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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION

Jeffrey Baker, Legislative Director

COMMITTEE ON TRANSPORTATION

Hon. Ydanis Rodriguez, Chair

March 27, 2019

INT. NO. 1393:

By The Speaker (Council Member Johnson)
and Council Members Torres, Chin, Levine,
Brannan, Holden, Williams and
Constantinides

TITLE:

A Local Law in relation to parking
enforcement

INT. NO. 1394:

By The Speaker (Council Member Johnson)
and Council Members Torres, Chin, Cumbo,
Levine, Brannan, Holden, Williams and
Constantinides

TITLE:

A Local Law to amend the administrative
code of the city of New York, in relation to

city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant

ADMINISTRATIVE CODE:

Amends subchapter two of chapter 1 of title 19 by adding a new section 19-162.4

INT. NO. 1395:

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Brannan, Holden, Williams and Constantinides

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to reporting parking complaints to 311

ADMINISTRATIVE CODE:

Amends Chapter 3 of title 23 by adding a new section 23-304

INT. NO. 1412:

By Council Members Holden, the Speaker (Council Member Johnson), Brannan, Powers, Williams, Chin and Constantinides

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to removing vehicles obstructing a sidewalk, crosswalk, fire hydrant, bicycle lane, or bus lane

ADMINISTRATIVE CODE:

Amends Section 20-511

INT. NO. 1422:

By Council Members Powers, the Speaker (Council Member Johnson), Brannan, Holden, Williams, Chin and Constantinides

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to city-issued parking permits

ADMINISTRATIVE CODE:

Amends Subchapter two of chapter 1 of title 19 by adding a new section 19-162.3

INTRODUCTION

On March 27, 2019, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Int. No. 1393 in relation to parking enforcement, Int. No. 1394 in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant, Int. No. 1395 in relation to reporting parking complaints to 311, Int. No. 1412 in relation to removing vehicles obstructing a sidewalk, crosswalk, fire hydrant, bicycle lane, or bus lane, and Int. No. 1422 in relation to city-issued parking permits. The Committee expects to hear testimony from the New York City Department of Transportation (“DOT”), the New York City Police Department (“NYPD”), members of the public and other interested stakeholders.

BACKGROUND

Parking Placards

In New York City, the NYPD, DOT and the Department of Education (“DOE”) are the three agencies primarily responsible for issuing parking permits, also known as placards. Each of these agencies separately issues placards to their employees. DOT also issues placards to several dozen other agencies, to non-government individuals and entities such as non-profit organizations, people with disabilities, and members of the clergy.¹

In 2018, there were approximately 125,500 City-issued placards in circulation.² Of these, 44,000 were issued by the NYPD, 50,000 were issued by DOT and 31,500 were issued by DOE.³

¹ N.Y.C. D.O.T., available at <http://www.nyc.gov/html/dot/html/motorist/motorist.shtml>

² Mayor Puts City on Path to Replacing Broken Placard System, The Official Website of the City of New York, February 21, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>.

³ *Id.*

The number of DOE placards was cut significantly under the Bloomberg Administration.⁴ The Council of School Supervisors and Administrators (“CSA”), the union that represents school principals, filed suit to challenge these reductions for its members.⁵ As the result of an arbitration ruling in May of 2017, the de Blasio Administration reissued placards to CSA members.⁶ However, the de Blasio Administration also opted to reissue tens of thousands of placards distinct from the CSA arbitration—a placard for “[e]very school employee who has a car.”⁷

DOT issues “City-wide Agency” and “Agency Business” placards to government personnel that permit parking in metered parking areas without paying the meter and in “No Parking” areas and “Commercial Vehicle Only” areas.⁸ Some placards only allow the use of these types of privileges for a limited amount of time and some are excluded from use in zones in lower Manhattan and downtown Brooklyn unless specifically authorized.⁹ The NYPD issues law enforcement placards that are similar to these agency placards.¹⁰

DOT also issues “Agency Authorized” placards for parking in specific designated “authorized agency parking only” locations.¹¹ NYPD has similar placards for use in the immediate vicinity of police precincts.¹² Similarly, DOE’s placards can only be used in “Authorized Parking Only - DOE” zones near schools.¹³ DOT also issues other types of placards

⁴ Brad Aaron, *De Blasio Administration Volunteered to Hand Out Tens of Thousands of New Parking Placards*, Streetsblog.com, May 12, 2017, available at <https://nyc.streetsblog.org/2017/05/12/de-blasio-administration-volunteered-to-issue-tens-of-thousands-of-new-parking-placards/>

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Information from N.Y.C. D.O.T on file with committee staff

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

to non-government individuals and entities such as non-profit organizations, people with disabilities, and members of the clergy.¹⁴

Misuse of Parking Placards

Valid placard holders often misuse their placards by parking where even placard holders are not permitted. For example, many placard holders park their cars illegally in no standing zones, bus lanes and bicycle lanes.¹⁵ This issue has existed for many years. A 2006 report by Transportation Alternatives found that citywide 77% of permit holders used their government issued parking permits illegally.¹⁶ More recently, a segment produced by Fox 5 news on February 22, 2018 found numerous cars with placards parked illegally in Downtown Brooklyn. The news report found one car blocking a fire hydrant in a no standing zone, another car parked halfway in the street, and a line of cars parked in an active bus lane.¹⁷ Additionally, it was reported last year that in St. George, Staten Island, police officers at the 120th precinct and workers reporting to the municipal buildings and court offices in the area often park on busy sidewalks and in crosswalks, and block fire hydrants and bus stops, with their city-issued placards on full display on their windshield.¹⁸

Media reports have also detailed city employees without placards parking their cars illegally and placing work-related items on the dashboard or windshield of the vehicles. These owners attempt to get away with parking illegally by displaying work-issued vests, baseball caps

¹⁴ N.Y.C. D.O.T., available at <http://www.nyc.gov/html/dot/html/motorist/motorist.shtml>

¹⁵ NYC bills target parking placard scofflaws, Stacey Delikat, Fox 5 News, May 21, 2018, available at <http://www.fox5ny.com/news/parking-placard-scofflaws>

¹⁶ *Above the Law, A Study of Government Parking Permit Abuse in New York City*, Transportation Alternatives, September 2006, available at <https://transalt.org/sites/default/files/news/reports/2006/abovethelaw.pdf>

¹⁷ 160,000 parking placards in NYC; many used illegally, Stacey Delikat, Fox 5 News, February 22, 2018, available at <http://www.fox5ny.com/news/160000-parking-placards-in-nyc-many-used-illegally>

¹⁸ Vincent Barone, *Parking placard abuse remains a problem all over NYC*, *amNewYork*, Feb. 19, 2018, available at <https://www.amny.com/transit/parking-placard-abuse-1.16871832>.

and patches with city agency logos, or their personal business cards.¹⁹ It has been reported that even relatives or friends of city workers can avoid a ticket if they display an item that connects them to a city employee, like a courtesy badge or union card.²⁰

Fraudulent Placards

In addition to the unlawful use of valid placards, the use of fraudulent parking placards has long been an issue. A 2011 report by Transportation Alternatives found that 57 percent of the permits they surveyed were either legal permits used illegally or illegitimate permits, and that one in four permits was fake.²¹

In October 2017, thirty individuals were charged with “using fake parking placards made to look like city-issued documents to park in special zones and to avoid paying tickets.”²² Individuals participating in this fake parking placard scam were parking in special zones with laminated placards for city agencies such as the Administration for Children’s Services, the Department of Health, the Fire Department, and the Law Department, and for nongovernmental organizations such as the American Red Cross and the New York Blood Center.²³

According to the Department of Investigation (“DOI”), the fraudulent placards “cost between \$500 and \$2,600 on the black market and the demand for them was high, spawning an

¹⁹ Michael Gannon, *Parking abuse down near Borough Hall*, Queens Chronicle, September 14, 2017, available at http://www.qchron.com/editions/queenswide/parking-abuse-down-near-borough-hall/article_21130958-9797-58f7-97ff-3f6829d6318b.html.

²⁰ Ben Fried, *Street Cheats: Who Needs a Placard When You’ve Got Law Enforcement Swag?*, STREETS BLOG NYC, August 10, 2018 available at <https://nyc.streetsblog.org/2018/08/10/street-cheats-who-needs-a-placard-when-youve-got-law-enforcement-swag/>.

²¹ *Id.*

²² James C. McKinley Jr., *Dozens Charged With Using Fake Parking Placards to Avoid Tickets*, *The New York Times*, Oct. 3, 2017, available at <https://www.nytimes.com/2017/10/03/nyregion/fake-parking-placards-new-york.html>.

²³ *Id.*

underground industry.”²⁴ The placards are most often used to thwart parking rules and sometimes used to avoid paying parking tickets altogether. DOI has thus compared the fraudulent use of placards to stealing city resources.²⁵ Additionally, the use of fraudulent placards frustrates the purpose of reserving parking privileges for those agencies and individuals that most need them, often for medical reasons. For example, one of the defendants in the 2017 case was accused of parking in a space reserved for an ambulette that transported people with disabilities to a health care facility and five defendants were accused of using handicapped zone passes.²⁶

City employees are potentially subject to disciplinary action for placard fraud or abuse, including placard revocation, permanent ineligibility for parking privileges, discipline, suspension, or termination.²⁷ Further, pursuant to § 19-166 of the Administrative Code, it is unlawful for individuals to make, have in their possession, or use fraudulent “official cards,” defined as “an official department of transportation special vehicle identification card or any other official card issued by the department of transportation.” A violation of this law is punishable by a fine of not less than \$250, or imprisonment for not more than 30 days, or both. Violators of this law can also be charged with a felony for forgery.

Effects of Placard Abuse

The abuse of the city’s parking placard system has been such a conspicuous issue that there is even a Twitter account (@placardabuse) dedicated to documenting, on a daily basis,

²⁴ New York City Department of Investigation, “Summary of Investigation into Fraudulent Parking Placards,” October 2017, available at https://www1.nyc.gov/assets/doi/reports/pdf/2017/Oct/Summary_of_Investigation_Fraudulent_Parking_Placards_FINAL_1.pdf.

²⁵ James C. McKinley Jr., *Dozens Charged With Using Fake Parking Placards to Avoid Tickets*, *The New York Times*, Oct. 3, 2017, available at <https://www.nytimes.com/2017/10/03/nyregion/fake-parking-placards-new-york.html>.

²⁶ *Id.*

²⁷ *City Hall in Your Borough: Mayor de Blasio Announces New Plan to Crack Down on Parking Placard Fraud and Abuse*, *The Official Website of the City of New York*, May 24, 2017, available at <http://www1.nyc.gov/office-of-the-mayor/news/342-17/city-hall-your-borough-mayor-de-blasio-new-plan-crack-down-parking-placard>.

dozens of illegally parked cars with real but misused placards, fraudulent placards, or work-related items used as a stand-in for a valid placard. Even though holders of legitimate placards are still subject to certain parking rules (such as not blocking a fire hydrant), it has been widely observed that such rules are not consistently enforced when a placard is displayed.

Some transportation advocates have cited the frequent abuse of the placard system as a factor in many traffic issues, from cyclist and pedestrian safety to blocked bus lanes, gridlock, and traffic congestion more broadly. In fact, a 2008 study found that although City employees are less likely to own cars as compared to other New Yorkers, they are actually more likely to drive into Manhattan because placards ensure they will be able to park.²⁸ The problem of placard abuse is so pervasive and harmful that Governor Andrew Cuomo’s “Fix NYC” advisory panel included a proposal to reform the system as a way to address traffic congestion.²⁹ Additionally, a recent report released by the Metropolitan Transportation Sustainability Advisory Workgroup similarly included ending placard abuse as one of the group’s recommendations to reduce congestion.³⁰

The Role of Traffic Enforcement Agents

Traffic Enforcement Agents (“TEAs” or “agents”) are civil servants falling under the Traffic Enforcement Division of the New York City Police Department (“NYPD”).³¹ TEAs are responsible for enforcing the City’s myriad parking regulations and issuing tickets for parking

²⁸ Rachel Weinberger, Mark Seaman, Carolyn Johnson, and John Kaehny, *Guaranteed Parking – Guaranteed Driving: Comparing Jackson Heights, Queens and Park Slope, Brooklyn shows that a guaranteed parking spot at home leads to more driving to work*, Prepared for Transportation Alternatives, October 2008, available at https://www.transalt.org/sites/default/files/news/reports/2008/Guaranteed_Parking.pdf

²⁹ *Fix NYC Advisory Panel Report*, Jan. 19, 2018, available at <http://hntb.com/HNTB/media/HNTBMediaLibrary/Home/Fix-NYC-Panel-Report.pdf>.

³⁰ *Metropolitan Transportation Sustainability Advisory Workgroup Report*, December 2018, available for download at <https://pfnyc.org/wp-content/uploads/2018/12/2018-12-Metropolitan-Transportation-Sustainability-Advisory-Workgroup-Report.pdf>

³¹ See <https://www1.nyc.gov/site/nypd/careers/civilians/traffic-enforcement-agents-benefits.page>.

violations.³² Some agents are also responsible for directing traffic.³³ There are currently about 2,100 traffic enforcement agents in the City.³⁴

It has been suggested that TEAs are given mixed signals related to the enforcement of parking violations for cars displaying a parking placard or other indicia of City employment. For example, on May 12, 2017 the Twitter account @placardabuse posted a video of an agent refusing to issue a summons to car with an NYPD placard that supposedly had an illegal license plate cover.³⁵ On a follow-up video posted the same day, the agent can be heard saying that they have orders to not issue tickets to NYPD placards.³⁶ These videos were posted several months after the de Blasio Administration announced a crackdown on the use of those type of license plate covers.³⁷ In another video clip, this one posted March 15, 2019, an agent is heard saying that they would have to talk to their supervisor after being informed that a car with what appears to be an expired NYPD placard was parked illegally in front of a fire hydrant.³⁸ In both of these instances it is not clear whether a violation was ultimately issued to the illegally parked vehicle.

Although these are more recent examples, the practice of not ticketing cars with NYPD placards has been going on for quite some time. In 2011, Streetsblog NYC posted a message that a reader had sent to the NYPD's Internal Affairs Bureau and the Manhattan District Attorney's Office informing them that a traffic agent refused to issue a ticket to car with an expired NYPD

³² Traffic Enforcement Agents, NYPD website, <https://www1.nyc.gov/site/nypd/careers/civilians/traffic-enforcement-agents.page>.

³³ Matthew Chayes, *NYC traffic agents to get 10% raise in contract deal*, *Newsday*, January 26, 2016, available at <https://www.newsday.com/news/new-york/nyc-in-contract-deal-with-traffic-agents-1.11394582>.

³⁴ *Id.*

³⁵ See <https://twitter.com/placardabuse/status/863214975518736384>.

³⁶ *Id.*

³⁷ Thomas Tracy and Reuven Blau, *City to crack down on license plate covers that let drivers — including cops — avoid traffic camera tickets*, *NY Daily News*, November 29, 2016, available at <https://www.nydailynews.com/new-york/city-crack-plate-covers-trip-traffic-cameras-article-1.2891455>.

³⁸ See <https://twitter.com/placardabuse/status/1106656074839609345>.

restricted placard that was parked in a metered space without proof of payment.³⁹ The reader claimed that agent told him that “he was not able to write a summons because his supervisor had instructed him not to issue summonses to any vehicles with NYPD placards.”⁴⁰ Some argue that enforcement agents do not issue tickets to fellow NYPD officers because they are afraid of retaliation if they were to ticket uniformed officers.⁴¹ For example, in 2004, it was reported that a DOT traffic agent was suspended without a pay for a month after issuing a ticket to an illegally parked car belonging to an NYPD Chief.⁴² It appears that TEAs have little choice in the matter of placard abuse enforcement.

One of the bills in today’s hearing, Int. No. 1393-2018, seeks to address this core issue by requiring TEAs to perform at least 50 sweeps of areas with a high number of complaints of illegally parked cars with placards, photograph the area and report on the enforcement action they take to the Department of Investigation thus protecting them from retaliation by supervisors.

Recent Placard Enforcement Actions

In recent years, the de Blasio Administration has made several pledges to crack down on placard fraud and abuse. In May 2017, the Mayor announced the formation of a new Placard Fraud Enforcement Unit in the NYPD and the hiring of 100 more traffic enforcement agents.⁴³ The Mayor’s plan outlined stricter controls for the newly reissued DOE placards and tougher

³⁹ Ben Fried, *NYPD Still Won’t Ticket Their Own*, STREETS BLOG NYC, May 4, 2011, available at <https://nyc.streetsblog.org/2011/05/04/nypd-still-wont-ticket-their-own/>

⁴⁰ *Id.*

⁴¹ David Meyer, *EXPLAINER: Why Mayor de Blasio’s Placard Abuse Announcement Today Will Fall Short*, STREETS BLOG NYC, February 21, 2019, available at <https://nyc.streetsblog.org/2019/02/21/why-mayor-de-blasios-placard-abuse-plan-will-likely-fall-short/>

⁴² Jennifer Steinhauer, *Penalty Eased for Parking Agent Who Cited a Police Chief’s Car*, *The New York Times*, July 29, 2004, available at <https://www.nytimes.com/2004/07/29/nyregion/penalty-eased-for-parking-agent-who-cited-a-police-chief-s-car.html>.

⁴³ James C. McKinley Jr., *Dozens Charged With Using Fake Parking Placards to Avoid Tickets*, *The New York Times*, Oct. 3, 2017, available at <https://www.nytimes.com/2017/10/03/nyregion/fake-parking-placards-new-york.html>.

enforcement actions across all city agencies, which include new towing capacity, anti-placard enforcement units, new sanctions and penalties for placard fraud and abuse, and a new parking fine of up to \$100 for the misuse of placards.⁴⁴

Since the creation of the new enforcement unit, the number of summonses issued by the NYPD for illegally parking while displaying a parking placard has increased. In 2016, the City issued 28,269 summonses to drivers with placards who parked illegally.⁴⁵ In 2017, that number increased to 41,931 summonses.⁴⁶ In 2018, the number of summonses issued had increased to 54,608.⁴⁷ Additionally, between June 2017 and June 2018, the city towed 89 cars with placards that were parked illegally.⁴⁸ Despite the increase, critics have argued that it is not clear if these enforcement efforts have done anything to actually deter placard abuse.⁴⁹ Further, there is no guarantee that these enforcement measures are permanent.

Following the introduction of the bills being heard at today's Committee hearing, in February of 2019, the Mayor announced a new plan relating to placard reforms.⁵⁰ Many if not all components of this plan reflect bills already introduced and in some cases heard by the City Council. For example, the plan includes phasing out physical placards and moving to a digital

⁴⁴ *City Hall in Your Borough: Mayor de Blasio Announces New Plan to Crack Down on Parking Placard Fraud and Abuse*, The Official Website of the City of New York, May 24, 2017, available at <http://www1.nyc.gov/office-of-the-mayor/news/342-17/city-hall-your-borough-mayor-de-blasio-new-plan-crack-down-parking-placard>.

⁴⁵ Vincent Barone, *Parking placard abuse remains a problem all over NYC*, amNewYork, Feb. 19, 2018, available at <https://www.amny.com/transit/parking-placard-abuse-1.16871832>.

⁴⁶ *Id.*

⁴⁷ *Mayor Puts City on Path to Replacing Broken Placard System*, The Official Website of the City of New York, February 21, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>.

⁴⁸ Testimony of Deputy Chief Michael Pilecki, Commanding Officer, Traffic Enforcement District, New York City Police Department, before the City Council's Transportation Committee, June 12, 2018.

⁴⁹ David Meyer, *There Is No "Placard Crackdown" and That's How NYPD Wants It*, STREETSBLOG NYC, June 12, 2018, <https://nyc.streetsblog.org/2018/06/12/there-is-no-placard-crackdown-and-thats-how-nypd-wants-it/>.

⁵⁰ *Mayor Puts City on Path to Replacing Broken Placard System*, The Official Website of the City of New York, February 21, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>.

parking management system by 2021.⁵¹ This system is estimated to cost \$52 million for installation and equipment, but will create an integrated parking management system that will link parking meters, handheld devices and license plates and be able to automatically read a license plate to determine whether or not a vehicle is violating parking and placard rules.⁵² The system operationalizes the “electronic database” that would be required by Int. 927-2018, which was heard at the Transportation Committee’s June 2018 hearing,⁵³ and Int. 1422-2019, also introduced before the Mayor’s announcement, which would create a placard registration program and require that all City-issued placards have unique identifiers for easy detection.⁵⁴

In another component of the plan, DOT and the Department of Finance will increase the penalties for misuse or fraudulent use of placards, including a “strict three-strike policy” that will lead to the permanent revocation of a placard.⁵⁵ Int. 596-2018 would similarly increase the fine for fraudulent placards to \$500,⁵⁶ and Int. 932-2018 would establish a three-strike policy for placard misuse.⁵⁷ Both of these bills were heard by the Transportation Committee in June of 2018.

Rather than seek to reduce automobile dependence among City employees, Mayor de Blasio, as part of the February 2019 announcement, also pledged that the City “will purchase parking lots, we will lease parking lots, parking garages, whatever it takes . . . so that our

⁵¹ *Id.*

⁵² *Id.*

⁵³ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3508925&GUID=BBF424D4-850C-4BF5-9530-9E9FB33CC08B&Options=&Search=>

⁵⁴ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3860345&GUID=0F0D180E-7137-4CD1-8E5F-FD2F36AB870E&Options=ID|Text|Other|&Search=1422>

⁵⁵ *Id.*

⁵⁶ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3508926&GUID=B503364C-8D20-4282-9A44-0B57C8B6A179&Options=&Search=>

⁵⁷ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3508926&GUID=B503364C-8D20-4282-9A44-0B57C8B6A179&Options=&Search=>

firefighters, our police officers, our EMTs actually have a place that they know they can park.”⁵⁸ This proposal is seemingly aimed at non-City residents; “officers coming in from very far away” who “feel they have no choice” but to drive and thus “deserve special consideration.”⁵⁹ This aspect of the plan was not included in the Mayor’s press release.⁶⁰

While progress is being made, enforcement actions have been unreliable. Reports have indicated that complaints made to the 311 hotline are often ignored.⁶¹ In fact, a reporter recently filed a complaint for a car parked illegally on a sidewalk, but the complaint was closed because contact information, which is not required, was not submitted.⁶²

ANALYSIS OF INT. NO. 1393

Subdivision a of Int. No. 1393 would provide that beginning no later than April 1, 2019, NYPD must evaluate 25 or more blocks or intersections with the highest number of 311 complaints submitted during the preceding week relating to improper use of a parking permit and 25 or more blocks or intersections with the highest number of 311 complaints submitted during the preceding week relating to obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle. After determining the three hour period with the largest number of complaints for each block, NYPD would be required to evaluate each such block during such period. Subdivision a would also require the preparation of a report for each block or intersection

⁵⁸ <https://www1.nyc.gov/office-of-the-mayor/news/107-19/transcript-mayor-de-blasio-puts-city-path-replacing-broken-placard-system>

⁵⁹ *Id.*

⁶⁰ <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>

⁶¹ David Meyer, *EXPLAINER: Why Mayor de Blasio’s Placard Abuse Announcement Today Will Fall Short*, STREETS BLOG NYC, February 21, 2019, available at <https://nyc.streetsblog.org/2019/02/21/why-mayor-de-blasios-placard-abuse-plan-will-likely-fall-short/>

⁶² *Id.*

detailing why such block was selected and the 311 complaints that led to such selection, photographs of each vehicle parked in such location, photographs of any parking permits displayed by and the license plates of any vehicle parked illegally and a summary of enforcement actions taken against or reasons for not taking enforcement actions against any illegally parked vehicle.

Subdivision b of Int. 1393 would provide that within seven days of evaluation, NYPD must post online and submit a list of evaluated locations, determinations made as to enforcement actions necessary and each evaluation to DOT, DOI, the mayor and the speaker of the council.

Subdivision c of Int. 1393 would further require that beginning on May 15, 2019 and on the 15th day of each following month, DOI must post online and submit a report to NYPD, DOT, the mayor and the speaker of the council analyzing the effectiveness of the evaluations and information provided by the police department pursuant to subdivision b. Additionally, in a report due no later than October 15, 2019, the DOI must include recommendations related to the enforcement of parking laws and the issuance and use of parking permits.

ANALYSIS OF INT. NO. 1394

Int. No. 1394 would amend the Administrative Code to create a new section 19-162.4, which would provide that vehicles operated on behalf of the City may not obstruct a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant unless responding to an incident posing a hazard to health, safety or property.

ANALYSIS OF INT. NO. 1395

Int. No. 1395 would amend the Administrative Code to add a new section 23-304, which would require that the Department of Information and Technology and Telecommunications

(“DOITT”) modify its 311 services to add the capability to file complaints and submit photographs regarding conditions related to parking. Among others, parking conditions for which complaints may be submitted would include double parking, vehicles in designated “no parking” or “no standing” zones, parking on sidewalks or crosswalks, in front of fire hydrants or at bus stops, in bus or bicycle lanes, on bridges or obstructing a driveway, improper use of a parking permit and obstructions of bike or bus lanes, sidewalks, crosswalks or fire hydrants by City vehicles.

Int. No. 1395 would further require that the resolution of any such complaint be sent to the complainant within seven days. Additionally, for any complaint regarding the obstruction of a bike or bus lane, sidewalk, crosswalk or fire hydrant by a City vehicle that includes photographic evidence of a license plate, the agency or office to which the vehicle is registered would be required to provide DOITT with a statement (to be included in the complaint’s resolution) regarding whether such vehicle was responding or preparing to respond to an incident posing a hazard to health, safety or property, and a justification as to why alternate parking was not practicable.

ANALYSIS OF INT. NO. 1412

Int. No. 1412 would amend section 20-511 of the Administrative Code to create a new subdivision b, which would require that DOT or NYPD direct the towing of and removal to an authorized storage facility of any unattended vehicles obstructing sidewalks, crosswalks, fire hydrants, bike lanes, or bus lanes. Subdivision b would also provide that such towing requirement does not apply to City vehicles if the operator is in the process of responding or preparing to respond to an incident posing a hazard to health, safety or property.

ANALYSIS OF INT. NO. 1422

Int. No. 1422 would amend the Administrative Code to add a new section 19-162.3, which would provide that no City agency other than DOT may issue a permit indicating that permission to park in certain areas during certain times has been granted. This prohibition would not apply to permits issued to members of the clergy pursuant to section 19-162.1 or to volunteer ambulance services pursuant to section 19-162.2, permits issued to individuals with disabilities or single-use parking permits. Such DOT-granted city-issued parking permits would be valid for no more than one year unless suspended or revoked.

Subdivision d of section 19-162.3 would provide that each person applying for a city-issued parking permit or renewal must file an application (in a form prescribed by DOT) and pay a fee of \$45. Such application would be required to include, at least, the applicant's name and photo identification, the name of the City agency sponsoring such application and the applicant's relationship to the agency, the applicant's license plate number and a statement detailing the applicant's activities performed on behalf of the sponsoring agency and justifying how a parking permit would support these activities.

Subdivision d would also require that a DOT-issued parking permit may only be used by the applicant and on the vehicle identified in such application, and that such parking permits are not transferrable to other vehicles or persons. The permittee would be required to provide notification to DOT within ten days of any change in information provided in a permittee's application.

Subdivision e of section 19-162.3 would provide that city-issued parking permits must contain the permittee's name, the sponsoring City agency, expiration date, technology to allow

the City to detect authorized permits and any additional information or features required by DOT.

Subdivision f provides a list of permissible areas for the use of a city-issued parking permit, which must be specified on or programmed into such parking permit. Specified parking areas which may be included on a permit include parking at parking meters, truck loading zones, zones designated no standing or parking except for authorized vehicles, and in no parking areas.

Subdivision f also provides a list of areas where a city-issued parking permit may not permit parking, to include in no standing or stopping areas, sidewalks, crosswalks, fire hydrants, bus stops, bus lanes, bike lanes, driveways, bridges, highways, where parking would constitute double-parking and where a parking would create a traffic hazard.

Section 19-162.3 would also provide that DOT may promulgate rules to implement the section, and creates a civil penalty for any violation of the subchapter or rules of not less than \$250 nor more than \$1000. Such penalties would be adjudicated at the Environmental Control Board or within the Office of Administrative Trials and Hearings.

Subdivision i of section 19-162.3 would require that DOT post information regarding city-issued parking permits at least once per month.

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Int. No. 1393

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Levine, Brannan, Holden, Williams and Constantinides

A Local Law in relation to parking enforcement

Be it enacted by the Council as follows:

Section 1. Parking Enforcement. a. 1. Beginning no later than April 1, 2019, each week, the police department shall evaluate no fewer than 25 blocks or intersections with the highest number of 311 complaints submitted during the previous week relating to the improper use of a parking permit and no fewer than 25 blocks or intersections each week with the highest number of 311 complaints submitted during the previous week relating to the obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle.

2. For each such block or intersection to be evaluated pursuant to this section, the police department shall analyze the times at which such complaints were submitted, determine the three hour period during which the largest number of complaints were submitted, and ensure evaluations are conducted within such three hour period.

3. Each evaluation conducted pursuant to this section shall include a description of each such block or intersection and why it was selected for evaluation; the 311 complaints associated with such block or intersection; photographs of each vehicle parked in such location demonstrating whether such vehicle was parked legally; and for any vehicle parked illegally, a photograph of any city-issued parking permit other parking permit displayed in each such vehicle, a photograph of the license plate of each such vehicle, and a summary of enforcement actions taken regarding each such vehicle and if an enforcement action is not taken regarding each such vehicle, the reasons why.

b. No later than seven days following each such evaluation, the police department shall submit a list of the blocks or intersections evaluated, the analyses and determinations made by the police department pursuant to paragraph 2 of subdivision a, and each such evaluation to the department of investigation, the department of transportation, the mayor, and the speaker of the council and post such information online.

c. Beginning no later than May 15, 2019 and no later than the 15th day of each month thereafter, the department of investigation shall submit a report regarding the information submitted pursuant to subdivision b during the previous month to the police department, the department of transportation, the mayor, and the speaker of the council and post such report online. Such report shall include, at a minimum, an analysis of such evaluations, the effectiveness of the photographs and information provided in determining whether vehicles were parked legally, any patterns or trends relating to the enforcement of parking laws and the use of parking permits. In addition, the report due no later than October 15, 2019 shall also include recommendations related to the enforcement of parking laws, the use of parking permits, and the issuance of parking permits.

§ 2. This local law takes effect immediately and is deemed repealed upon the submission of the report due no later than October 15, 2019, submitted pursuant to subdivision c of this local law.

LS 10040
2/10/19 12:45PM

Int. No. 1394

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Cumbo, Levine, Brannan, Holden, Williams and Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.4 to read as follows:

§ 19-162.4. City vehicle obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant. No vehicle operated on behalf of the city shall obstruct a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant unless the operator of such vehicle is in the process of responding or preparing to respond to an incident posing a hazard to health and safety or a risk of damage to property.

§ 2. This local law takes effect in 30 days.

LS 10042
2/10/19 12:48PM

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Int. No. 1395

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Brannan, Holden, Williams and Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to reporting parking complaints to 311

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended to add a new section 23-304 to read as follows:

§ 23-304 Parking complaints. a. The department of information technology and telecommunications shall implement on its 311 citizen service center website, telephone, and mobile device platforms the capability to file a complaint reporting the following conditions related to parking and to submit photographic evidence of such condition:

1. parking in “no standing” area;
2. parking in “no stopping” area;
3. parking on a sidewalk;
4. parking in crosswalk;
5. parking in front of fire hydrant;
6. parking at bus stop;
7. parking in bus lane;
8. parking in bicycle lane;
9. parking as to obstruct a driveway;
10. parking on a bridge or highway.
11. double parking;
12. improper use of a parking permit; and

13. obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle operated on behalf of the city.

c. 1. The resolution of such a complaint shall be sent to the individual filing such complaint within seven days.

2. For each complaint regarding the obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle operated on behalf of the city that includes photographic evidence of the license plate number of such vehicle, within two days of receiving notice of such complaint, the agency or office to which such vehicle is registered shall provide the department of information technology and telecommunications with a statement regarding whether the operator of such vehicle was in the process of responding or preparing to respond to an incident posing a hazard to health and safety or a risk of damage to property at the time the complaint was filed and if so, a general description of such incident and why parking in an alternate location was not practicable. Such information shall be included in the resolution of such complaint; provided, however, that no information that would interfere with law enforcement investigations shall be disclosed pursuant to this section.

§ 2. This local law takes effect in 30 days.

LS 10044
2/10/19 12:42PM

Int. No. 1412

By Council Members Holden, the Speaker (Council Member Johnson), Brannan, Powers, Williams, Chin and Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to removing vehicles obstructing a sidewalk, crosswalk, fire hydrant, bicycle lane, or bus lane

Be it enacted by the Council as follows:

Section 1. Section 20-511 of the administrative code of the city of New York is amended to read as follows:

§ 20-511. Removal of vehicles obstructing traffic. a. When a vehicle is situated so as to constitute an obstruction to traffic, and such vehicle is unattended or the person in charge of such vehicle has not arranged for its removal, a police officer or a person designated by the commissioner of transportation may direct its removal by a person licensed to engage in towing, and such licensee shall remove such vehicle to a storage facility which meets the specifications established by the commissioner by regulation pursuant to section 20-508 of this subchapter. Such licensee shall be entitled to charge the person in charge of the vehicle for towing and storage, and where applicable, for the rendering of services to prepare the vehicle for towing at the rates set forth or authorized by section 20-509 of this subchapter.

b. When a vehicle is situated so as to constitute an obstruction of a sidewalk, crosswalk, fire hydrant, bicycle lane, or bus lane and such vehicle is unattended or the person in charge of such vehicle has not arranged for its immediate removal, a police officer or a person designated by the commissioner of transportation or the police commissioner shall direct its removal by a person licensed to engage in towing, and such licensee shall remove such vehicle to a storage facility which meets the specifications established by the commissioner by regulation pursuant to section 20-508 of this subchapter. Such licensee shall be entitled to charge the person in charge

of the vehicle for towing and storage, and where applicable, for the rendering of services to prepare the vehicle for towing at the rates set forth or authorized by section 20-509 of this subchapter. This subdivision shall not apply to a city vehicle obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant while the operator of such vehicle is in the process of responding or preparing to respond to an incident posing a hazard to health and safety or a risk of damage to property.

§ 2. This local law takes effect in 30 days.

LS 6493
2/11/19 9:14AM

Int. No. 1422

By Council Members Powers, the Speaker (Council Member Johnson), Brannan, Holden, Williams, Chin and Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to city-issued parking permits

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.3 to read as follows:

§ 19-162.3 City-issued parking permits. a. Definition. For purposes of this subchapter, the following term has the following meaning:

City-issued parking permits. The term “city-issued parking permit” means a permit issued by the city and sponsored by a city agency that is displayed in or on a motor vehicle that indicates permission to park in certain areas during certain times has been granted. The term shall not include parking permits issued pursuant to sections 19-162.1 or 19-162.2, parking permits issued to individuals with disabilities, or single use parking permits.

b. Issuance. Notwithstanding any other provision of law, no other city agency shall issue a permit that indicates permission to park in certain areas during certain times has been granted.

c. Term. A city-issued parking permit shall be valid for no more than one year unless suspended or revoked.

d. Applications. 1. Each person applying for a city-issued parking permit or renewal thereof shall file an application in such form and detail as the commissioner may prescribe and shall pay a fee of \$45.

2. An application for a city-issued parking permit or renewal thereof shall include, but need not be limited to, the following information:

(i) the name of the applicant and at least one piece of current valid photo identification issued by a government agency of any jurisdiction that may be used to establish proof of identity;

(ii) the name of the sponsoring city agency and the applicant's relationship to such agency;

(iii) the license plate number of the vehicle to be associated with such permit; and

(iv) a statement articulating the activities the applicant performs on behalf of the sponsoring city agency and how a city-issued parking permit would support such activities.

3. Upon the approval of an application, the department shall issue a city-issued parking permit to the applicant that may only be used in the vehicle identified on such application.

4. City-issued parking permits shall not be transferrable to another person or vehicle.

5. Whenever any information provided on such an application has changed, such permittee shall notify the department within 10 days of such change.

e. Form of permits. A city-issued parking permit shall contain the permittee's name, the name of the sponsoring city agency, the expiration date of the permit, a unique identifier or other technology designed to allow the city to detect valid permits, and any additional information or features as required by the department.

f. Permissible uses. 1. Parking with a city-issued parking permit is permitted in areas specified on or programmed into the permit and may allow for some or all of the following:

(a) at parking meters;

(b) in truck loading and unloading zones;

(c) in no standing/parking except authorized vehicles or authorized vehicle only, when such permit authorizes such use, and

(d) in "no parking" areas.

2. Parking not permitted. Parking with a city-issued parking permit is not permitted in the following areas:

(a) “no standing” areas;

(b) “no stopping” areas;

(c) sidewalks;

(d) crosswalks;

(e) fire hydrants;

(f) bus stops;

(g) bus lanes;

(h) bicycle lanes;

(i) driveways;

(j) bridges and highways;

(k) where such parking would constitute double parking; and

(l) where a traffic hazard would be created.

g. Rules. The department may promulgate such rules and regulations as are necessary to implement the provisions of this section.

h. Violations. Any violation of this subchapter, or of any of the rules promulgated hereunder, shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations, under this section, shall be adjudicated at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.

i. Posting Information. The department shall post information online regarding the issuance of city-issued parking permits, including, but not limited to, the number of applications

submitted and the number of such permits issued, disaggregated by the sponsoring city agency.

Such information shall be updated at least once a month.

§ 2. This local law takes effect in 90 days, except that the commissioner of transportation, shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

LS 7340
2/10/19 12:37PM