma at an early age.

Each year, the Department case manages approximately 1,800 babies born to HBV positive pregnant women in New York City. Through individual patient education and case management, the Department helps to ensure that the newborns receive HBV immune globulin and HBV vaccine within 12 hours of birth and two more doses of HBV vaccine by six months of age to prevent HBV infection. These high-risk children should have post-vaccination serology testing performed at nine months of age to assess if they are infected, susceptible, or immune. Interpretation requires the test results for both HBsAg and anti-HBs. Children who are found to be infected have to be referred to a specialist for evaluation and treatment. Children who are found susceptible after the first immunization series have to immediately begin a second three dose series of HBV vaccination.

Currently, the Department contacts the pediatric provider who administered the HBV vaccinations to provide reminders and to obtain post-vaccination serology testing results. This activity consumes approximately 25% of staff time. In addition, the Department is frequently unable to obtain all test results due to not being able to locate the family or the pediatric provider. The Department does not obtain test results for approximately 40% of the 1,800 babies managed annually. By requiring reporting of all test results for HBsAg and anti-HBs for children up to five years, the Department will receive post-vaccination serology test results more efficiently and completely. The Department will be better able to manage cases lost to follow-up either by the Department or by other health jurisdictions, which may have cases that have moved to New York City.

- H) Amend Health code §13.03(b)(3) to require reporting of**

negative hepatitis C virus (HCV) nucleic acid tests (NAT) (electronic laboratory reporting only). The Department is proposing that the Board amend Health Code §13.03(b)(3) to require reporting of all HCV NAT results. This provision currently specifies only that HCV (and other hepatitis) reports made by clinical laboratories be accompanied by results of alanine aminotransferase testing (ALT). The addition of required reporting of NAT results will support the Department's 2013 HCV strategic plan¹ to reduce illness and death from HCV. One component of this plan involves strengthening the Department's capacity to manage and utilize data for evidence-based policies and practice. By receiving reports of both positive and negative test results for HCV NAT, the Department will be able to estimate the number of persons tested, the burden of chronic HCV infection in New York City, the number of persons treated for and cured of chronic HCV infection, and monitor changes over time, similar to what is currently authorized for human immunodeficiency virus (HIV) infection.

As many as 146,500 New York City residents may have chronic HCV. The disease is most prevalent in New York City neighborhoods with high poverty. Most persons living with HCV have few symptoms of illness until 10 to 30 years after initial infection, when life-threatening health complications, including cirrhosis and liver cancer, can develop. The annual number of deaths associated with HCV has been increasing yearly and, since 2007, has exceeded deaths associated with HIV in the United States. Highly effective HCV antiviral treatments have recently been approved, and more are expected in the coming years, making it likely that liver failure, cancer, and death from HCV can be averted in the future.

Antibody screening tests for HCV are recommended for all persons born between 1945 and 1965 and for patients with risk factors, including any history of injection drug use or receipt of a blood transfusion before 1992. However, 15-25% of patients who test HCV antibody positive have no detectable HCV nucleic acid in their blood, indicating that they do not have HCV infection. This is usually because they either resolved a prior HCV infection or had a false-positive HCV antibody test. Therefore, it is recommended that all patients with a positive HCV antibody test undergo HCV NAT testing to determine infection status.

The Department found that, from 2009 to 2012, 27% of patients with a positive HCV antibody never received an HCV NAT test, while an additional 9% only received NAT testing after the Department sent a reminder to the clinician that NAT testing is recommended.

Currently, both the Sanitary Code and Health Code §11.03 mandate reporting by health care providers and others of persons who are cases and carriers of HCV. Laboratories must report positive HCV antibody screening tests and all positive confirmatory assays, e.g., recombinant immunoblot assay (RIBA) or NAT, that result from laboratory analysis of specimens in accordance with the "Laboratory Reporting of Communicable Diseases, 2010" guidance issued by the Department and the New York State Department of Health. With nearly 10,000 new cases of HCV reported each year, the Department does not currently have sufficient staff resources to conduct individual case investigations by chart review and patient and provider interviews to determine infection and treatment status. If the Department received results of both positive and negative tests for HCV NAT, this would provide more useful information for tracking the HCV epidemic in New York City. First, it would be possible to accurately classify patients as chronically infected by determining which antibody-positive patients are infected (NAT positive) versus not infected (NAT negative). Second, it would be possible to evaluate HCV testing patterns and focus outreach efforts toward providers who are not following HCV NAT testing recommendations. Third, by making all HCV NAT results reportable, the Department would also be able to estimate the proportion of patients who are receiving care for their diagnosis. For example, patients with only an antibody test but no NAT test would presumably not be in care. Patients who are NAT positive, but become NAT negative over time, would be presumed to be on treatment and, if the negative NAT tests are sustained, to be cured. The Department would be able to use these data to target interventions to those neighborhoods that have persistently higher levels of HCV viral loads based on HCV NAT results. These data could also be used to identify and prioritize linkage to care for persons who have been diagnosed with chronic HCV but have been lost to medical follow-up. Finally, these data will help the Department evaluate and, as needed, enhance our policies and programs on HCV prevention and control.

1 Hepatitis C in New York City: State of the Epidemic and Action Plan. Available at <http://www.nyc.gov/html/doh/downloads/pdf/cd/hepC-action-plan.pdf>

Accordingly, a new requirement has been added for laboratories to report negative HCV NAT test results through the Department's electronic reporting mechanism set forth in Health Code §13.03(c). Blood bank laboratories are exempt from compliance with this requirement because they perform large numbers of HCV NAT tests on persons who do not have positive HCV antibody test results. DOHMH is only interested in collecting negative HCV NAT results for persons with a prior positive test for HCV antibody.

The resolution is as follows.

Shall and must denote mandatory requirements and may be used interchangeably.

New text is underlined; deleted material is in [brackets].

RESOLVED, that the list of reportable communicable diseases in subdivision (a) of §11.03 of Article 11 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§11.03 Diseases and conditions of public health interest that are reportable.

* * *

Influenza-related deaths of a child less than 18 years of age [Kawasaki syndrome]
Legionellosis
* * *

Melioidosis
Meningitis, [including aseptic, viral and other] bacterial causes (specify type)
Meningococcal, invasive disease
* * *

Salmonellosis
Severe [Acute Respiratory Syndrome (SARS)] or novel coronavirus
Shiga toxin producing Escherichia coli (STEC) (which includes but is not limited to E. coli O157:H7)
* * *

Notes: Subdivision (a) of §11.03 was amended by Board of Health resolution adopted June 9, 2014 to delete Kawasaki syndrome and aseptic and viral meningitis as reportable diseases and to change reporting of Severe Acute Respiratory Syndrome [SARS] to Severe novel coronavirus, a broader category, in view of emergent strains of coronaviruses other than SARS.

RESOLVED, that the list of immediately reportable communicable diseases in paragraph 1 of subdivision (b) of §11.03 of Article 11 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

* * *

Rubella (German measles)
[SARS] Severe or novel coronavirus
Smallpox
* * *

Notes: The list of immediately reportable diseases in paragraph (1) of subdivision (b) of §11.03 was amended by Board of Health resolution adopted June 9, 2014 to change reporting of Severe Acute Respiratory Syndrome [SARS] to severe or novel coronavirus, a broader category, in view of emergent strains of coronaviruses other than SARS.

RESOLVED, that subdivision (e) of §11.03 of Article 11 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

(e) Information needed for investigations. Upon receipt of a report submitted pursuant to this section or any other provision of this article or other applicable law the Department may conduct such surveillance, epidemiologic and laboratory investigation activities as it shall deem necessary to verify the diagnosis, ascertain the source or cause of infection, injury or illness, identify additional cases, contacts, carriers or others at risk, and implement public health measures to control the disease or condition and prevent additional morbidity or mortality. Such investigations may include, but are not limited to, collecting or requiring collection of such clinical or environmental specimens for laboratory examination as the Department considers necessary, including the collection of specimens or isolates from clinical laboratories for testing by the Department or as designated by the Department. When deemed necessary for the protection of public health, in the course of conducting an investigation of a disease or condition made reportable to the Department by this article or other applicable law, the Department may require any person [required to submit a report pursuant to this article or other applicable law, or an agent of such person,] or any entity maintaining or managing health-related electronic records to provide reasonably necessary [additional] information [not otherwise required to be reported by this Code,] including but not limited to information on household contact and

non-household contact names and contact information, clinical signs and symptoms, treatment, including records of treatment, laboratory, radiological, or other diagnostic procedures as specified by the Commissioner or designee.

Notes: Subdivision (e) was amended by resolution adopted June 9, 2014 to clarify the Department's authority to obtain medical records necessary for epidemiologic and case investigations of reportable diseases and conditions, including records maintained in electronic data bases.

RESOLVED, that §11.15 of Article 11 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§11.15 Control measures; duty to exclude; exclusion orders.

(a) Any individual required to be isolated pursuant to provisions of this Article, and certain cases, suspect cases, contacts and carriers, as indicated in this subdivision, shall be excluded by the operator, employer or person in charge of the applicable institution, facility or place as set forth in this subdivision.

- (1) A case or carrier of the following diseases who is a food handler shall be excluded until two negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to others; provided that, if the individual has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose:
 - Campylobacteriosis
 - Cholera
 - E. coli O157:H7 and other Shiga toxin producing Escherichia coli (STEC) infections
 - Salmonellosis (other than typhoid)
 - Shigellosis
 - Yersiniosis
- (2) A case or carrier of the following diseases who is an enrollee or attendee under the age of [six] five or staff member who has contact with children under the age of [six] five in a school, day care facility, camp or other congregate care setting with children under the age of [six] five; or a health care practitioner in a hospital or medical facility who provides oral care shall be excluded until two negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to others; provided that, if the individual has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose;
 - Cholera
 - E. coli O15:H7 and other Shiga toxin producing Escherichia coli (STEC) infections
 - Shigellosis
- (3) A case or carrier of the following diseases who is an enrollee or attendee under the age of [six] five or staff member who has contact with children under the age of [six] five in a school, day care facility, camp or other congregate care setting with children under the age of [six] five; or a health care practitioner who provides oral care, shall be excluded until the individual no longer has symptoms, unless the Department determines that there is a continuing risk to others:
 - Campylobacteriosis
 - Salmonellosis (other than typhoid)
 - Yersiniosis
- (4) A case or carrier of the diseases listed in this paragraph who is a food handler; an enrollee or attendee under the age of [six] five or staff member who has contact with children under the age of [six] five in a school, day care facility, camp or other congregate care setting with children under the age of [six] five; or a health care practitioner in a hospital or medical facility who provides oral care, shall be excluded until three negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to others; provided, however, that, if the individual has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose:
 - Amebiasis
 - Cryptosporidiosis
 - Giardiasis
- (5) A case or household contact of Hepatitis A who is a food handler; an enrollee or attendee under the age of [six] five or staff member who has contact with children under the age of [six] five in a school, day care facility, camp or other congregate care setting with children under the age of [six] five; or a health care practitioner in a hospital or medical facility who provides oral care, shall be excluded until determined by the Department to no longer be a risk to others.
 - (b) An owner or person in charge of a work place, school, day care, camp or other congregate setting with children under the age

of [six] five, shelter or other congregate residential setting, or any other institution, facility or place specified in this section or this article, shall not knowingly or negligently permit a case, suspect case, contact or carrier to work in or attend such place when required by this article to be isolated or excluded.

- (c) The Department may, in accordance with the provisions of subdivision (k) of §11.23 of this Article, order any case, contact, or carrier, or suspected case contact or carrier of a contagious disease to be excluded from any setting when necessary for the protection of public health.

Notes: §11.15 was amended by Board resolution adopted June 9, 2014 changing the age for exclusion of children with enteric diseases from under six to under five years of age, and the individuals caring for such children in congregate settings, after the Department determined that six year old children posed a much less significant public health risk than those under five.

RESOLVED, that subdivision (a) of §11.17 of Article 11 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§11.17 Control measures; duty to isolate; and isolation, quarantine and examination orders.

(a) It shall be the duty of an attending physician, or a person in charge of [In] a hospital, clinic, nursing home or other medical facility[,] to isolate a case, carrier, suspect case, or suspect carrier of diphtheria, rubella (German measles), influenza with pandemic potential, invasive meningococcal disease, measles, monkeypox, mumps, pertussis, poliomyelitis, pneumonic form of plague, [SARS] severe or novel coronavirus, vancomycin intermediate or resistant *Staphylococcus aureus* (VISA/VRSA), smallpox, tuberculosis (active), vaccinia disease, viral hemorrhagic fever or any other contagious disease that in the opinion of the Commissioner may pose an imminent and significant threat to the public health, [shall be isolated] in a manner consistent with recognized infection control principles and isolation procedures in accordance with State Department of Health regulations or guidelines pending further action by the Commissioner or designee.

Notes: Subdivision (a) was amended by resolution adopted June 9, 2014 to clarify the duty of providers in addition to the hospital or other types of medical facilities to isolate persons with specified and emergent contagious diseases of public health concern until the Commissioner takes further action.

RESOLVED, that subdivisions (a) and (b) of §11.19 of Article 11 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§11.19 Typhoid and paratyphoid fever; exclusion.

- (a) A case of typhoid or paratyphoid fever who is a food handler; an enrollee or attendee under the age of [six] five or staff member who has contact with children under the age of [six] five in a school, day care facility, camp or other congregate care setting with children under the age of [six] five; a health care practitioner in a hospital or medical facility who provides oral care; a resident of a congregate homeless facility or shelter or any other congregate residential setting; or any other person who in the opinion of the Department represents a risk to the health of the public, shall be excluded until the end of the febrile period and until four stool specimens are submitted to the Department, found to be free of typhoid and paratyphoid bacteria, and until released from exclusion by the Department. Stool specimens shall be submitted as specified herein. The initial two specimens shall be taken no less than 48 hours after the cessation of antibiotic therapy and 24 hours apart. A second set of two specimens shall be taken thirty (30) days later, and no less than 24 hours apart. The case shall be instructed not to prepare food for other members of the household or others, nurse the sick, or care for children until it is determined that the patient is non-infectious and a non-carrier as per subdivision (c) of this section. Members of the household shall be advised by the physician in attendance of precautions to be taken to prevent further spread of the disease and shall be informed as to the appropriate specific preventive measures.
- (b) A household contact who is a food handler; an enrollee or attendee under the age of [six] five or staff member of a school, day care facility or other congregate care setting with children under the age of [six] five; a health care practitioner in a hospital or medical facility who provides oral care; or any other person who in the opinion of the Department represents a risk to the health of the public, shall be excluded until two successive stool specimens, taken no less than 24 hours apart are examined by the Department and found free of typhoid and paratyphoid bacilli.

Notes: §11.19 was amended by Board resolution adopted June 9, 2014 changing the age for exclusion of children with typhoid and paratyphoid fever from under six to under five years of age, and the

individuals caring for such children in congregate settings, after the Department determined that six year old children posed a much less significant public health risk than those under five.

RESOLVED, that the section heading, paragraph 1 of subdivision (a), and paragraphs 1 and 3 of subdivision (b), of §13.03 of Article 13 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, are amended, to be printed with explanatory notes to read as follows:

§13.03 Report of [positive] findings.

- (a) * * *
- (1) The full name, date of birth and address of the person from whom the specimen was taken; the race, ethnicity and gender of such person, if known; the pregnancy status of such person, if the pregnancy status is known or probable (e.g., if a pre-natal panel was ordered) and if it is clinically relevant to the positive laboratory results, for example, a positive hepatitis B surface antigen or a positive syphilis test result; the specimen source; and the date the specimen was collected; patient email and mobile phone number, if known; provider email, fax number, mobile phone number and National Provider Identification (NPI) number if known; and facility National Provider Identification (NPI) number.
- (b) * * *
- (1) With regard to tuberculosis, reports shall also include all laboratory findings which indicate presumptive or confirmed presence of tuberculosis, the results of smears found positive for acid fast bacilli (AFB), all results including negatives and species identification on samples which had positive smears, [and] all drug susceptibility testing results and all subsequent test results on samples collected within one year from any patient who had a previous positive AFB smear or a positive M. tuberculosis complex test result (e.g., culture or NAA). [Such] Reports shall specify the laboratory methodology used and shall state if applicable whether the specimen was susceptible or resistant to each anti-tuberculosis drug at each concentration tested.
- (3) With regard to hepatitis A, B, C, D, E or any other suspected infectious viral hepatitis, reports shall also include the results of alanine aminotransferase testing (ALT) if performed on the same specimen that tests positive for any of the reportable viral hepatitises.
- (A) With regard to hepatitis B, all hepatitis B surface antigen and hepatitis B surface antibody test results, including positive, negative, and indeterminate, for children ages 0 days to 1,825 days (birth up to the fifth birthday) must be reported electronically in accordance with subdivision (c) of this section when patient age is known.
- (B) With regard to hepatitis C, all hepatitis C nucleic acid amplification test results, including both positive and negative results, must be reported electronically in accordance with subdivision (c) of this section. Blood bank laboratories and other laboratories that perform hepatitis C nucleic acid amplification tests on donated blood, without a positive hepatitis C antibody test, are exempt from reporting negative hepatitis C nucleic acid amplification test results for such donated blood.

Notes: Paragraph (1) of subdivision (a) of §13.03 was amended by Board of Health resolution adopted June 9, 2014 to clarify reporting of pregnancy status and to require additional fields facilitating investigations of cases whose specimens are being analyzed and the providers submitting specimens, and the section heading was amended to more accurately reflect section content.

Paragraph (1) of subdivision (b) of §13.03 was amended by Board of Health resolution adopted June 9, 2014 to require submission to the Department of all reports of tests performed on specimens of persons with prior positive tuberculosis test results.

Paragraph (3) of subdivision (b) of §13.03 was amended by Board of Health resolution adopted June 9, 2014 to require reporting of young children's hepatitis B surface antigen and all hepatitis B surface antibody test results, and all hepatitis C nucleic acid test results, to enable the Department to more accurately identify and monitor persons with the disease.

RESOLVED, that paragraph 1 of subdivision (b) of §13.05 of Article 13 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, and that a new paragraph 8 of such subdivision be added, to be printed with explanatory notes to read as follows:

§13.05 Testing for tuberculosis.

- (b) (1) Smears performed to detect acid fast bacilli (AFB) shall be examined within 24 hours after receipt of the specimen in the laboratory, and when concentrated smears for AFB are performed on clinical specimens (e.g., sputum) [the] all positive results shall [not] be reported to the Department [unless positive]. Negative smears shall be reported to the physician or other person authorized to

request laboratory tests, or the forwarding laboratory, if any, within 24 hours pursuant to §13.05(b)(7) and must also be reported to the Department if the smear is from a patient who, within the last year, was previously reported with a positive AFB smear. All respiratory specimens which test acid-fast smear positive and are from patients who have not previously been diagnosed with tuberculosis shall have nucleic acid amplification testing performed. If a laboratory examining the specimen does not have the ability to perform nucleic acid amplification testing, it shall submit an appropriate specimen to the Department for testing by the Department of a laboratory designated by the Department[; and].

(8) A negative result of any laboratory test or examination related to tuberculosis must also be reported to the Department within 24 hours of the test result being known if the test is conducted on a specimen from a patient with any prior positive laboratory test related to tuberculosis on any sample collected within one year.

Notes: Paragraph (1) of subdivision (b) was amended, and a new paragraph (8) was added by Board resolution adopted June 9, 2014 to require reporting of all test results on specimens of persons who had previous positive AFB and M. tuberculosis complex test results identified by culture or nucleic acid amplification.

RESOLVED, that the list of section headings in Article 13 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended to be printed together with explanatory notes to read as follows:

**ARTICLE 13
LABORATORIES**

- §13.01 Definition.
- §13.03 Report of [positive] findings.
- §13.05 Testing for tuberculosis.
- §13.07 Reporting of Hemoglobin A1C.

Notes: The list of section headings was amended by Board of Health resolution adopted June 9, 2014 to delete the word "positive" from the section heading for §13.03 Report of positive findings when certain negative findings were also made reportable.

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POLICE

■ NOTICE

Notice of Adoption

NOTICE IS HEREBY GIVEN that pursuant to the authority granted to the Police Commissioner by Section 435 of the New York City Charter ("Charter") and Sections 20-273 and 20-277 of the New York City Administrative Code, and in accordance with section 1043 of the Charter, the Police Department has promulgated a new Chapter 21 of Title 38 of the Official Compilation of the Rules of the City of New York entitled "Recordkeeping for Pawnbrokers and Certain Second-Hand Dealers."

A public hearing to consider the adoption of this rule was held by the Police Department on May 15, 2014. Comments received from the public in connection with the rulemaking are found at rules.cityofnewyork.us/comments-view/19947 http://rules.cityofnewyork.us/comments-view/19947.

NOTE: New matter is underlined ; deleted matter is in [brackets].

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of the Police Department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 38 of the Rules of the City of New York is amended by adding a new Chapter 21 to read as follows:

CHAPTER 21

RECORDKEEPING FOR PAWNBROKERS AND CERTAIN SECOND-HAND DEALERS

§21-01 Introduction.

The following rule has been promulgated by the Police Commissioner to implement the provisions of Local Law No. 149 of 2013 ("the Local Law"), which establishes new requirements for recordkeeping by pawnbrokers and certain second-hand dealers in New York City.

§21-02 Definitions.

Dealer in Second-Hand Articles. "Dealer in Second-Hand Articles" or "Second-Hand Dealer" means a dealer in second-hand articles as such person is defined in Section 20-264 of the New York City Administrative Code.

Dealer Subject to Electronic Recordkeeping Requirements.

"Dealer Subject to Electronic Recordkeeping Requirements" means a dealer in second-hand articles who deals in: (1) the purchase or sale of any second-hand manufactured article composed wholly or in part of gold, silver, platinum, or other precious metals; the purchase or sale of any old gold, silver, platinum or other precious metals; the purchase of articles or things comprised of gold, silver, platinum or other precious metals for the purpose of melting or refining; the purchase or sale of used electrical appliances excluding kitchen appliances; the purchase or sale of any used electronic equipment, computers or component parts of electronic equipment or computers; or (2) the purchase or sale of pawnbroker tickets or other evidence of pledged articles, or the redemption or sale of pledged articles, where the second-hand dealer is not a pawnbroker.

Computer. "Computer" means a device which, by manipulation of electronic, magnetic, optical or electrochemical impulses, pursuant to an ordered set of data representing coded instructions or statements, can automatically perform arithmetic, logical, storage or retrieval operations, including but not limited to a tablet, laptop, desktop, gaming system, e-reader, MP3 player, or smartphone.

Electronic Equipment. "Electronic Equipment" means a device capable of recording, storing, playing or displaying digital media, including but not limited to a tablet, laptop, desktop, gaming system, e-reader, MP3 player, cellphone, smartphone, or any other electronic device capable of voice communication.

IMEI Number "IMEI Number" means International Mobile Equipment Identity number.

Pawnbroker. "Pawnbroker" means a collateral loan broker as defined in Section 52 of the New York State General Business Law.

Police Commissioner. "Police Commissioner" means the Commissioner of the New York City Police Department.

§21-03 Pawnbrokers Required to Create and Upload Electronic Records.

- (a) In addition to the physical records of transactions required to be created and maintained pursuant to the provisions of the New York City Administrative Code and the New York State General Business Law, pawnbrokers are required to create an electronic record of each transaction at the time such transaction takes place. The electronic record must be uploaded immediately, or on a daily basis no later than midnight of the day of such transaction, to a web-based electronic data transfer service designated by the Police Commissioner.
- (b) The electronic records to be created and uploaded must include the following information: (i) the date, time, location and type of transaction; (ii) the serial number pre-printed on the physical record of such transaction; (iii) an accurate description of each article pawned or pledged, including type of article, manufacturer, make, model, serial number, IMEI number, inscriptions and distinguishing marks; (iv) an accurate description of each article purchased or sold, including type of article, manufacturer, make, model, serial number, IMEI number, inscriptions and distinguishing marks; and (v) one or more digital photographs reasonably capturing the likeness of each subject article, including any serial numbers or other identifying markings which are visible. Such photograph(s) must be created in a jpeg format.

§21-04 Second-Hand Dealers Required to Create and Upload Electronic Records.

- (a) In addition to the physical records of transactions required to be created and maintained pursuant to the provisions of the New York City Administrative Code, second-hand dealers subject to electronic recordkeeping requirements must create an electronic record of certain transactions at the time such transactions take place, as provided in subdivision (c) or (d) of this section, as applicable. The electronic record must be uploaded immediately, or on a daily basis no later than midnight of the day of such transaction, to a web-based electronic data transfer service designated by the Police Commissioner.
- (b) Second-hand dealers subject to electronic recordkeeping requirements must create and upload electronic records of transactions involving (i) the purchase or sale of any second-hand manufactured article composed wholly or in part of gold, silver, platinum, or other precious metals; (ii) the purchase or sale of any old gold, silver, platinum or other precious metals, (iii) the purchase of articles or things comprised of gold, silver, platinum or other precious metals for the purpose of melting or refining, (iv) the purchase or sale of used electrical appliances excluding kitchen appliances; (v) the purchase or sale of any used electronic equipment, computers or component parts of electronic equipment or computers; or (vi) the purchase or sale of pawnbroker tickets or other evidence of pledged articles, or the redemption or sale of pledged articles, where the second-hand dealer is not a pawnbroker.
- (c) The electronic records to be created and uploaded by dealers subject to electronic recordkeeping requirements for transactions not

involving the purchase or sale of pawnbroker tickets or other evidence of pledged articles, or the redemption or sale of pledged articles, must include the following information: (i) the date, time, and location; (ii) the serial number pre-printed on the physical record of such transaction; (iii) an accurate description of each article purchased or sold, including type of article, manufacturer, make, model, serial number, IMEI number, inscriptions and distinguishing marks; and (iv) one or more digital photographs reasonably capturing the likeness of each subject article, including any serial numbers or other identifying markings which are visible. Such photograph(s) must be created in a jpeg format.

- (d) The electronic records to be created and uploaded by second-hand dealers subject to electronic recordkeeping for transactions involving the purchase or sale of pawnbroker tickets or other evidence of pledged articles, or the redemption or sale of pledged articles, must include the following information: (i) the name and address of the person who issued such ticket or other evidence; (ii) the pledge number of such pawn ticket or other evidence; (iii) the amount loaned or advanced as it appears on such pawn ticket or other evidence; (iv) the day and hour of such purchase, sale or redemption, as the case may be; (v) the serial number pre-printed on the physical record of such transaction; (vi) the sum paid or received for such pawn ticket or other evidence, or the sum paid or received for the redeemed article or pledge; (vii) such description of a pledged article as appears on such pawn ticket or other evidence, and an accurate description of every redeemed pledged article including type of article, manufacturer, make, model, serial number, IMEI number, inscriptions and distinguishing marks; and (viii) one or more digital photographs reasonably capturing the likeness of each subject article, including any serial numbers or other identifying markings which are visible. Such photograph(s) must be created in a jpeg format.

§21-05 Descriptions of Items Containing Gold, Silver, Platinum or Other Precious Metals or Other Jewelry.

When providing descriptions of articles purchased, sold, pawned or redeemed which are composed wholly or in part of precious metals, or are otherwise commonly described as jewelry, pawnbrokers and second-hand dealers subject to electronic recordkeeping requirements must include the following information as relevant: (i) type of precious metal; (ii) weight of precious metal in karats; (iii) number of precious stones on item; (iv) type(s) of precious stones on item; (v) unique marks or inscriptions on item, including any specific words; and (vi) any visible alterations, modifications or damage to the item.

§21-06 Descriptions of Electrical Appliances, Electronic Equipment and Computers.

When providing descriptions of electrical appliances, electronic equipment, computers or their component parts, pawnbrokers and second-hand dealers subject to electronic recordkeeping requirements must include the following information as relevant: (i) manufacturer; (ii) make; (iii) model number; (iv) serial number; (v) IMEI number; (vi) identifying numbers including any numbers etched on the item pursuant to a crime prevention program of the New York City Police Department or any other entity; and (vii) any visible alterations, modifications or damage to the item, including altered or missing serial or IMEI numbers.

§21-07 Creation and Uploading of Electronic Records.

- (a) The electronic records required by the Local Law and this Chapter must be created accurately and in English, and contain all required items of information. All digital photographs must reasonably capture the likeness of the subject article. Such electronic records and photographs must be uploaded immediately, or on a daily basis no later than midnight of the day of such transactions, to the web-based electronic data transfer service designated by the Police Commissioner for this purpose.
- (b) Prior to this Chapter taking effect, New York City Police Department personnel will advise in writing pawnbrokers and second-hand dealers subject to electronic recordkeeping requirements of the identity of the service designated by the Police Commissioner for this purpose. Police Department personnel will also provide the service's contact information to such pawnbrokers and second-hand dealers so that they may be instructed by the service regarding how to use the electronic recordkeeping system, and in order to request customer assistance from the service as needed. Within 60 days of this Chapter taking effect, all pawnbrokers and second-hand dealers subject to electronic recordkeeping requirements must register with the service, commence uploading information as required by the Local Law and by this Chapter, and obtain a notice from the service confirming that such uploading was successfully received by the service.
- (c) In addition to the specific items of information required by the Local Law and this Chapter for each transaction, each pawnbroker or second-hand dealer subject to electronic recordkeeping requirements must also provide to the service its own identifying information, including business name, address, phone number, fax

number, Department of Consumer Affairs license number, and the store manager's name and email address, as well as an identifying number for each transaction and the identity of the business' employee or agent handling the transaction.

- (d) If a pawnbroker or second-hand dealer uploads an extract from their point-of-sale software in order to comply with the requirements of this Chapter, the file must be uploaded using the web upload mechanism provided on the designated electronic data transfer service's website. The extract format must be of a type supported by the electronic data transfer service. If the pawnbroker or second-hand dealer does not use an extract from their point-of-sale software, each transaction must be manually entered using the web interface provided by the service.
- (e) In the course of creating and uploading electronic records pursuant to this Chapter, pawnbrokers and second-hand dealers must complete all fields of information required, provided that if a particular item of information is unavailable, the pawnbroker or second-hand dealer must indicate such by inserting into the field "unavailable," "altered," or "not applicable," as appropriate.
- (f) If in the course of a day the pawnbroker or second-hand dealer does not conduct a transaction required to be reported electronically, the pawnbroker or second-hand dealer must upload a notice of no electronically reportable transactions to the electronic data service, providing such report no later than midnight of such day. This requirement applies to each individual day during which there occurs no transaction required to be reported electronically, except that where business of any kind is not conducted on that day (for example, where the business is closed on a weekend or holiday) the notice must be forwarded to the service no later than midnight of the next day during which business of any kind is conducted.

§21-08 Required Equipment.

Pawnbrokers and second-hand dealers subject to electronic recordkeeping requirements must acquire and maintain in good working order the electronic equipment necessary to create, maintain and upload the electronic records required by the Local Law and by this Chapter, including but not limited to a computer with internet connection and a digital camera utilizing a jpeg file format so that the required information may be transmitted to the web-based electronic data transfer service designated by the Police Commissioner.

§21-09 Retention of Records.

The electronic records created pursuant to this Chapter must be retained for a minimum of six years from the date of transaction.

Statement of Basis and Purpose of Rule

Local Law 149 of 2013 amended Sections 20-267, 20-273, and 20-277 of the New York City Administrative Code to require electronic recordkeeping by pawnbrokers and by certain second-hand dealers, specifically those dealing in electronics, jewelry, and pawn tickets. Section four of Local Law 149 of 2013 authorizes the Commissioner of the Department of Consumer Affairs (DCA) and the Commissioner of the New York City Police Department (NYPD) to promulgate rules necessary to carry out the provisions of this new Local Law.

Pawnbrokers and second-hand dealers in New York City are licensed by DCA and their record-keeping practices are monitored by both DCA and the NYPD. It is vitally important to ensure that accurate and complete records are maintained by these businesses, which may unwittingly be used as the repository of stolen property. DCA inspectors and NYPD officers must routinely visit these locations to inspect what is informally called the "Police Book," i.e., the log book containing a record of each transaction on tear-off sheets, to ensure that they are completed accurately and that they correctly reflect the property present in the store.

By requiring accurate and detailed electronic recordkeeping for pawnbrokers and certain second-hand dealers, implementation of Local Law 149 of 2013 will both improve administrative efficiency and deter property crime by discouraging the disposal of stolen property.

The rule is adopted by the Police Commissioner to implement the provisions of Local Law 149 of 2013. The rule:

- Identifies the businesses which are subject to electronic recordkeeping;
- Directs the manner, format, and timeliness with which electronic records are to be created, maintained and uploaded;
- Notifies businesses subject to electronic recordkeeping about the types of information that must be included when describing certain items in their electronic records; and
- Specifies the equipment necessary to create, maintain and upload the electronic records as well as the length of time electronic records must be retained.

TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates rules that amend the TLC’s Rules for classification for certain taxicabs.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York.

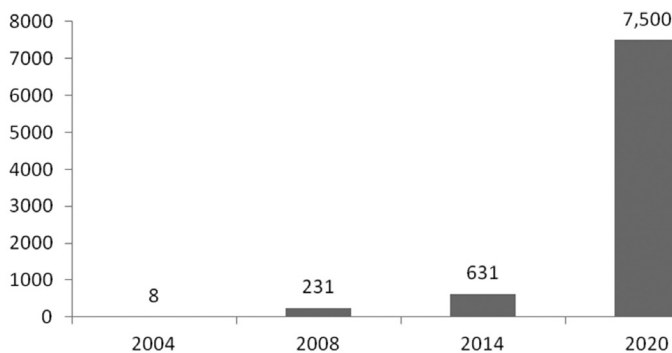
On April 30, 2014, a public hearing was held by the TLC at the TLC’s offices at 33 Beaver St., 19th Floor, New York, NY. These rules were approved at the hearing on April 30, 2014. These rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rule

The Taxi and Limousine Commission (TLC) is adopting a rule that will create two funds to finance improvements in the taxicab and street hail livery industries. The initial goal of the fund that will be created for the taxicab industry is to make it easier for mobility-impaired customers who use wheelchairs to get a taxi when and where they need it, by increasing the number of wheelchair accessible taxis on the road in New York City from the current 231 to over 7,500. The other fund will serve a similar purpose for passengers, owners and drivers of street hail livery vehicles.

The rule imposes a \$0.30 per ride surcharge on taxicab and street hail livery trips that will finance these funds. One of these funds, to be financed by the surcharge on taxicab rides, will help medallion owners and drivers to make certain improvements to better serve their passengers, including conversion to accessible vehicles. The rule also amends vehicle requirements to substantially increase the accessibility of the existing taxicab fleet to passengers with mobility impairments. As a result of these provisions, half of the vehicles in New York City’s taxi fleet will be accessible by 2020 (see table below). The rule supplements the TLC’s ongoing initiatives to increase accessibility through the sale of additional accessible medallions and implementation of an accessible taxicab dispatch program.

Number of Accessible Vehicles in NYC’s Taxi Fleet 2004-2020



The rule also imposes penalties for violation of the new requirements. Specifically, the rule requires the following:

Amended Vehicle Requirements

Medallion owners must meet the requirements listed below beginning on the “Accessible Conversion Start Date,” which will be the date when a vehicle is available that meets TLC’s standards for accessible taxicabs and the Administrative Code’s requirements regarding alternative fuel taxicabs. If no such vehicle is available by January 1, 2016, then that date will be the “Accessible Conversion Start Date.”

Unrestricted minifleet medallion owners:

- Where a minifleet consists of two medallions, the medallion assigned to the first vehicle that is scheduled to retire after the effective date of these rules must be hacked-up with an accessible vehicle. Thereafter, at least one medallion (though not necessarily the same medallion) must be assigned to an accessible vehicle.

- Where a minifleet consists of more than two medallions, every medallion scheduled to retire after the effective date of these rules must be hacked up with an accessible vehicle until one-half (or the nearest fraction exceeding one-half) of the minifleet’s vehicles are accessible. Thereafter, at least one half of the minifleet’s medallions (though not necessarily the same medallions) must be assigned to accessible vehicles.

Unrestricted independent medallion owners:

- Unrestricted medallions assigned to vehicles that are scheduled to retire during the second six-month period following the Accessible Conversion Start Date will be placed into a lottery, in which one-half will be selected to be placed into service with an accessible vehicle. As the successive vehicles to which those medallions are assigned reach their retirement dates, the medallions will be assigned on an alternating basis, first to non-accessible vehicles, then to accessible vehicles. The medallions that are not selected in this lottery may be placed into service with a non-accessible vehicle. As the successive vehicles to which those medallions are assigned reach their retirement dates, the medallions will be assigned on an alternating basis, first to accessible vehicles, then to non-accessible vehicles. In this way, a schedule of alternating assignments to accessible and non-accessible vehicles will be established for all medallions placed in this lottery.
- Unrestricted medallions assigned to vehicles that are scheduled to be retired during the third six-month period following the Accessible Conversion Start Date will be placed into another lottery, to be held six months after the first lottery, in which one-half will be selected to be placed into service with an accessible vehicle. The medallions not selected in this lottery may be placed into service with a non-accessible vehicle. As the successive vehicles to which medallions in this group are assigned reach their retirement dates, the same schedule of alternating assignments to accessible and non-accessible vehicles will apply for all medallions placed in this lottery.
 - Lotteries for unrestricted independent medallions will continue to be held twice a year until a schedule of alternating assignments to accessible and non-accessible vehicles is established for all unrestricted independent medallions.

Alternative Fuel medallion owners:

- When an accessible alternative fuel vehicle is available, these medallions will be placed on a schedule of alternating assignments to accessible and non-accessible vehicles, in the same manner as unrestricted independent medallions.

Accessible medallion owners:

- Must continue to use their medallions with accessible vehicles.

Owners required to convert under these rules can trade the requirement with any owner who is not required to convert, provided that the vehicles of both owners are scheduled to be retired during the same calendar year.

The rule also contains provisions to prevent owners from transferring medallions without providing a plan to the TLC for continued compliance with accessibility conversion requirements.

New Funds to Finance Accessible Conversions

The rules provide for the creation of the new Taxicab Improvement and Street Hail Livery Improvement Funds, which will be funded by surcharges on both taxi and Street Hail Livery trips. These Improvement Funds will fund grants made to Street Hail Livery licensees and medallion owners who are required to purchase an accessible vehicle, and to drivers who operate accessible taxicabs and Street Hail Liveries. The TLC will review the improvement funds annually, by no later than the end of April in each year beginning in 2017, to assess whether the funds and surcharges are appropriate in light of the costs the funds will defray.

New Taxicab Improvement Surcharge

The rules provide for a surcharge of \$0.30 per taxicab ride, to be divided between medallion taxicab drivers and owners to pay for accessibility costs. A portion of the surcharge, \$0.05 per ride, will be reserved for drivers to help compensate for costs associated with accessibility, including the costs associated with additional training related to driving accessible vehicles. Of the remaining \$0.25 of the surcharge:

- Owners of all Medallions will pay this amount into the new Taxicab Improvement Fund (TIF). It is anticipated that monies in the TIF will be sufficient to provide, for each accessible vehicle in use with a Minifleet Medallion or Independent Medallion, approximately:

- o \$14,000 for vehicle purchase, and
- o \$16,000 to cover additional operational costs associated with accessible taxis, which is comprised of,
 - \$1,500 per year over four years for estimated additional maintenance costs, and,
 - \$2,500 per year over four years to cover estimated lost revenue associated with additional days off of the road
- In addition, monies from the TIF will be used to help finance the accessible dispatch program established in Chapter 53 of TLC's rules.

For purposes of calculating the cost to owners of the accessible vehicle conversion requirement, the vehicle conversion cost will be the maximum difference between the cost of accessible and non-accessible versions of the Nissan NV200 Taxi. TLC estimated operational costs by surveying accessible owner-drivers on maintenance needs for accessible vehicles and by comparing 2013 taxi trip data on the number of annual revenue shifts performed between accessible and non-accessible taxi vehicles.

New Street Hail Livery Improvement Surcharge

The rules create the Street Hail Livery Improvement Fund, to be financed by a surcharge of \$0.30 per street hail livery ride. The TLC anticipates that the Street Hail Livery Improvement Fund will be used for purposes similar to those of the Taxicab Improvement Fund, that is, assisting owners and drivers to maintain accessibility in the markets served by Street Hail Liveries, and providing grants to facilitate continued accessibility when the TLC's current grant program for accessible Street Hail Liveries ends.

Driver Training Requirements

All new drivers must receive wheelchair passenger assistance training beginning on June 1, 2014; all current drivers must receive such training within one year of the effective date of their taxi driver's license renewals.

Penalties for Violation of New Rule

The rule imposes penalties for failure to remit the surcharge as required for both drivers and medallion owners.

These rules are authorized by Section 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended by adding, in alphabetical order, new definitions of Accessible Conversion Start Date, Street Hail Livery Improvement Surcharge, Street Hail Livery Improvement Fund, Taxicab Improvement Surcharge and Taxicab Improvement Fund, to read as follows:

Accessible Conversion Start Date is the date which is the earlier of (1) the date on which there is available an Accessible Taxicab Model that meets the specifications of Section 67-05.2 of these Rules and the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, or (2) January 1, 2016. To the extent possible, the Chairperson will place a notice of the Accessible Conversion Start Date on the Commission's Web site at least 60 days prior to the Accessible Conversion Start Date.

Street Hail Livery Improvement Surcharge is the surcharge of \$0.30 per trip that will be added to every Hail Trip in a Street Hail Livery beginning on January 1, 2015. The Street Hail Livery Improvement Surcharge will be deposited into the Street Hail Livery Improvement Fund.

Street Hail Livery Improvement Fund is the City-managed fund, which is funded by the Street Hail Livery Surcharge and from which subsidy payments will be made to Street Hail Livery Licensees who are required to purchase an Accessible Vehicle, and to Drivers who operate Accessible Street Hail Liveries. Certain monies remitted to the Street Hail Livery Improvement Fund will be used to make grants of equal, set amounts to all vehicle owners who will be required to purchase Accessible Vehicles or for other programs to enhance the accessibility of Street Hail Liveries. Monies in the Fund may also be used for other purposes, including, but not limited to, offsetting the costs associated with driver training and funding the Accessible Vehicle dispatch program established in Chapter 53 of these rules. The driver portion of these monies will be paid to Drivers who operate Accessible Street Hail Liveries.

Taxicab Improvement Surcharge is the surcharge of \$0.30 per trip that will be added to every taxicab trip beginning on January 1, 2015. The Taxicab Improvement Surcharge will be deposited into the Taxicab Improvement Fund.

Taxicab Improvement Fund is the City-managed fund, which is funded by the Taxicab Improvement Surcharge and from which subsidy payments will be made to Medallion Owners or their Agents, or Drivers, who are required to purchase an Accessible Vehicle pursuant to Section 58-50 of these rules, and to Drivers who operate Taxicabs required to be accessible pursuant to Section 58-50 of these rules. Monies remitted to the Taxicab Improvement Fund will be used to make grants of equal, set amounts to all vehicle owners of vehicles in use with Medallions who will be required to purchase Accessible Vehicles under Section 58-50 of these rules. Monies in the Fund may also be used for other purposes, including, but not limited to, offsetting the costs associated with driver training and funding the Accessible Vehicle dispatch program established in Chapter 53 of these rules. The driver portion of these monies will be paid to Drivers who operate Accessible Taxicabs, including those required to be accessible pursuant to Section 58-50 of these rules.

Section 2. Section 54-04(n)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) Training Must be Approved by Commission. In order to become a driver of an Accessible Taxicab or an Accessible Street Hail Livery, a Driver must attend a Commission-approved training course regarding Wheelchair Passenger assistance (Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery). Beginning on June 1, 2014, any Applicant for a new Taxicab Driver's License must attend and complete the training course as a condition of licensure after an application for licensure has been accepted by the Agency. Beginning on the Accessible Conversion Start Date, any Applicant for a renewal Taxicab Driver's License must attend and complete the training course as a condition of licensure. Every holder of a Taxicab Driver's License must have completed the training by no later than one year after the Accessible Conversion Start Date as a condition of continued licensure.

Section 3. Section 54-17 of Title 35 of the Rules of the City of New York is amended to add new subdivisions (k) and (l), to read as follows:

(k) Taxicab Improvement Surcharge. When operating a taxicab, the Driver must remit the Taxicab Improvement Surcharge to the Taxicab Medallion Owner.

<u>§54-17(k)</u>	<u>Fine: \$50 per occurrence</u>	<u>Appearance NOT REQUIRED</u>
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(l) Street Hail Livery Improvement Surcharge. For each Hail Trip in a Street Hail Livery, the Driver must remit the Street Hail Livery Improvement Surcharge to the Street Hail Livery Base.

<u>§54-17(l)</u>	<u>Fine: \$50 per occurrence</u>	<u>Appearance NOT REQUIRED</u>
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Section 4. Subdivisions (a) through (pp) of section 58-03 of Title 35 of the Rules of the City of New York are relettered subdivisions (b) through (qq), and a new subdivision (a) is added, to read as follows:

(a) Accessible Conversion Start Date is the date which is the earlier of (1) the date on which there is available an Accessible Taxicab Model that meets the specifications of Section 67-05.2 of these Rules and the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, or (2) January 1, 2016. To the extent possible, the Chairperson will place a notice of the Accessible Conversion Start Date on the Commission's Website at least 60 days prior to the Accessible Conversion Start Date.

Section 5. Section 58-16 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g), to read as follows:

(g) Taxicab Improvement Fund.

- (1) An Owner of a Medallion, or his or her Agent, must pay the entire Taxicab Improvement Surcharge remitted by the Taxicab Driver to the Taxicab Improvement Fund.
- (2) The Owner of any Medallion, or his or her Agent, must pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time required by the Commission.
- (3) If an Owner, or his or her Agent, does not pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time required, non-payment will be grounds for suspension of the Taxicab License, and/or denial of any renewal application or of any application for another TLC-issued license, as well as monetary penalties.
- (4) Taxicab Improvement Surcharge. The Taxicab Improvement Surcharge will be allocated as follows:

- (i) Drivers: 5 cents from the Taxicab Improvement Surcharge on each trip will be paid into a portion of the Taxicab Improvement Fund which will be allocated to Drivers of Accessible Taxicabs, including those required to be accessible under section 58-50 of these Rules.
- (ii) Owners of All Medallions: 25 cents from the Taxicab Improvement Surcharge on each trip will be paid into a portion of the Taxicab Improvement Fund which will be used to make grants to persons required to place a vehicle that is required to be accessible under Section 58-50 of these Rules into use.

<u>58-16(g)</u>	<u>Fine: \$1000 and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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Section 6. Section 58-21(c)(5) of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (xii), to read as follows:

- (xii) Beginning on January 1, 2015, the Taxicab Improvement Surcharge, which must be paid as provided in Section 58-16 of these Rules.

Section 7. Section 58-21(f)(1) and (f)(2) of Title 35 of the Rules of the City of New York are amended to read as follows:

- (1) For any lease of a Taxicab (vehicle and Medallion) under paragraph 58-21(c)(1) or 58-21(c)(2), an Owner (or Owner's Agent) must pay a Driver in cash, on a daily basis, the total amount of all credit card payments made during the Driver's shift, less the \$.06 per trip driver health surcharge described in subdivision 58-21(f)(5) and, on and after January 1, 2015, the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section 58-16;
- (2) For any lease not described in subparagraph (1), an Owner (or Owner's Agent) must pay the Driver in cash, on no less than a weekly basis, the total amount of all credit card payments made during that period, less the \$.06 per trip driver health surcharge described in subdivision 58-21(f)(5) and, on and after January 1, 2015, the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section 58-16.

Section 8. Section 58-26(a)(1)(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) The charge for the initial unit is \$2.50 plus, on and after January 1, 2015, the Taxicab Improvement Surcharge of \$0.30 for a total of \$2.80

Section 9. Section 58-26 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (i), to read as follows:

- (i) Beginning on January 1, 2015, the Taxicab Improvement Surcharge must be collected in addition to any fare charged under subdivisions (b) through (d) of this Section.

Section 10. Title 35 of the Rules of the City of New York is amended by adding a new section 58-50, to read as follows:

§58-50 Accessible Vehicle Conversion.

(a) Accessible Vehicle Hack-up: Unrestricted and Alternative Fuel Minifleet Medallions

- (i) Beginning on the Accessible Conversion Start Date, any Unrestricted Medallion which is a Minifleet Medallion for which a new vehicle is placed into service must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules until at least 50 percent of the Unrestricted Minifleet Medallions owned by such Minifleet are Hacked-up with an Accessible Taxicab that meets the requirements of Section 67-05.2 of these Rules.
- (ii) Following the Accessible Conversion Start Date and beginning at such time that there is available a vehicle qualified for use with an Alternative Fuel Medallion that is also qualified as an Accessible Taxicab under Chapter 67 of these Rules, any Alternative Fuel Minifleet Medallion for which a new vehicle is placed into service must be Hacked-up with a vehicle that is qualified for use with both an Alternative Fuel Medallion and an Accessible Medallion under Chapter 67 of these Rules, until at least 50 percent of the Alternative Fuel Minifleet Medallions owned by such Minifleet are Hacked-up with such vehicles.

(b) Accessible Vehicles Hacked-up.

An Accessible Vehicle, as indicated by vehicle identification number, which is Hacked-up with any Minifleet Medallion in order to comply with Accessible Taxicab Hack-up requirements for a Minifleet Medallion under subdivision (a) of this section can satisfy an Accessible Taxicab Hack-up requirement under subdivision (a) only at the time of first Hack-up.

(c) Accessible Vehicle Hack-up: Unrestricted and Alternative Fuel Independent Medallions

- (i) Beginning on the Accessible Conversion Start Date, 50 percent of all Unrestricted Medallions which are Independent Medallions for which a new vehicle is placed into service in each calendar year must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules.
- (ii) Following the Accessible Conversion Start Date and beginning at such time that there is available a vehicle qualified for use with an Alternative Fuel Medallion that is also qualified as an Accessible Taxicab under Chapter 67 of these Rules, 50 percent of all Alternative Fuel Independent Medallion for which a new vehicle is placed into service in each calendar year must be Hacked-up with a vehicle that is qualified for use with both an Alternative Fuel Medallion and an Accessible Medallion under Chapter 67 of these Rules.
- (iii) The TLC will select the Independent Medallions that will be subject to this requirement in a bi-annual lottery. This procedure will also be used for Alternative Fuel Medallions when a qualifying vehicle is available. The lottery will determine accessible vehicle Hack-up requirements for Independent Medallions (including Alternative Fuel Independent Medallions when applicable) until the next following scheduled vehicle replacement for those medallions.
- (iv) The TLC will conduct the lottery on or before January 1 of each year for medallions which must place an Accessible Taxicab into service from July 1 to December 31 of that year. For medallions which must place an Accessible Taxicab into service from January 1 to June 30 of the next calendar year, the lottery will be held on or before July 1 of the preceding year.
- (v) The TLC will post on its Web site which Independent Medallions must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules as soon as practicable following the lottery.
- (vi) Those Medallions that are not selected in the lottery held pursuant to paragraph (iv) of this subdivision to Hack-up an Accessible Taxicab in their next vehicle replacement will be required to place an Accessible Taxicab into service in their next following scheduled vehicle replacement.

(d) Any vehicle valid for use with an Unrestricted Medallion or Alternative Fuel Medallion and Hacked-up prior to the Accessible Conversion Start Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.

(e) Transfer of Accessible Vehicle Conversion Requirement.

- (i) In any calendar year, any Owner or vehicle owner required to Hack-up a Medallion with an Accessible Vehicle under this Rule will be permitted to transfer such requirement to any other Owner or vehicle owner who is not subject to that requirement and is required to Hack-up a vehicle during the same calendar year.
- (ii) Any Owner or vehicle owner wishing to transfer the Accessible Vehicle conversion requirement as provided in paragraph (i) of this subdivision must provide notice to the Chairperson in the form specified by the Chairperson at least 60 days prior to the scheduled retirement date, as set forth in §67-18 of this Chapter, as may be modified by §67-19, of the transferor's vehicle or of the transferee's vehicle, whichever is earlier.
- (iii) Any Owner agreeing to accept the Accessible Vehicle conversion requirement pursuant to paragraph (i) of this subdivision must follow all requirements of this Rule as if such owner were required to Hack-up an Accessible Vehicle pursuant to subdivisions (a) or (c) of this Section.

(f) Conversion through Scheduled Retirement: A Taxicab Medallion required to be placed into service with an Accessible Vehicle under this Section must continuously be Hacked-up with an Accessible Vehicle for a minimum of four years.

(g) Any Owner of a Taxicab Medallion placed into service with an Accessible Taxicab pursuant to this section must comply with all requirements of Chapter 53 of these Rules.

(h) The TLC will review the Taxicab Improvement Fund annually, by no later than the end of April, beginning in 2017, to assess the adequacy of the Fund, the uses of the Fund, and the surcharge funding the Fund receives, and will produce a report annually with the result of its assessment and recommendations and analysis. Such recommendations and analysis shall include but not be limited to the following: (i) whether the current surcharge should be lowered, raised or kept the same; (ii) a review of possible alternate sources of funding for the Fund other than the surcharge; and (iii) the costs incurred by Owners and Drivers that are required to purchase and operate Accessible Vehicles as opposed to those Owners and Drivers who are not so required. Such report shall be submitted to the Speaker of the NYC Council and posted on TLC's website upon completion of the report.

(i) The provisions of this section do not apply to Accessible Medallions that were originally issued as Accessible Medallions. Owners of taxicabs in service with Accessible Medallions that were originally issued as Accessible Medallions will not receive grants funded by the Taxicab Improvement Fund.

Section 11. Section 59B-13 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (n), to read as follows:

(n) Street Hail Livery Improvement Fund.

- (1) A Street Hail Livery Base must pay the Street Hail Livery Improvement Surcharge remitted by the Driver for each Hail Trip to the Street Hail Livery Improvement Fund.
- (2) The Street Hail Livery Base must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required by the Commission.
- (3) If the Street Hail Livery Base does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, non-payment may be grounds for suspension of the Street Hail Livery Base License, and/or denial of any renewal application or of any application for another TLC-issued license, as well as monetary penalties.

59B-13(n)	Fine: \$1000	Appearance REQUIRED
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Section 12. Section 82-26(a)(1)(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) The charge for the initial unit is \$2.50 plus, on and after January 1, 2015, the Street Hail Livery Improvement Surcharge of \$0.30 for a total of \$2.80

Section 13. Section 82-26 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (i), to read as follows:

- (i) Beginning on January 1, 2015, the Street Hail Livery Improvement Surcharge must be collected in addition to any fare charged under subdivisions (b) through (d) of this Section.

Section 14. Title 35 of the Rules of the City of New York is amended by adding a new section 82-70, to read as follows:

§82-70 Street Hail Livery Improvement Fund Review

(a) The TLC will review the Street Hail Livery Improvement Fund annually, by no later than the end of April, beginning in 2017, to assess the adequacy of the Fund, the uses of the Fund, and the surcharge funding the Fund receives, and will produce a report annually with the result of its assessment and recommendations and analysis. Such recommendations and analysis shall include but not be limited to the following: (i) whether the current surcharge should be lowered, raised or kept the same; (ii) a review of possible alternate sources of funding for the Fund other than the surcharge; and (iii) the costs incurred by Owners and Drivers that are required to purchase and operate Accessible Vehicles as opposed to those Owners and Drivers who are not so required. Such report shall be submitted to the Speaker of the NYC Council and posted on TLC's website upon completion of the report.

SPECIAL MATERIALS

CITY PLANNING

NOTICE

POSITIVE DECLARATION

Project Identification	Lead Agency
Vanderbilt Corridor and One Vanderbilt CEQR No. 14DCP188M ULURP Nos. Pending SEQRA Classification: Type I	City Planning Commission 22 Reade Street New York, NY 10007 Contact: Robert Dobruskin (212) 720-3423

Name, Description and Location of Proposal:

Vanderbilt Corridor and One Vanderbilt

The applicants, the New York City Department of City Planning (DCP) and Green 317 Madison LLC, are requesting a zoning text amendment, City Map change, and special permit pursuant to the proposed zoning text amendment (collectively, the "Proposed Action") affecting a five block area in East Midtown neighborhood between East 42nd and East 47th Streets of Manhattan Community District 5.

The Proposed Action includes a proposal by DCP for:

- Zoning text amendments to:
 - Create the "Vanderbilt Corridor" and a new special permit under which the City Planning Commission (CPC) may approved bonus floor area (the "Grand Central Public Realm Improvement Bonus") in connection with public space and transit improvements related to development within the Vanderbilt Corridor;
 - Increase the maximum floor area ratio (FAR) from 21.6 to 30.0 for sites in the Vanderbilt Corridor utilizing the existing landmark transfer special permit available in the Grand Central Subdistrict; and
 - Modify the uses permitted in the Vanderbilt Corridor to allow the development, conversion or enlargements of hotels only by a new special permit; and
 - A City Map amendment to designate the portion of Vanderbilt Avenue between East 42nd and East 43rd Streets as a "public place" dedicated to pedestrian uses, to be owned by the City of New York under the jurisdiction of the New York City Department of Transportation (NYCDOT).
- The Proposed Action also includes a proposal by Green 317 Madison, LLC, for:
- Special permits proposed pursuant to the proposed Grand Central Public Realm Improvement Bonus and FAR transfer to facilitate the redevelopment of the block bounded by 43rd Street to the North, 42nd Street to the South, Madison Avenue to the East and Vanderbilt Street to the West. The special permits would involve public realm improvements in the surrounding area and the transfer of excess development rights from the New York City Landmark (NYCL) "Bowery Savings Bank" located at 110 East 42nd Street.

The Proposed Action would facilitate a proposal by Green 317 Madison, LLC to construct an approximately 1.8 million gross square foot (1,299,390 zoning square foot) 30.0 FAR mixed use building ("One Vanderbilt") containing a mix of uses including office, trading floors, retail, restaurant, an enclosed public space at ground level, and rooftop amenity space. The proposed Vanderbilt Corridor includes five blocks along the west side of Vanderbilt Avenue between East 42nd and East 47th Streets - Block 1277 (Lots 20, 27, 46, and 52), Block 1278 (Lot 20), Block 1279 (Lots 23, 24, 25, 28, 45, and 48), Block 1281 (Lot 21), and Block 1282 (Lot 21). The project area includes the five blocks of the Vanderbilt Corridor and the 12,820-square-foot portion of Vanderbilt Avenue between East 42nd and East 43rd Streets.

DCP is proposing the Vanderbilt Corridor text amendment in order to address the number of development sites along Vanderbilt Avenue that offer the opportunity to provide modern commercial space in the immediate vicinity of Grand Central in the near term, to create a mechanism for linking new commercial development to significant

infrastructure improvements to the overall Grand Central area, and greater options for the transfer of unused landmark development rights.

As noted above, Green 317 Madison LLC intends, under the Proposed Action, to construct a 30 FAR commercial development on their project site comprised of approximately 1.8 million gross square foot (gsf) that would be completed and occupied by 2021. The proposed building is intended to contain approximately 1,079,000 gsf of office space, approximately 246,000 gsf of trading floors, approximately 53,000 gsf of retail, approximately 27,000 gsf of restaurant space, an approximately 55,000-square-foot rooftop amenity at the top of the building, a 4,500-square-foot enclosed public space, and approximately 343,500 gsf of space for circulation, mechanical, core, back-of-house, and loading uses. The building design, which is currently being finalized, would have a tapered form that reaches an approximate height of 1,350 feet to top of building structure, with a spire above. In addition, development of the proposed One Vanderbilt building would also include the creation of off-site pedestrian circulation improvements specific to the IRT Lexington Avenue subway station. With the proposed actions, the portion of Vanderbilt Avenue between East 42nd and East 43rd Streets would be closed to vehicular traffic and mapped as a public place. Since the needed improvements to the public place would be performed by the developer of the One Vanderbilt building, the proposed public place will be considered as part of the One Vanderbilt development for purposes of the CEQR analysis. It is expected that the proposed One Vanderbilt building and related improvements would be completed by 2021.

There are no specific proposals to redevelop the four blocks of the proposed Vanderbilt Corridor north of the One Vanderbilt site, but it is conceivable that one or more of these sites would be redeveloped in the foreseeable future. Consequently, a conceptual analysis, based on an analysis year of 2033, will consider the potential redevelopment of these blocks within the proposed Vanderbilt Corridor. The conceptual analysis will assume that the MTA-owned portion of Block 1279 and Block 1281 in the Vanderbilt Corridor could each be redeveloped with a commercial office building of 30 FAR. Assuming a standard gross factor of 1.25, the 25,051-square-foot MTA-owned portion of Block 1279 could be redeveloped with 939,412 gsf of commercial (office and associated mechanical) space and the 43,313-square-foot Block 1281 could be redeveloped with 1,624,237 gsf of commercial (office and associated mechanical) space. In addition, it is assumed that the 162,330-square-foot building at 52 Vanderbilt Avenue on Block 1279 (Lot 45) would remain at its current built form but would utilize the special permit for hotel use to allow the conversion of the structure from predominately office use.

In the future without the Proposed Action, it is expected that the One Vanderbilt site would be redeveloped with a commercial building under the existing C5-3 and Special Midtown District regulations, which permit commercial development up to a maximum FAR of 15.0. The No-Action building would be approximately 683 feet tall and total approximately 811,034 gsf of space including 636,312 gsf of office space, 83,648 gsf of retail space, and 91,074 gsf of mechanical space. Furthermore, as there would be no amendment to the City Map to map Vanderbilt Avenue between East 42nd and East 43rd Streets as a public place; that section of Vanderbilt Avenue would remain in its current condition and open to vehicles. The redevelopment of Blocks 1279 and 1281 could also conceptually occur under the existing C5-3 and Special Midtown District regulations resulting in the MTA-owned portion of Block 1279 being redeveloped with approximately 469,706 gsf of commercial (office and associated mechanical) space and Block 1281 being redeveloped with 812,119 gsf of commercial (office and associated mechanical) space.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse impacts on historic and cultural resources in the affected area.
6. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of

the affected area.

7. The action, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on water and sewer infrastructure in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services.
10. The action, as proposed, may result in significant adverse impacts on energy.
11. The action, as proposed, may result in significant adverse impacts to transportation in the vicinity of the affected area.
12. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
13. The action, as proposed, may result in significant adverse impacts to greenhouse gases in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse impacts related public health.
16. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
17. The action, as proposed, may result in significant adverse construction-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. Land Use, Zoning and Public Policy - The Proposed Action would alter existing land uses and zoning by allowing greater densities than the current zoning permits. In addition, the effects of the Proposed Action may not be compatible with one or more of the public policies that are applicable to portions of the affected area.
2. Socioeconomic Conditions - The Proposed Action would not result in any direct business displacement as the One Vanderbilt site's existing uses would be displaced irrespective of the proposed development. However, it could result in indirect displacement of commercial uses as it would introduce a sizable amount of new commercial uses to the area that could introduce trends that make it difficult for businesses that are essential to the local economy to remain in the area. In addition, the proposed One Vanderbilt building is expected to contain trading floors and an observation deck that could potentially affect similar uses that may exist in the study area. The Proposed Action has no potential to result in direct or indirect residential displacement as it would neither directly displace any dwelling units nor induce a trend that could potentially result in changing socioeconomic conditions for residents in the area.
3. Community Facilities - The Proposed Action would not result in the direct displacement of any existing community facilities or services. Furthermore, based on the future conditions described above, the Proposed Action would not result in an increase of residential units and, therefore would not have the potential to result in significant adverse impacts related to public schools, libraries, and child care.
4. Open Space - The Proposed Action would not have a direct effect on any open space resource; however, it may have an indirect effect due to increased demand for use of publicly accessible spaces by the sizeable number of workers and other daytime users that would be introduced to the area by the Proposed Action.
5. Shadows - The Proposed Action would allow an increase in development density and greater building heights in the affected area. Shadows cast by the proposed One Vanderbilt building and additional new buildings that could be developed within the One Vanderbilt Corridor could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the area.
6. Historic and Cultural Resources - The Proposed Action's directly affected area is immediately adjacent to a designated landmark (Grand Central Terminal) and encompasses several buildings that may be eligible for landmark designation. In addition, the Proposed Action may result in additional in-ground disturbance and therefore has the potential to affect archaeological resources that may be present.
7. Urban Design and Visual Resources - The Proposed Action and subsequent projected development would result in physical changes in the affected area beyond the bulk and form currently

permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.

- 8. Natural Resources - The area of the Proposed Action is located in a fully developed area of Manhattan, and the affected area and immediately adjacent area are substantially devoid of natural resources; therefore, the Proposed Action would not have a significant adverse impact on natural resources.
- 9. Hazardous Materials - The Proposed Action would result in additional in-ground disturbance which, given the historical on- and off-site uses and conditions, has the potential to result in hazardous materials impacts.
- 10. Water and Sewer Infrastructure - The Proposed Action would result a sizable net increase of building space within the affected area which could place additional demands on infrastructure, including water supply and storm water management.
- 11. Solid Waste and Sanitation - Due to the increase in density within the affected area, the Proposed Action could increase the demands on solid waste and sanitation transport and disposal services.
- 12. Energy - Although significant adverse energy impacts are not anticipated for the Proposed Action as it would not affect the transmission or generation of energy, the projected amount of energy consumption during long-term operation resulting from the Proposed Action should be assessed.
- 13. Transportation - The Proposed Action would result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. It also would affect pedestrian movements in the area due to the increased number of workers and visitors to the area.
- 14. Air Quality - Increased demand for heating, ventilation and air conditioning (HVAC) and additional vehicular traffic introduced by the Proposed Action may affect air quality.
- 15. Greenhouse Gas Emissions - The Proposed Action would allow an increase in development density that may affect greenhouse gas emissions due to increased construction and operational activities with the projected development.
- 16. Noise - The Proposed Action would increase the volume of traffic in the area, which could result in additional traffic noise and may have the potential to result in stationary source noise impacts.
- 17. Public Health - The Proposed Action would result in an increase in development density which could potentially result in public health concerns.
- 18. Neighborhood Character - The Proposed Action has the potential to alter certain constituent elements of the affected area's neighborhood character, including land use patterns, socioeconomic conditions, traffic, and noise levels.
- 19. Construction - Construction of the proposed One Vanderbilt building and additional potential development within the One Vanderbilt Corridor may result in construction-related impacts.
- 20. The Draft Environmental Impact Statement (DEIS) to be prepared for the Proposed Action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Wednesday, July 16th, 2014, at 3:30 P.M. and will be held at the New York City Department of City Planning, Spector Hall, 22 Reade Street, New York, NY, 10007. Written comments will be accepted by the lead agency until the close of business on Monday, July 28, 2014.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Diane McCarthy, at (212) 720-3417.

REVISED NEGATIVE DECLARATION
Supersedes Negative Declaration Issued on January 21, 2014

Project Identification
CEQR No. 14DCP086M
ULURP Nos. 140204ZSM, 140205ZSM,
140206ZSM
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal:

42 Crosby Street

This Revised Negative Declaration has been issued to clarify the current use of the project site, which has changed since the Negative Declaration was issued for the proposal on January 17, 2014. Since that date, the public parking lot that had been in operation on the project site has been removed and is no longer in use. The applicant has stated that the change in project site conditions is related to site remediation and preparation necessary for the Department of Buildings (DOB) approvals. The project site is currently developed with a vacant one-story 814 gross square feet (gsf) structure and a partially paved 8,274 gsf area formerly used as a parking lot. A Revised Environmental Assessment Statement (EAS) that addresses the current use of the site was submitted on June 10, 2014 and concludes that the change in the existing conditions on the project site would not result in any significant adverse impacts and would not alter the conclusions of the January 17, 2014 EAS.

The applicant, Broome Street Owner LLC, is seeking two special permits pursuant to Section 74-712 (a) and (b) of the New York City Zoning Resolution (ZR) to modify use and bulk regulations, and one special permit pursuant to ZR §13-45 and ZR §13-451 to permit an accessory self-parking garage with 10 spaces. The proposed action would facilitate a proposal by the applicant to develop a new approximately 52,400 gsf, seven-story mixed use development with 10 residential units and approximately 3,760 gsf of ground floor retail. The project site (Block 483, Lot 35) is located at the northwest corner of Crosby and Broome Streets, in Manhattan's SoHo Cast Iron Historic District, within Manhattan, Community District 2.

The applicant intends to develop a 10-unit residential building with approximately 3,760 gsf of ground-floor retail. However, for conservative analysis purposes, a development with 15 residential units was assumed. As defined by the Historic District Use Permit, ZR Section 74-712(a), 15 units would be the allowable permitted maximum.

The project site is located in a M1-5B district where community facility and light manufacturing uses are allowed. Retail uses are not allowed below the second story. The special permit pursuant to ZR 74-712(a) is required to modify the allowable uses in order to permit residential uses and also allow retail uses below the second floor. The special permit pursuant to ZR 74-712(b) is required to allow a sun control device above the upper story of the proposed building. The special permit pursuant to ZR 13-45 and 13-451 is required to allow 10 proposed accessory parking spaces, which exceed what is allowed as-of-right on the project site. The project site is located within the SoHo Cast Iron Historic District and was issued a Certificate of Appropriateness by the Landmarks Preservation Commission (LPC) on June 27, 2013. The LPC approval includes a Construction Protection Plan (CPP) to prevent construction related impacts to historic resources.

The proposed project is expected to be completed by 2016. Absent the proposed action the existing conditions would remain unchanged.

To avoid the potential for significant adverse impacts related to hazardous materials and noise, an (E) designation (E-331) has been incorporated into the proposed action on (Block 483, Lot 35), as described below.

The (E) designation text related to hazardous materials is as follows:

Task 1: Sampling Protocol

Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation Protocol/Work Plan, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting

samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remedial action plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation to OER that the work has been satisfactorily completed.

An OER-approved construction health and safety plan would be implemented during excavation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With the assignment of the (E) designation on the project site, no significant adverse impacts related to hazardous materials would be result from the proposed action.

The (E) designation text related to noise is as follows:

In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

With the assignment of the (E) designation on the project site, no significant adverse impacts related to noise would result from the proposed action.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated January 17, 2014, and the Revised Environmental Assessment Statement, dated June 10, 2014, prepared in connection with the ULURP Application (Nos. 140204ZSM, 140205ZSM, 140206ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The (E) designation for hazardous materials and noise would ensure that the proposed action would not result in significant adverse impacts.
2. To avoid inadvertent demolition and/or construction-related damage to historic resources, the applicant has stated they will prepare a Construction Protection Plan (CPP), which would be coordinated with LPC and implemented in consultation with a licensed professional engineer. This CPP would be prepared as set forth in Chapter 9 Section 522 of the CEQR Technical Manual and in compliance with the procedures included in the DOB's TPPN #10/88 and LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. The CPP would be prepared and implemented prior to demolition and construction activities on the project site and project-related demolition and construction activities would be monitored as specified in the CPP.
3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Revised Negative Declaration, you may contact Ingrid Young at (212) 720-3425.

OFFICE OF COLLECTIVE BARGAINING

■ NOTICE

NOTICE OF REPRESENTATION PETITION

The New York City Office of Collective Bargaining has received the petition described below. The Board of Certification will conduct an investigation of this matter.

DATE: June 4, 2014 **DOCKET #:** RU-1581 -14
FILED: Petition for Certification
DESCRIPTION: LEEBA seeks to be certified as the exclusive bargaining representative of the Inspectors (Highway and Sewers) bargaining unit, currently represented by LIUNA Local 1042 in Certification No. 10-77
TITLES: **Highways and Sewers Inspector (Title Code No. 31626)**
Associate Inspector (Highways and Sewers) (Title Code No. 31645)
Apprentice Inspector (Highways and Sewers) (Title Code No. 35007)
Service Inspector (DOT) (Title Code No. 33765)
Senior Service Inspector (DOT) (Title Code No. 33766)
PETITIONER: Law Enforcement Employees' Benevolent Association
 27 Main Street
 Catskills, NY 12414
EMPLOYER: The City of New York, Department of Transportation
 55 Water Street
 New York, NY 10041

BARGAINING REPRESENTATIVE:

Laborers' International Union of North America,
 Local 1042 Pavers and Road Builders District
 Council
 136-225 37th Avenue, 5th Floor
 Flushing, NY 11354

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT

Notice Date: June 11, 2014

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
346 West 71 st Street, Manhattan		49/14	May 1, 2011 to Present
65 East 129 th Street, Manhattan		51/14	May 2, 2011 to Present
326 West 113 th Street, Manhattan		52/14	May 5, 2011 to Present
369 West 123 rd Street, Manhattan		53/14	May 5, 2011 to Present
603 West 187 th Street, Manhattan		54/14	May 8, 2011 to Present
416 West 144 th Street, Manhattan a/k/a 72 Hamilton Terrace		55/14	May 13, 2011 to Present
23 East 127 th Street, Manhattan		56/14	May 13, 2011 to Present
18 West 123 rd Street, Manhattan		59/14	May 21, 2011 to Present
218 Bowery, Manhattan a/k/a 218-220 Bowery		60/14	May 21, 2011 to Present

224 West 137 th Street, Manhattan	62/14	May 27, 2011 to Present
153 West 121 st Street, Manhattan	64/14	May 28, 2011 to Present
405 Franklin Avenue, Brooklyn	57/14	May 1, 2011 to Present
303 Vanderbilt Avenue, Brooklyn	58/14	May 15, 2011 to Present
832 Lincoln Road, Brooklyn	61/14	May 22, 2011 to Present

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277** or **(212) 863-8211**.

**REQUEST FOR COMMENT
REGARDING AN APPLICATION FOR A
CERTIFICATION OF NO HARASSMENT**

Notice Date: June 11, 2014

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
69 Huron Street, Brooklyn		50/14	October 4, 2004 to Present

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§ 23-013, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

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j11-19

CHANGES IN PERSONNEL

OFFICE OF MANAGEMENT & BUDGET
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
CHEW PEGGY	Y 06088	\$58993.0000	APPOINTED	YES	05/28/14
GRAY STEPHEN	J 12626	\$52162.0000	RETIRED	NO	04/01/14
KIM HYE JI	06088	\$44765.0000	APPOINTED	YES	05/18/14
KRAEMER JACOB	06088	\$52438.0000	APPOINTED	YES	05/18/14
NESBITT MAKEDA	L 06088	\$58993.0000	APPOINTED	YES	05/25/14
ORLANDO RAYMOND	J 40141	\$187960.0000	RESIGNED	YES	05/18/14

TAX COMMISSION
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
MOORE RASHAD	A 10209	\$10.0000	APPOINTED	YES	05/19/14

LAW DEPARTMENT
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
ADAMS KESHIA	10251	\$16.7942	APPOINTED	YES	05/27/14
BURGER KAILLEY	A 30112	\$62038.0000	APPOINTED	YES	05/27/14
CHEN BARNEY	40482	\$36694.0000	RESIGNED	NO	05/15/14
DEREN DOMINIK	13616	\$59604.0000	PROMOTED	NO	05/04/14
JOHNSON MORRIS	R 30726	\$40324.0000	RETIRED	NO	05/30/14
MCKENNA VIRGINIA	E 10251	\$16.7942	APPOINTED	YES	05/27/14
THIEL AMBER	J 30112	\$80000.0000	APPOINTED	YES	05/27/14

DEPARTMENT OF CITY PLANNING
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
ABINADER OLGA	E 10053	\$80000.0000	INCREASE	YES	05/23/14
ABINADER OLGA	E 22122	\$63228.0000	APPOINTED	NO	05/23/14
CANTY KIM	R 1002C	\$53373.0000	INCREASE	NO	05/11/14
MAK APRIL	T 22121	\$22.5000	APPOINTED	YES	05/27/14
NILES WENDY	H 1002C	\$61987.0000	INCREASE	NO	05/11/14
RAUCH ISAAC	A 22121	\$44000.0000	APPOINTED	YES	05/18/14
RODMAN CALVIN	J 30086	\$60354.0000	APPOINTED	YES	05/20/14

DEPARTMENT OF INVESTIGATION
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
BOWMAN LAURA	L 10124	\$54946.0000	APPOINTED	YES	02/02/14
EURE PHILLIP	S 31145	\$193788.0000	APPOINTED	YES	05/27/14
INFANTINO ALAINA	N 31143	\$47000.0000	APPOINTED	YES	05/27/14
NANNI RYAN	30119	\$82500.0000	RESIGNED	YES	05/09/14
SILLER MICHAEL	3011A	\$150000.0000	INCREASE	YES	05/20/14

TEACHERS RETIREMENT SYSTEM
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
FRANCIS CHARMAIN	40493	\$45976.0000	TERMINATED	NO	01/10/12

CIVILIAN COMPLAINT REVIEW BD
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
HELAUDAIS ASHLEY	N 31165	\$35660.0000	RESIGNED	YES	05/25/14
RIGLE ERIC	D 31165	\$35660.0000	APPOINTED	YES	05/18/14
RODRIGUEZ-FIGUE WENDY	M 31165	\$49045.0000	INCREASE	YES	05/19/14

POLICE DEPARTMENT
FOR PERIOD ENDING 06/06/14

TITLE					
NAME	NUM	SALARY	ACTION	PROV	EFF DATE
ACEVEDO ASHLEE	M 7020A	\$14.1600	RESIGNED	YES	06/15/10
ALEXANDER THOMAS	D 70210	\$48779.0000	RESIGNED	NO	05/29/14
ALEXANDER TIARA	M 70205	\$9.8800	RESIGNED	YES	05/03/14
ALLEN WILLIAM	P 10232	\$20.5700	APPOINTED	YES	05/27/14
ALONZO CINDY	G 70205	\$9.8800	APPOINTED	YES	05/16/14
ALONZO CYNTHIA	M 70205	\$9.8800	APPOINTED	YES	05/16/14
AMORES ERICA	L 70205	\$9.8800	APPOINTED	YES	05/16/14
BADILLO REINALDO	70210	\$76488.0000	RETIRED	NO	05/31/14
BANKS ADRIENNE	D 10147	\$42594.0000	PROMOTED	NO	04/25/14
BARTHELEMY GREGORY	51225	\$52568.0000	APPOINTED	YES	05/18/14
BARUA RITESH	71651	\$29217.0000	APPOINTED	NO	05/28/14
BAUTISTA-CASTRO ARAVIS	70205	\$9.8800	APPOINTED	YES	05/16/14
BECKLES EUNICE	P 71012	\$33162.0000	RESIGNED	NO	05/22/14
BETHEA JEANNETT	E 71014	\$60265.0000	PROMOTED	NO	04/25/14
BETHEA STANLEY	T 60817	\$35433.0000	RETIRED	NO	05/02/14
BICKRAMSINGH KRISTAL	V 70205	\$9.8800	APPOINTED	YES	05/16/14
BLYDEN VERNEZ	M 71014	\$60265.0000	PROMOTED	NO	04/25/14
BODRICK GWENDOLY	J 71651	\$36210.0000	DISMISSED	NO	05/23/14
BRAMBLE DORIS	70205	\$12.9000	DECREASED	YES	05/21/14
BRANCH MICHELLE	D 10147	\$42594.0000	PROMOTED	NO	04/25/14
BRENT JR BERNARD	N 70210	\$76488.0000	RETIRED	NO	05/27/14
BRIGGS JUANITA	60817	\$35455.0000	RETIRED	NO	05/29/14
BRITTON MITCHELL	E 7021B	\$98072.0000	RETIRED	NO	05/31/14
BROWN GAIL	10144	\$35432.0000	RESIGNED	NO	04/24/14
BURGOS ANGELO	J 7026B	\$123836.0000	RETIRED	NO	05/30/14
BURGOS JORGE	A 7021A	\$87278.0000	RETIRED	NO	05/31/14
CALDERON YENY	I 70205	\$12.9000	RESIGNED	YES	02/12/14
CANTY-VELEZ DIANE	70210	\$76488.0000	RETIRED	NO	05/23/14
CARLO EVELYN	70260	\$112574.0000	RETIRED	NO	05/18/14
CASERO FLORA	E 40526	\$32345.0000	APPOINTED	NO	05/18/14
CASTILLO DESIREE	S 52110	\$62191.0000	RESIGNED	YES	04/25/14
CASTRO DIEPRIN	70205	\$9.8800	APPOINTED	YES	05/16/14
CHEN BARBARA	10033	\$103651.0000	RESIGNED	YES	02/16/14