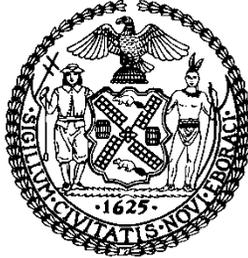


Committee Staff:  
Lyle Frank, Counsel  
Jonathan Masserano, Policy Analyst  
Gafar Zaaloff, Policy Analyst



## THE COUNCIL

REPORT OF THE HUMAN SERVICES DIVISION  
Matthew Gewolb, Legislative Director

COMMITTEE ON TRANSPORTATION  
Hon. Ydanis Rodriguez, Chair

**June 30, 2014**

**INT. NO. 20:**

By Council Members Rodriguez, Chin, Dickens, Gentile, King, Koo, Levin, Reynoso, Mendez, Constantinides, Deutsch, Greenfield, Lancman, Rosenthal, Palma, Cornegy, Kallos, Johnson, Richards, Espinal, Williams, Levine, Vacca, Ferreras, Torres, Barron, Eugene, Arroyo, Miller, Cabrera, Rose, Dromm, Cohen, Koslowitz, Maisel, Wills, Crowley, Vallone, Menchaca and Ulrich.

**TITLE:**

To amend the administrative code of the city of New York, in relation to allowing vehicles to park on the restricted side of a street which is subject to alternate side parking rules without being ticketed if the owner is in the vehicle and able to move it or if the street has already been cleaned.

**ADMINISTRATIVE CODE:**

Amends chapter 2 of title 19 by adding a new section 19-216.

## **INTRODUCTION**

On June 30, 2014, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Int. No. 20, which would allow a driver to park their vehicle during street cleaning hours under the condition that the driver of the vehicle is ready to move the vehicle upon the appearance of a street cleaning vehicle, as well as park their vehicle once the street cleaner has passed.

## **BACKGROUND**

The Department of Sanitation (“DSNY”) is responsible for the removal of litter, ice and snow from about 6,000 miles of City streets. To accomplish this task, DSNY operates a fleet of 444 mechanical brooms, and operates 59 district garages.<sup>1</sup>

To ensure that City streets are cleaned, DSNY works with the Department of Transportation (“DOT”) and New York Police Department (“NYPD”) to enforce street cleaning rules, also known as Alternate Side Parking (“ASP”) rules. According to DOT, street cleaning rules are generally in effect for a maximum of 90 minutes on designated days of the week, but these vary throughout the City.<sup>2</sup>

However, there are concerns the vehicles are issued summonses even after the street cleaner has passed a particular area.<sup>3</sup> The proposed legislation would allow vehicles to park while ASP is in effect, as long as a street cleaner has already passed, while also allowing them to park prior to a street cleaner arriving to sweep the location where the vehicle is parked. This change would presumably further the stated intention of ASP, and only vehicles that are truly

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<sup>1</sup> Mayor’s Management Report, Preliminary 2014, at 49 (“PMMR 2014”).

<sup>2</sup> Information obtained from <http://www.nyc.gov/html/dot/html/motorist/alternate-side-parking.shtml>.

<sup>3</sup> Kerry Burke and Corinne Lestch, Push to change alternate-side-of-the-street parking regulations underway, NEW YORK DAILY NEWS, Mar. 31, 2014, *available at* <http://www.nydailynews.com/new-york/new-push-change-alternate-side-of-the-street-parking-regs-article-1.1739851>.

blocking the ability of a street cleaner to pass would receive a penalty.

If adopted, the proposed legislation would presumably be implemented through the use of GPS tracking technology, which would allow traffic enforcement agents to verify when a street cleaner has passed through an area. The Department of Sanitation already utilizes GPS technology to track its snow removal trucks.<sup>4</sup>

In 2010, the Council held a hearing on Int. No. 375, which was the predecessor to the current proposed legislation. At that hearing, the Department of Sanitation testified in opposition to the legislation because they said it would impede the ability of street cleaners to return to a particular area for a second cleaning, which is necessary during particular times of year.<sup>5</sup>

## **ANALYSIS**

Section one of Int. No. 20 would amend chapter 2 of title 19 of the Administrative Code by adding a new section 19-216. Subdivision a of the new section would define “roadway” to mean a portion of the street ordinarily used for vehicular traffic. Subdivision b of the new section would state that no notice of violation shall be issued to a driver on a day when alternative side parking rules are in effect if the driver is ready to move the vehicle, or if a street cleaner has already passed.

Section two of Int. No. 20 would state that the local law would take effect sixty days after it is enacted into law.

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<sup>4</sup> Antwan Lewis, Track New York City’s snow plows, Dec. 27, 2013, <http://www.myfoxny.com/story/24217904/track-new-york-citys-snow-plows>.

<sup>5</sup> Testimony of John Nucatola, Department of Sanitation before Committee on Transportation on Nov. 29, 2010.

Int. No. 20

By Council Members Rodriguez, Chin, Dickens, Gentile, King, Koo, Levin, Reynoso, Mendez, Constantinides, Deutsch, Greenfield, Lancman, Rosenthal, Palma, Cornegy, Kallos, Johnson, Richards, Espinal, Williams, Levine, Vacca, Ferreras, Torres, Barron, Eugene, Arroyo, Miller, Cabrera, Rose, Dromm, Cohen, Koslowitz, Maisel, Wills, Crowley, Vallone, Menchaca and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to allowing vehicles to park on the restricted side of a street which is subject to alternate side parking rules without being ticketed if the owner is in the vehicle and able to move it or if the street has already been cleaned.

Be it enacted by the Council as follows:

Section 1. Chapter two of title 19 of the administrative code of the city of New York is amended by adding a new section 19-216 to read as follows:

§ 19-216 Restrictions on issuing notices of violation for alternate side of the street parking violations. a. For the purposes of this section, the term “roadway” shall mean that portion of the street ordinarily used for vehicular travel.

b. No notice of violation shall be issued to a driver or owner of a motor vehicle on a day when alternate side parking rules are in effect if the driver or owner is in the vehicle and ready to move such vehicle when the street cleaning vehicle approaches or if the roadway under where such vehicle is parked has already been swept on such day.

§2. This local law shall take effect sixty days after its enactment into law.