

## **New York City Department of Transportation**

### **Notice of Adoption**

**NOTICE OF ADOPTION** relating to a rule implementing a carshare parking pilot program at designated on-street and off-street locations.

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED** in the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903 of the New York City Charter that DOT hereby amends subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was published in the City Record on June 30, 2017 and a public hearing was held on August 1, 2017. Comments were received both in writing and at the hearing.

### **Statement of Basis and Purpose of Adopted Rule**

The DOT Commissioner is authorized by Section 2903(a) of the New York City Charter and Title 19 of the New York City Administrative Code to promulgate rules regarding parking and traffic operations in the City. The rule that DOT is adopting is contained within Chapter 4 of the Title 34 of the Rules of the City of New York relating to its Traffic Rules and Regulations.

The purpose of this new rule is to implement a carshare parking pilot program at designated on-street and off-street locations.

Carshare is a program involving vehicles that are owned or leased by organizations whose members rent these vehicles for short periods of time, and provides these members access to a car without the expense of car ownership. By designating parking locations specifically for carshare vehicles of these organizations, this new rule would expand access to carshare and provide an affordable mobility option to more New Yorkers.

Research in other cities shows that carshare programs reduce personal car ownership and vehicle miles travelled among carshare members. Fewer cars on the road and fewer vehicle miles travelled means less congestion, as well as lower carbon emissions and air pollution—key priorities of the City’s *OneNYC* Plan, which sets measurable goals for a strong, sustainable, resilient and equitable city. In accordance with Local Law No. 47, DOT will evaluate the impact of the pilot program on car ownership rates, mobility, and other relevant factors, including the potential of the pilot to reduce neighborhood parking demand.

The details describing the new rule reflect the following the program’s key components:

- requirement that carshare organizations apply for permits allowing the use of dedicated parking spaces, either on-street or in a municipal parking facility, within carshare parking zones
- requirement that carshare organizations pay a permit fee
- conditions of the carshare permit

- process by which a carshare permit is assigned
- data reporting requirements

In response to comments received by DOT, the following changes have been made to the proposed rule, which are reflected in the adopted rules:

- For clarification purposes, a definition of “equity parking space” has been added, and the definition of “hand control adapted carshare vehicle” has been modified.
- The use of the term “carshare” instead of “carsharing” has been adopted throughout the rule.
- The requirement of attaining an average of 27 miles per gallon (MPG) by all participating carshare vehicles has been removed.
- The conditions under which DOT can decline to issue a permit have been clarified.
- The conditions of a carshare permit have been streamlined, including removing the requirement that carshare organizations not move vehicles from garages or other spaces to the designated on street spaces.
- The paragraph relating to assignments for carshare parking spaces in municipal parking facilities has been re-organized.
- The “Round 3” of the assignment process for on-street carshare parking spaces has been revised.
- Maintenance area size has been reduced from 15 feet to 10 feet.
- The paragraph relating to the relocation of impermissibly parked vehicles has been simplified.

New material is underlined.

[Deleted material is in brackets.]

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

(6) Permit for Carshare Parking.

(i) Definitions. For the purposes of this section, these are the meanings of the following terms:

**Carshare organization or CSO.** The term “carshare organization” or “CSO” means an organization that operates a program in which access to a fleet of vehicles is provided to members of the organization on an hourly or other short-term basis.

**Carshare vehicle.** The term “carshare vehicle” means a vehicle used by a carshare organization member that is owned or leased and registered by the carshare organization.

**One-way carshare service.** The term “one-way carshare service” means a system where a carshare member can pick up a carshare vehicle at one location and drop it off at the end of the trip at a curbside location within the CSO’s service area.

**Round-trip carshare service.** The term “round-trip carshare service” means a system where a carshare member must drop off each carshare vehicle at the same location where it was picked up in order to complete the trip.

**Carshare parking space.** The term “carshare parking space” means a location on-street or in a municipal parking facility that the Department reserves for the exclusive use by a carshare organization and its members.

**Equity parking space.** The term “equity parking space” means a carshare parking space that the Department has identified as underserved by existing carshare service within an area whose median income is lower than the citywide median income as published by the U.S. Census Bureau American Community Survey.

**Carshare parking zone.** The term “carshare parking zone” means an area within a neighborhood in which the Department allocates on-street carshare parking spaces.

**Hand control adapted carshare vehicle.** The term “hand control adapted carshare vehicle” means a vehicle equipped with permanently installed hand controls allowing for the use of the vehicle by carshare members with mobility impairments. These hand controls must have the capability of being activated and deactivated for carshare members’ needs and must not prevent the operation of the vehicle using foot pedals.

**Municipal parking facility.** The term “municipal parking facility” means a City-owned parking facility regulated by the Department and operated by the City or by a contractor on behalf of the City that is available for public use. The term “municipal parking facility” does not include any parking facility operated by a City agency that is intended for use exclusively by agency employees or by the public to conduct business with the agency.

*(ii) Permit required.* A CSO must obtain a permit from the Department for its members generally to use any carshare parking space, either on-street or in a municipal parking facility that has been designated as part of the carshare program.

*(iii) Permit fee.* In order to participate in the Department’s carshare program, a CSO must pay an application permit fee of \$765 per CSO. For carshare parking spaces in municipal parking facilities, a CSO must also pay a quarterly or monthly permit fee charged by each municipal parking facility, which is posted on the Department’s website.

*(iv) Application.* An application for a permit must be submitted on a form prescribed by the Department which will include, but not be limited to, the following information:

(A) Legal name of the CSO; its “Doing Business As” (DBA) certificate; certified copy of the Certificate of Incorporation and proof of registration with the New York State Department of State; company address; contact name; contact telephone number; contact e-mail address;

(B) Proof of automobile insurance for all carshare vehicles intended for use in a carshare parking space;

(C) Make, model, length, and combined city/highway miles per gallon (MPG) according to the U.S. Environmental Protection Agency's MPG ratings of vehicles intended for use in a carshare parking space;

(D) Information about the CSO's New York City-specific operations, including carshare vehicle fleet size, how the CSO intends to incorporate carshare parking space(s) into its operational model, and whether the CSO intends to participate in Round 2 or 3 of the carshare parking permit assignment for on-street carshare parking spaces, as specified in subparagraph (vii) of this paragraph.

(v) Review of applications for and issuance of permits.

(A) The Department will decline to issue a permit to a CSO applicant that:

1. Is in arrears to the City of New York for an amount totaling more than one thousand dollars;
2. Does not provide automobile insurance as part of their carshare vehicle rental price;
3. Uses vehicles that are not owned or leased by the CSO;
4. Does not allow its carshare vehicles to be rented on an hourly or in smaller time intervals, and at rates which vary by time, and/or distance; or
5. Does not have a fleet of carshare vehicles in operation in New York City by the date the permit application is due.

(B) If the Department declines to issue a permit because of any of the conditions described in subparagraph (A) above or if the application is incomplete, the applicant will have fifteen days from receipt of the denial to appeal the determination. The Department will make a final determination on the appeal within thirty days.

(C) Conditions of permit. The permit holder must:

1. Indemnify the City against legal liabilities associated with the use of the curb for carshare operations;
2. Provide a vehicle with professionally installed hand controls to any carshare member within 48 hours of that member's request;
3. Share and regularly report to the Department the data specified in subparagraph (xiii) of this paragraph;
4. Actively use on-street carshare parking spaces at all times to provide carshare services with reasonable allowances for carshare vehicle maintenance;
5. Actively use carshare parking spaces in municipal parking facilities at all times the facility is open for public use to provide carshare services with reasonable allowances for carshare vehicle maintenance;
6. Present to the Department an outreach plan incorporating the demographics and languages spoken within the carshare parking zones;
7. Select at least 20% of allotted carshare parking spaces from available equity parking spaces;

8. Comply with all applicable parking regulations, including but not limited to regulations relating to construction activities and street closures;
9. Pay any parking fines received or any towing fees and fines if carshare vehicles are towed;
10. Provide the Department with a thirty-day notice if a permit holder decides to discontinue service at a carshare parking space;
11. Display the carshare permit holder's name prominently on each carshare vehicle using a carshare parking space;
12. Promptly notify the Department of any changes to the information provided in its application; and
13. Comply with all applicable laws, rules and regulations related to the operation of carshare.

(vi) Carshare parking permit assignment for carshare parking spaces in municipal parking facilities.

(A) The Department will provide a map of municipal parking facility locations, and specify the number of carshare parking spaces, including those with electric charging stations, available in each facility.

(B) Based on the permit applications received and the CSO's one-way or round-trip service type, the Department will notify CSOs of their eligibility for the available carshare parking spaces in municipal parking facilities.

(C) Qualified CSOs will identify which municipal parking facilities they prefer, and how many carshare parking spaces in each, with a minimum of two spaces in any one facility.

(D) The Department will allocate spaces to qualified CSOs within each facility until all interested CSOs have received their requested number of spaces, or have received a minimum of two spaces each.

(E) For those municipal parking facilities where there are not enough available spaces to accommodate the request for at least two spaces by each qualified and interested CSO, the Department will assign the carshare parking spaces in pairs using a multi-round selection process based on a rank order chosen randomly. The CSO selection order will be re-established for each facility where there are not enough available spaces to accommodate the request for at least two spaces by each qualified and interested CSO.

(vii) Carshare parking permit assignment for on-street carshare parking spaces.

(A) Based on the permit applications received, the Department will notify CSOs of their eligibility and the total number of carshare parking space(s) for which they are eligible based on their New York City vehicle fleet size and one-way or round-trip service type.

(B) All qualified CSOs will be eligible for a minimum allotment of 10% of their New York City vehicle fleet size or ten carshare parking spaces, whichever is less. The

Department will also provide a map of available carshare parking spaces. Where possible, on-street carshare parking spaces will be sited and selected in pairs.

(C) Twenty percent of all carshare parking spaces selected by each qualified CSO must be equity parking spaces. CSOs providing one-way service must provide service to the entire carshare parking zone in which an equity parking space is located to meet this requirement.

(D) Each qualified CSO must submit one list ranking all feasible carshare parking spaces by preference. CSOs must assign a rank to all spaces where they are able and willing to provide service, regardless of the total number of permits for which they are applying and are eligible, to ensure each CSO has an adequate list of options for allocation.

(E) Spaces will be distributed to CSOs in a series of selection rounds in which CSOs are allocated their highest available preference in a rotating order.

(F) If a CSO's preferred carshare parking space has already been assigned to another CSO, the Department will assign that CSO their next highest carshare parking space preference that is available. The selected carshare parking spaces will thereafter be removed from the list of available carshare parking spaces. The selection process for each round will continue until all of the available carshare parking spaces are distributed.

(G) For Rounds 2 and 3 detailed below, the Department will not assign more than 60 total carshare parking spaces.

(H) The assignment will be organized into rounds as follows:

1. Round 1: The Department will allocate equity parking spaces by selecting the highest ranking available preference for each CSO in an equity parking space in a series of selection rounds until each CSO has reached 20% of its total allocation.
2. Round 2: In addition to the total number of carshare parking spaces for which a CSO is eligible, a CSO will have the opportunity to secure additional carshare parking spaces by providing hand control adapted carshare vehicles. The Department will review proposed hand control adapted carshare vehicle plans and, at its discretion, distribute an allotment of carshare parking spaces to CSOs based on that CSO's next highest submitted preferences.
3. Round 3: In addition to the total number of carshare parking spaces for which a CSO is eligible, a CSO will have the opportunity to secure additional carshare parking spaces by providing a discount to New York City Housing Authority residents, New York City Section 8 Housing voucher recipients, or proposing for Department approval alternative discount plans for individuals meeting similar income criteria. The Department will review proposed discount plans and, at its discretion, distribute an allotment of carshare parking spaces to CSOs based on that CSO's next highest submitted preferences.
4. Round 4: The Department will assign each CSO carshare parking spaces based on

their submitted preferences until each CSO has obtained its allocated carshare parking spaces, or until the total number of carshare parking spaces has been assigned, whichever is first.

*(viii) Sign installation and carshare parking space maintenance.*

(A) The permit holder must provide to the Department a vector file graphic of its company logo to be incorporated into signs no later than five days after the permit for a carshare parking space is approved.

(B) The Department will install all signage for all carshare parking spaces.

(C) For on-street carshare parking spaces, permit holders will clean the City's public streets and roads within the carshare parking spaces and 10 feet on either side of the carshare parking space. Maintenance responsibilities will include the following:

1. Sweeping at least once per week or pursuant to the frequency of street sweeping on the block face on which the on-street carshare parking space is located, whichever is greater.
2. Removing snow and ice as specified in the permit.
3. Maintaining the signs so that they are unobstructed and free of dirt, stickers, and graffiti.
4. Keeping records of the maintenance for carshare parking spaces, including date, time, and scope of maintenance.

(D) Any additional maintenance responsibilities will be provided by the Department with a thirty-day notice to the permit holder.

(E) Permit holders' maintenance responsibilities extend through the length of the permit for any carshare parking spaces.

*(ix) Relocation of carshare parking spaces.* The Department has the right to relocate a carshare parking space upon a thirty-day notice to the permit holder based on utilization rates, maintenance reports, and/or a request from a CSO. Wherever possible, the carshare parking space will be relocated within the same carshare parking zone and with feedback from the CSO.

*(x) Temporary relocation or suspension of carshare parking spaces.*

(A) The use of on-street carshare parking spaces may be temporarily suspended for up to thirty business days due to construction or street repaving, or special events including but not limited to film shoots, street fairs, parades, or block parties.

(B) When suspensions are expected to last longer than thirty business days, the Department will temporarily relocate the carshare parking spaces to a new, approved location.

(C) The Department may remove or temporarily relocate a carshare parking space for reasons attributable to public safety or other emergency or temporary needs as it deems appropriate.

(D) The permit holder will be responsible for moving the carshare vehicle from the carshare parking space under the circumstances identified in clauses A, B, and C of this subparagraph.

(xi) Relocation of impermissibly parked vehicle. If a vehicle is impermissibly parked in an on-street carshare parking space, a CSO, at its sole cost and expense, may relocate the impermissibly parked vehicle to the nearest available lawful on-street parking space.

(A) For the purposes of this subparagraph, an “impermissibly parked vehicle” means a vehicle located in an on-street carshare parking space, where the logo and name indicated on the sign does not bear the same logo and name as the vehicle.

(B) If a CSO chooses to relocate impermissibly parked vehicles, it must establish a Department-approved means of relocating such vehicles and notifying owners of such vehicles where their vehicles have been relocated.

(xii) Suspension, reassignment, and revocation of permits.

(A) The Department may suspend or revoke a permit for failure to comply with any of the terms and conditions of the carshare parking permit, these rules, or other applicable law or rule.

(B) Prior to suspending or revoking a permit, the permit holder will be provided with an opportunity to be heard within five business days.

(C) In the event that the Department revokes a permit, the permit holder must remove the carshare vehicle from the carshare parking space within 24 hours of revocation.

(xiii) Data reporting requirements.

(A) Each permit holder must deliver a quarterly report to the Department by the 15<sup>th</sup> day of the month following the end of the quarter, containing the data described below and in a form that is prescribed by the Department.

(B) The report shall include the following categories of data:

1. Membership;
2. Fleet composition;
3. Use of CSO fleet;
4. Use of carshare parking spaces and municipal parking facilities; and

5. Survey of carshare members as designed by the Department. This survey may include, but not be limited to, the creation of carshare member IDs that are unique to each member but do not contain personal information.

§2. Subparagraph (ii) of paragraph (1) of subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(ii) *Prohibited parking areas.* Such special parking identification permits do not authorize parking:

- (A) in a bus stop,
- (B) in a taxi-stand,
- (C) within 15 feet of a fire hydrant,
- (D) in a fire zone,
- (E) in a driveway,
- (F) in a crosswalk,
- (G) in a no stopping zone,
- (H) in a no standing zone, [or]
- (I) double parking, or
- (J) in carshare parking space(s).