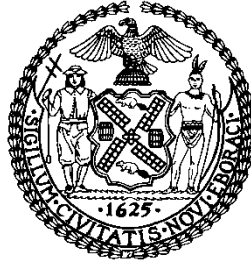


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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION
Jeffrey Baker, Legislative Director

COMMITTEE ON TRANSPORTATION
Hon. Ydanis Rodriguez, Chair

March 27, 2019

PROPOSED INT. NO. 1010-A:

By Council Members Miller,
Constantinides, Richards, Adams,
Koslowitz, Holden, Vallone, Ampry-
Samuel, Rose, Gjonaj, Salamanca,
Lancman, Dromm, Koo, Barron, Diaz,
Deutsch, Gibson, Maisel, Rivera, Cabrera,
Van Bramer, Ayala, Kallos, Brannan, King,
Chin, Moya, Grodenchik, Rosenthal,
Lander, Cumbo, Borelli and Ulrich

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for certain commercial vehicles parked overnight on residential streets

ADMINISTRATIVE CODE:

Amends subdivision c of section 19-170

INTRODUCTION

On March 27, 2019, the Transportation Committee chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 1010-A, a bill in relation to increasing the penalties for certain commercial vehicles parked overnight on residential streets. This is the second hearing held on this item. The first hearing was held on October 29, 2018 at which time the Committee heard testimony from the Department of Transportation (DOT), advocates, and other interested stakeholders.

BACKGROUND

Parking Regulations

The DOT and the City have broad regulatory authority over the flow of traffic, parking regulations, and the use of streets.¹ The City's parking regulations govern where vehicles can stop, stand and park in the city.² There are three types of signage that indicate parking rules:³

- Parking prohibited signs: permit temporarily picking up or dropping off passengers whether the vehicle is attended or unattended;
- Standing prohibited signs: indicate that a vehicle cannot stop at the curb, attended or unattended, except for dropping off passengers; and
- Stopping prohibited signs: indicate that no one can stop a vehicle for any reason.

In general, all of New York City is considered a "Tow Away Zone" under the State's Vehicle and Traffic law (VTL) and "double parking" is illegal at all times, including when street cleaning is occurring, regardless of location, purpose or durations, even if a vehicle is occupied.⁴

¹ N.Y.C DOT Motorists & Parking Regulations, available at <http://www.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

² *Id.*

³ *Id.*

⁴ N.Y.C DOT Motorists & Parking Regulations, available at <http://www.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

It is frequently argued, and studies show, that the lack of enforcement of parking rules can lead to traffic congestion. Hence, many parking regulations such as alternate side parking (ASP), metered parking, as well as parking restrictions for commercial deliveries and trucks, all play a role vehicle movement.⁵

Commercial Vehicles

Curb space in the City is often in high demand, not just for residential parking, but for loading and unloading activities. The recent increase in online shopping has led to an increase in the number of home deliveries.⁶ In order to regulate curb space, specific parking requirements apply to trucks and commercial vehicles that are transporting goods.⁷ While trucks and commercial vehicles have distinct definitions, for the purposes of parking, stopping and standing, a truck is considered a commercial vehicle.⁸

If a sign reads, “No Standing Except Trucks Loading and Unloading,” no vehicle except a commercial vehicle, or a service vehicle is permitted to stand or park in the area for the purpose of making pickups, deliveries, or service calls, in the area from 35th to 41st Streets between Avenue of Americas and 8th Ave, in Manhattan between 7 am and 7 pm.⁹

When parking is not otherwise restricted, commercial vehicles cannot park for more than 3 hours.¹⁰ Additionally, commercial vehicles are prohibited from parking on residential streets from 9 pm to 5 am.¹¹ With the exception of vehicles owned or operated by heating and gas

⁵ *Id.*

⁶ NYC DOT, Mobility Report (June 2018), available at <http://www.nyc.gov/html/dot/downloads/pdf/mobility-report-2018-screen-optimized.pdf>

⁷ *Id.*

⁸ A truck is defined as having two axels and six tires or three or more axles and is designed for the transportation of property. A commercial vehicle is one that has commercial plates, is used for the transportation of property and is permanently altered seating so for the transportation of property *See:*

<http://www.nyc.gov/html/dot/html/motorist/parktruck.shtml>

⁹ *Id.*

¹⁰ Ad. Code 19- 170.a

¹¹ Ad Code 19-170.b

companies and employees of public utilities.¹² If a commercial vehicle violates these provisions, it can be subject to a fine of \$250 for the first violation and up to \$500 for a second violation occurring within six months of the first violation.

Parking Violations

Parking rules are regulated by DOT, enforced by the New York Police Department (NYPD), and fines for the violation of any parking rules are paid to the Department of Finance (DOF). Parking rules are indicated by street signage. According to DOT, if one or more signs are posted in an area, the more restrictive sign is in effect.¹³ If a sign is missing on a block the remaining posted signs are the ones in effect and a driver should check the block before parking.¹⁴ DOT's website includes an interactive map that allows an individual to search, among other things, the parking rules on any street in the city.¹⁵

Parking fines vary by the provision of the violation, the number of offenses, and the area of city, as some parking violations are higher south of Manhattan's 96th Street.¹⁶ Parking ticket amounts can range from \$65 in Manhattan for parking while street cleaning is in effect to \$115 for double parking citywide.¹⁷ Ticket amounts vary by the provision of the violation, the area where the violation took place, and the number of prior offenses.¹⁸ If an entity or person receives a parking fine, they are generally required to pay the fine within 30 days or additional fines amounts are added to the penalty depending on the lateness of the payment.¹⁹

¹² *Id.*

¹³ N.Y.C DOT Motorists & Parking Regulations, available at <http://www.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ N.Y.C Department of Finance: Violations Codes, Fines, Rules & Regulations available at <https://www1.nyc.gov/site/finance/vehicles/services-violation-codes.page>

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ N.Y.C Resources: "Parking and Camera Violation Penalties and Enforcement Actions," available at <https://www1.nyc.gov/nyc-resources/service/7284/parking-and-camera-violation-penalties-and-enforcement-actions>

ANALYSIS OF PROPOSED INT. NO. 1010-A

Proposed Int. No. 1010-A would amend subdivision c of section 19-170 of the Administrative Code by adding a new paragraph 3, which creates alternative penalties for tractor-trailer combinations, tractors, truck trailers and semi-trailers parked on residential streets between the hours of 9 p.m. and 5 a.m. Paragraph 3 provides that as an alternative to any other means of enforcing subdivision c of section 19-170, a first violation of subdivision b of the section is punishable by a civil penalty of \$400, and subsequent violations by the same owner are punishable by a civil penalty of \$800. Paragraph 3 also provides that these civil penalties are recoverable in a proceeding before the office of administrative trials and hearings (OATH).

Proposed Int. No. 1010-A

By Council Members Miller, Constantinides, Richards, Adams, Koslowitz, Holden, Vallone, Ampry-Samuel, Rose, Gjonaj, Salamanca, Lancman, Dromm, Koo, Barron, Diaz, Deutsch, Gibson, Maisel, Rivera, Cabrera, Van Bramer, Ayala, Kallos, Brannan, King, Chin, Moya, Grodenchik, Rosenthal, Lander, Cumbo, Borelli and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to increasing the penalties for certain commercial vehicles parked overnight on residential streets

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 19-170 of the administrative code of the city of New York, as amended by chapter 458 for the year 2010, is amended to read as follows:

c. 1. Except as otherwise provided in [paragraph two] paragraphs 2 and 3 of this subdivision, a violation of this section shall be punishable by the monetary fine authorized for violation of the rules and regulations of the commissioner in paragraph [one] 1 of subdivision a of section [twenty nine hundred and three] 2903 of the [New York City Charter] charter.

2. A first violation of this section, when the commercial vehicle is a tractor-trailer combination, tractor, truck trailer or semi-trailer, shall be punishable by a monetary fine of [two hundred fifty dollars] \$250. Any such subsequent violation of this section by the same owner, as defined in paragraph a of subdivision [one] 1 of section [two hundred thirty-nine] 239 of the vehicle and traffic law, within a six month period shall be punishable by a monetary fine of [five hundred dollars] \$500.

3. As an alternative to any other means of enforcement of this subdivision authorized by law, a first violation of subdivision b of this section, when the commercial vehicle is a tractor-trailer combination, tractor, truck trailer or semi-trailer, shall be punishable by a civil penalty of \$400. Any such subsequent violation of subdivision b of this section by the same owner, as

defined in paragraph a of subdivision 1 of section 239 of the vehicle and traffic law, within a six month period shall be punishable by a civil penalty of \$800. Such civil penalties shall be recoverable in a proceeding before the office of administrative trials and hearings.

§ 2. This local law takes effect 120 days after it becomes law.

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