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**The Council of the City of New York**

**COMMITTEE REPORT OF THE INFRASTRUCTURE AND OVERSIGHT AND INVESTIGATIONS DIVISIONS**

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**COMMITTEE ON TRANSPORTATION**

Hon. Ydanis Rodriguez, *Chair*

**COMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

Hon. Vanessa Gibson*, Chair*

October 26, 2021

**Oversight: Rethinking Vision Zero: Stopping Illegal Parking, Reducing Reliance on Vehicles and Improving Pedestrian and Cyclist Safety**

**INT. NO. 9:** By Council Members Barron, Brannan, Holden and Borelli

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of a stop sign or traffic control signal at every intersection immediately adjacent to any school

**ADMINISTRATIVE CODE:** Amends subchapter 3 of title 19 by adding new section 19-188.1

**INT. NO. 2073:** By Council Members Kallos, Adams, Powers and Dromm

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to pedestrian crossing guidelines and right of way

**ADMINISTRATIVE CODE:** Amends section 19-195

**INT. NO. 2201:** By Council Members Rivera and Louis

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence

**ADMINISTRATIVE CODE:** Amends subdivision b of section 19-214

**INT. NO. 2417:** By Council Members Holden, Grodenchik, Vallone, Yeger, Adams, Kallos, Dinowitz, Miller, Brannan, Ayala, Rose, Lander, Diaz, Koo, Koslowitz, Moya, Keith Powers, Gjonaj, Chin, Cumbo, Levin, Cabrera, Ulrich and Borelli

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates

**ADMINISTRATIVE CODE:** Amends chapter 1 of title 10 by adding new section 10-182

**INT. NO. 2422:** By Council Members Rodriguez, Yeger and Holden (by request of the Mayor)

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets

**ADMINISTRATIVE CODE:** Repeals sections 19-167, 19-167.1, 19-167.2, 19-167.3, 19-167.4, and 19-175.3; and adds a new section 19-167

**INTRODUCTION**

 On October 26, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, and the Committee on Oversight and Investigations, chaired by Council Member Vanessa Gibson, will hold a joint oversight hearing entitled: Rethinking Vision Zero: Stopping Illegal Parking, Reducing Reliance on Vehicles and Improving Pedestrian and Cyclist Safety. In addition to the oversight topic, the Committees will hear: Int. No. 9, sponsored by Council Member Inez Barron, in relation to requiring the installation of a stop sign or traffic control signal at every intersection immediately adjacent to any school; Int. No. 2073, sponsored by Council Member Ben Kallos, in relation to pedestrian crossing guidelines and right of way; Int. No. 2201, sponsored by Council Member Carlina Rivera, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence, Int. No. 2417, sponsored by Council Member Robert Holden, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates; and Int. No. 2422, sponsored by Council Member Ydanis Rodriguez, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets.

In addition to the bills being heard, the hearing will explore New York City’s (NYC or the City) Vision Zero plan and what steps the City is taking to improve upon such plan. The Committees will examine what the NYC Department of Transportation (DOT) has done to reduce pedestrian, cyclist and driver deaths, especially those related to illegally parked vehicles and other obstructions. The Committees will also examine the recent investigation by the Council’s Oversight and Investigations Division into the New York Police Department’s (NYPD’s) response to 311 complaints regarding illegal parking and parking permit abuse. Witnesses invited to testify include representatives of the DOT and NYPD, transit advocates, bike advocates, cyclists and other interested parties.

**BACKGROUND**

**Vision Zero**

 In 2014, the Bill de Blasio’s Mayoral Administration instituted Vision Zero, a citywide initiative with the goal of reducing and eventually eliminating traffic fatalities.[[1]](#footnote-1) Strategies involved in implementing Vision Zero in the City have included: expanded enforcement against dangerous moving violations, such as speeding and failing to yield to pedestrians; new street designs and configurations; broad public outreach and communication; and a sweeping legislative agenda to increase penalties for dangerous drivers.[[2]](#footnote-2) The main premise behind Vision Zero is that deaths and serious injuries in traffic are not inevitable “accidents,” but preventable crashes that can be reduced through engineering, enforcement and education.[[3]](#footnote-3)

Traffic fatalities in New York City have fallen significantly over recent decades, from 701 in 1991, to 381 in 2000, to an all-time low of 202 in 2018.[[4]](#footnote-4) The year 2020 marked the first year on record with fewer than 100 pedestrian deaths.[[5]](#footnote-5) When looking at the five-year averages from before Vision Zero became City policy, total fatalities are now 10% lower, and pedestrian fatalities are 37% lower.[[6]](#footnote-6) As part of Vision Zero, from 2014 to 2020, the City: installed 1,259 speed cameras; installed 135 protected bike lane miles, with a total of 1,375 miles of protected and conventional bike lanes; provided 130,103 Taxi and Limousine Commission (TLC)-licensed drivers with updated Vision Zero training; issued 84,414 Vision Zero summonses through TLC enforcement; installed 11,327 telematics systems for City Fleet-Non Emergency Vehicles; and implemented turn-calming treatments at 468 intersections.[[7]](#footnote-7) In keeping with efforts to aid Vision Zero, the New York City Council passed numerous bills which became law, including, among other things: the streets master plan legislation,[[8]](#footnote-8) which requires DOT to issue and implement a transportation master plan every five years, with included benchmarks prioritizing the safety of all street users, the use of mass transit, the reduction of vehicle emissions, and accessibility within transit systems; the street design checklist legislation,[[9]](#footnote-9) which would allow the City to better plan street space; and the side guard legislation,[[10]](#footnote-10) which accelerated deadlines for side guard implementation in the City fleet and for trade waste hauling vehicles by a year, and would require that a side guard is equipped on any large vehicle used to fulfill a contract with the City of at least $2 million, beginning with contracts registered on or after 2023.

Although the data is encouraging when looking at the reduction in fatalities from 1991 to now, the citywide initiative has received a number of criticisms, mainly with the rapid increase in deaths occurring on City streets in recent years. During a media availability on December 22, 2020, the Mayor stated that 2020 had been one of the safest years for pedestrians, however, this was not the case for motorists and cyclists.[[11]](#footnote-11) A 2021 New York Times article indicated that the total number of traffic fatalities in 2020 was at least 243, making it the deadliest year on record since Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.[[12]](#footnote-12) Notably, for a nearly two month period during the novel coronavirus (COVID-19) pandemic in 2020 there were zero pedestrian fatalities in NYC, largely attributed to the reduction in vehicle miles travelled in the City at this time.[[13]](#footnote-13) However, there were subsequent increases in overnight motorist and motorcyclist deaths, and a nationwide increase in speeding that began when streets emptied due to the pandemic and subsequent lockdowns.[[14]](#footnote-14) Although 2020 has been the deadliest year on record for motorists and cyclists since the first year of the City’s Vision Zero initiative, 2021 is on track to be even deadlier. According to analysis released by Transportation Alternatives and Families for Safe Streets, at the pace of traffic deaths in the first six months of 2021, 2021 is projected to surpass 2020 in the number of total traffic fatalities.[[15]](#footnote-15) From January 2021 through June 30, 2021, fatal crashes killed at least 124 New Yorkers, the most deaths for the first half of the year in any year during the de Blasio Administration.[[16]](#footnote-16) Of the 124 killed, 64 were pedestrians, eight were cyclists and 52 were motorists.[[17]](#footnote-17)As of September 14, 2021, at least 189 New Yorkers were killed in fatal crashes.[[18]](#footnote-18)

Safe streets advocates contradict the Mayor’s assertion that Vision Zero has been an effective program, contending that a lack of action by the Administration is to blame for the recent increase in fatalities. Among other issues, advocates contend that a lack of urgency in scaling up street design changes and the delayed implementation of reckless driver legislation passed by the City Council have resulted in these preventable traffic fatality increases.[[19]](#footnote-19) Transportation Alternatives and Families for Safe Streets, proponents of safer streets in NYC, are calling for the City, among other things, to “immediately enact life-saving measures,” including implementing NYC 25x25, a plan to reallocate 25 percent of NYC’s street space away from vehicle infrastructure.[[20]](#footnote-20) NYC 25x25 is backed by a coalition of more than 80 local organizations and businesses across all five boroughs who argue that adopting the plan would result in the creation of: 500 lane miles of new protected bus-only lanes; 500 lane miles of new protected class one bike lanes; 1,000 lane miles of permanent Open Streets; 780,000 spaces for car-share parking and paid parking spaces; 19.4 million square feet of bike parking spaces, including racks, secure bike parking, bike share, and other micromobility uses; universal “daylighting,” or removing cars from parking directly adjacent to an intersection in order to increase visibility and decrease the likelihood of a crash; a one-block-long car-free multi-use space for play, student drop-off and pick-up, and outdoor learning outside each of the City’s 1,700 public schools; and at least one 80-foot-long zone on every block for deliveries, e-cargo bikes, for-hire-vehicle and taxi passenger drop-off, and trash collection.[[21]](#footnote-21)

**DOT and Parking Regulations**

 DOT’s mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods in NYC.[[22]](#footnote-22) To meet this mission, DOT’s goals include: providing safe, efficient and environmentally responsible movement of pedestrians, goods and vehicular traffic on streets, highways, bridges and waterways in NYC; improving traffic mobility throughout NYC; maintaining NYC’s infrastructure; encouraging mass transit use and other modes of transportation; and holding traffic safety educational programs.[[23]](#footnote-23) DOT’s over 5,000 employees manage an annual operating budget of $1.1 billion and a ten-year $19.7 billion capital program, while also overseeing 6,300 miles of streets and highways, over 12,000 miles of sidewalks, and 794 bridges and tunnels.[[24]](#footnote-24) In addition, DOT staff maintains over one million street signs, 13,250 signalized intersections, over 315,000 street lights, and over 350 million linear feet of markings.[[25]](#footnote-25)

 DOT is the main agency that has jurisdiction over NYC’s parking regulations,[[26]](#footnote-26) which govern where vehicles can stop, stand and park in the city.[[27]](#footnote-27) Under New York State (NYS) Vehicle and Traffic Law (VTL), all of New York City is a designated Tow Away Zone, meaning that any vehicle that is parked or operating illegally, or with missing or expired registration or inspection stickers, may be towed.[[28]](#footnote-28) On certain legal holidays, however, stopping, standing and parking are permitted in most areas except where such rules are in effect seven days a week.[[29]](#footnote-29) As part of DOT’s Parking Regulations, DOT has specific rules in place regarding alternate side parking; stopping, standing and parking; “T” intersections (areas without traffic signals, at all-way stop signs or crosswalk markings); curb cuts (an area of a sidewalk that has been lowered, or cut down, to facilitate access to the street); and parking in school zones.[[30]](#footnote-30)

**Illegal Parking and Bike Lanes**

 DOT’s parking regulations are aimed at ensuring the safe and responsible travel of pedestrians, cyclists and drivers. Illegal parking in the City, which includes vehicles that are double-parked or blocking bike lanes,[[31]](#footnote-31) poses a safety hazard for all New Yorkers, especially pedestrians and cyclists. Double-parked cars often force cyclists to dart into traffic.[[32]](#footnote-32) Similarly, vehicles illegally parked in unprotected bike lanes cause cyclists to use the main part of the street. Illegal parking and resulting reactions from people has been the cause of a number of traffic fatalities in recent years, including fatalities related to cyclists. Among these fatalities: in 2018, the death of cyclist Madison Lyden on Central Park West due to a cab driver who was double-parked and a truck driver navigating around the illegally parked cab;[[33]](#footnote-33) in 2020, the death of cyclist Ivan Morales due to a car at the intersection of Willis Avenue inside a two-way protected bike lane;[[34]](#footnote-34) and in June of 2020, the death of cyclist Jose Luis Estudillo Garcia who swerved into traffic to avoid an illegally double-parked car on Park Avenue in the Bronx.[[35]](#footnote-35)

**The NYC Council’s Investigation of 311 Complaints**

Over the course of May through July of 2021, the Council’s Oversight and Investigations Division conducted a field investigation into NYPD’s handling of 311 service requests (SRs) relating to parking. Council investigators traveled throughout the City, and, where they observed what appeared to be illegal vehicle parking conditions, would file an appropriate SR. Council investigators would wait near the complaint and observe NYPD’s response to the SR.

Over the course of the investigation, Council investigators filed 50 such SRs. In each case, NYPD claimed to properly respond and marked the SR as closed. However, for 72% (36) of these SRs, Council investigators observed that NYPD did not properly respond. For example, in some cases, an NYPD vehicle sped by the scene without any actual investigation. In other cases, NYPD personnel stopped very briefly at the scene but took no remedial action. Most notably, investigators observed that NYPD did not respond at all to 28% (14) of the SRs, despite NYPD indicating in the 311 system either “the Police Department responded to the complaint and determined that no action was necessary” or “the Police Department responded and upon arrival those responsible for the condition were gone.”

Additionally, data available through the City’s Open Data Portal[[36]](#footnote-36) suggests that NYPD’s response to SRs relating to illegal parking[[37]](#footnote-37) and SRs relating to placard abuse[[38]](#footnote-38) has gotten markedly faster since 2019.[[39]](#footnote-39) Investigators found that NYPD appeared to be closing out more cases in less than 15 minutes, which is notable given that it takes time to travel from one place to another in the City and given the findings of false reporting in the field investigation. For example, in 2019, NYPD responded to only about 2.77% of parking-related SRs and 0.88% of placard abuse SRs in less than 15 minutes. In 2020, these rates jumped to about 12.75% (for illegal parking) and 9.32% (for placard abuse). Further, in 2021 thus far, these rates stand at about 10.83% (for illegal parking) and 12.72% (for placard abuse). In other words, between 2019 and 2021, NYPD’s less-than-15-minute response rate roughly quadrupled for illegal parking SRs and its 2021 rate for placard abuse SRs was over 14 times higher than its 2019 rate.

Perhaps more significantly, for 1,047 SRs (for illegal parking) and four SRs (for placard abuse) in 2019, NYPD’s response time was less than five minutes. In 2020, the NYPD managed a similar feat for 5,398 SRs (for illegal parking) and 149 SRs (for placard abuse). So far, in 2021 thus far, the NYPD has done it 5,157 times (for illegal parking) and 188 times (for placard abuse). While there may be isolated incidents in which an SR could be validly closed out quickly—such as during periods of reduced traffic, as the City experienced during the early months of the pandemic[[40]](#footnote-40)—the SRs detailed in the Council’s investigation were filed long after traffic volumes returned to near pre-pandemic levels.[[41]](#footnote-41) Furthermore, the less-than-five-minute response times with respect to placard abuse are particularly surprising given that the Administration acknowledged in September 2020 that placard abuse enforcement was not a “focus” during the pandemic.[[42]](#footnote-42)

In order to address enforcement of illegal parking in the City, the Council enacted Local Law 6 of 2020, which required NYPD to conduct weekly evaluations of 25 or more intersections and blocks that are experiencing a prevalence of improper use of parking placards and experiencing obstructed bicycle lanes, bus lanes, sidewalks, crosswalks, and fire hydrants by vehicles. NYPD is required to report monthly on the evaluations to the Department of Investigation (DOI), the Mayor, and the Speaker of the Council.[[43]](#footnote-43) These evaluations were to continue for six months starting on January 1, 2020. The Council has not received this report and is not aware of the NYPD performing any of the evaluations required by this law.

On October 13, 2021, the Council sent a letter to the NYPD requesting various documents related to the SR responses filed during its investigation, in order to better assess the NYPD’s protocols for responding to 311 complaints. The Council awaits their response.

**ANALYSIS**

*Int. No. 9*

Int. No. 9 would require DOT to install traffic lights or all-way stop signs at every intersection adjacent to a public or private school. Such traffic lights or all-way stop signs would help control motor vehicle traffic on streets that abut schools. DOT would determine the type of traffic control device that should be installed at each such intersection.

*Int. No. 2073*

 Int. No. 2073 would allow pedestrians to legally cross a street outside of a marked crosswalk as long as the pedestrian yields to vehicular traffic. Int. No. 2073 would also remove civil and criminal penalties for the offense commonly known as “jaywalking,” which is when someone illegally crosses a street.

*Int. No. 2201*

Int. No. 2201 would allow owners and operators of motorcycles to digitally provide photographic evidence to demonstrate that they paid for parking at the time of an alleged parking violation. Such photographic evidence would be submitted to the City’s Department of Finance (DOF) through DOF’s website and would serve as an affirmative defense to the alleged violation.

*Int. No. 2417*

 Int. No. 2417 would make it unlawful for anyone to sell, offer for sale, or distribute anything whose purpose would be to conceal or obscure the numbers on a license plate or to distort a recorded or photographic image of the license plate. This bill would make any violation returnable to the Office of Administrative Trials and Hearings (OATH). Additionally, this bill would create a civil penalty of at least $300 for the first violation and at least $500 for any subsequent violations.

*Int. No. 2422*

 Int. No. 2422 would authorize the use of pay-by-plate parking meters in addition to pay-and-display parking meters. Pay-by-plate parking meters would require a person to enter the vehicle’s license plate to register payment for parking, and would be capable of tracking payment by the vehicle’s license plate, rather than by paper receipt. Before DOT makes changes to the parking meter rates or replaces a pay-and-display parking meter with a pay-by-plate parking meter, DOT would provide 30-days written notice to the Council Member and Community Board in whose district such change would occur and post such change on the DOT’s website. Additionally, parking time could only be used on the blockface, or street section, for which it was purchased and could not be transferred between one blockface and another.

 This bill would also consolidate existing sections of the Administrative Code related to parking meters into one section.

Int. No. 9

By Council Members Barron, Brannan, Holden, Van Bramer and Borelli

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of a stop sign or traffic control signal at every intersection immediately adjacent to any school

..Body

Be it enacted by the Council as follows:

            Section 1. Subchapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-188.1 to read as follows:

§ 19-188.1 Traffic control devices near schools. a. Definitions. For purposes of this section, the following terms have the following meanings:

Intersection. The term "intersection" has the meaning set forth in section 120 of the vehicle and traffic law.

School. The term "school" means any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least 250 students at or below the twelfth grade level.

Traffic control device. The term “traffic control device” means a stop sign or traffic control signal.

Traffic control signal. The term “traffic control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

                     b. The department shall install stop signs or traffic control signals at all intersections immediately adjacent to any school in order to control motor vehicle traffic on streets that abut such schools.  The department shall determine which type of traffic control device is appropriate at such intersection based upon the volume of motor vehicle traffic and the sight-lines of persons crossing at such intersection.

                     § 2.  This local law takes effect immediately.

GZ

LS 404/Int. No. 1697/2017

December 15, 2017

LS# 502

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| Int. No. 2073 By Council Members Kallos, Adams, Powers and Dromm A Local Law to amend the administrative code of the city of New York, in relation to pedestrian crossing guidelines and right of way Be it enacted by the Council as follows: Section 1. Section 19-195 of the administrative code of the city of New York is amended to read as follows:§19-195 Pedestrian crossings and control signalsa.  When pedestrian control signals are in operation, exhibiting symbols of a walking person, upraised hand, or upraised hand with a pedestrian countdown display, or any other internationally recognized representation concerning the movement of pedestrians, such signals shall indicate as follows:1.   Steady walking person. Pedestrians facing such signal may proceed across the roadway in the direction of such signal, and other traffic shall yield the right of way to such pedestrians.2.   Flashing upraised hand or flashing upraised hand with pedestrian countdown display. Pedestrians facing such signal are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway [shall ] are advised to proceed to the nearest sidewalk or safety island in the direction of such signal. Other traffic shall yield the right of way to pedestrians proceeding across the roadway within the crosswalk towards such signal for as long as such signal remains flashing.3.   Steady upraised hand.[No pedestrians shall start to cross the roadway in the direction of such signal] Pedestrians facing such a signal are advised that vehicle traffic has the right of way and pedestrians entering the roadway while this signal is displayed will be at risk of injury due to vehicle traffic; provided, however that any pedestrians who have partially completed their crossing on a steady walking person signal or any flashing upraised hand signal [shall] are advised to proceed to the nearest sidewalk or safety island in the direction of such signal while such steady upraised hand signal is showing.b. Pedestrians may cross any roadway at any point other than within a marked or unmarked crosswalk provided that pedestrians are advised to yield the right of way to all vehicles upon the roadway.§2. This local law takes effect 120 days after it becomes law.       [PC/AW]LS #13478/133918/28/2020   |

Int. No. 2201

By Council Members Rivera and Louis

..Title

A Local Law to amend the administrative code of the city of New York, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-214 of the administrative code of the city of New York, as amended by local law number 15 for the year 2012, is amended to read as follows:

b. Notwithstanding any rule or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a motor vehicle for the failure to display a muni-meter receipt, it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a muni-meter dispensing timed receipts valid for use at the location such notice of violation was issued. Evidence of the affirmative defense shall be the presentation, in person or by mail, of a valid muni-meter receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence as determined by the hearing officer that such parking time was purchased. When in such instance the motor vehicle is a motorcycle, evidence may be a digital photograph, submitted through the department’s website, of a valid muni-meter receipt for the time such notice of violation was issued or for up to five minutes thereafter.

§ 2. This local law takes effect 180 days after it becomes law.

AM

LS #12760

11/19/19

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| Int. No. 2417 By Council Members Holden, Grodenchik, Vallone, Yeger, Adams, Kallos, Dinowitz, Miller, Brannan, Ayala, Rose, Lander, D. Diaz, Koo, Koslowitz, Moya, Powers, Gjonaj, Chin, Cumbo, Levin, Cabrera, Ulrich and Borelli A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates Be it enacted by the Council as follows:Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-182 to read as follows:§ 10-182 Unlawful sale or distribution of materials that obscure license plates. a. It is unlawful for any person or entity to sell, offer for sale or distribute any artificial or synthetic material or substance for the purpose of application to the license plate of a motor vehicle that will, upon application to such license plate, conceal or obscure the number on such license plate or distort a recorded or photographic image of such license plate.b. Civil penalty. Any person who violates subdivision a of this section shall be liable for a civil penalty of not less than $300 or the first violation and not less than $500 for each subsequent violation, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.§ 2. This local law takes effect 90 days after it becomes law.   NABLS #180489/22/21 10:00AM |

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Int. No. 2422

By Council Members Rodriguez, Yeger and Holden (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets

Be it enacted by the Council as follows:

     Section 1. Sections 19-167, 19-167.1, 19-167.2, 19-167.3, 19-167.4, and 19-175.3 of the administrative code of the city of New York are REPEALED, and a new section 19-167 is added to read as follows:

§ 19-167 Parking meters.

a. Definitions. As used in this section, the following terms have the following meanings:

Affected council member(s) and community board(s). The term “affected council member(s) and community board(s)” has the same meaning as set forth in section 19-101.2.

Blockface. The term “blockface” means that portion of the street along the curb on one side of a street which is between the boundaries of the corner area at either end of the block.

Credential. The term “credential” means any explicit approval from the department or other authorized agency to park at a parking meter or other location, including, but not limited to, a record of payment or valid parking permit.

Parking field. The term “parking field” means any parking lot containing parking meters that is owned, operated and controlled by the city or its contractor and is available for public use. The term “parking field” does not include any parking lot operated by a city agency intended for exclusive use by such agency’s employees or by the public to conduct business with such agency.

Parking meter. The term “parking meter” means a device which accepts payment or a credential, including, but not limited to a pay-and-display parking meter or a pay-by-plate parking meter.

                                          Pay-and-display parking meter. The term “pay-and display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle; and

                                          Pay-by-plate parking meters. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

                     b. Suspension of parking meter activation on Sundays.

Notwithstanding any other provision of law, no person parking a vehicle at a parking meter is required to activate such meter on a Sunday and no notice of violation or summons may be issued solely for the failure to activate such parking meter on a Sunday.

                      c. Deactivation of parking meters. The department shall program each parking meter to ensure that such parking meter is unable to accept payment:

1. from the last time in a day that parking meter rules are in effect for any parking space within the blockface or parking field of such parking meter, or for any other parking space within one hundred feet of such parking meter, until one hour prior to the next time meter rules take effect for any parking space within the blockface or parking field, or for any other parking space within one hundred feet of such parking meter; and

                          2. when such parking meter is not capable of producing receipts or lacks the functionality to track parking payments.

d. Parking at broken or missing parking meters. If all parking meters in a parking field or on a blockface are missing or broken, a person shall be allowed to park in such parking field or on such blockface up to the maximum amount of time otherwise lawfully permitted by such parking meters in such controlled parking field or blockface.

e. Transferability of parking meter time. Parking time may only be utilized on the blockface for which it was purchased. Transfer of parking time between blockfaces is prohibited.

f. Notification of changes involving parking meters.

                                          1. New parking meter installation. Prior to the installation of new parking meters covering at least four contiguous blockfaces, the department shall forward notice of such installation to affected council member(s) and community board(s) by electronic mail.

(a) Within 10 business days after receipt of such notice: (i) the affected council member(s) may submit recommendations and/or comments regarding such notice to the department; and (ii) the affected community board(s) may either submit recommendations and/or comments regarding such notice, and/or request a presentation regarding such installation, which where practicable shall be made to such community board(s) within 30 days of such request.

(b) Any recommendations and/or comments received by the department pursuant to this subdivision shall be reviewed prior to the installation of such new parking meters.

2. Existing parking meter alterations. Prior to making changes to parking meter rates or replacing a parking meter with a different type of parking meter, the department shall provide at least 30 days written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and shall post such written notice on the department’s website. Such notice shall at a minimum provide the following information with regard to the changes:

(a) Parking rates. The notice shall include the proposed new rate, the location(s) of the meters affected by such rate change and the earliest date such new rate will go into effect.

(b) Change in meter type. The notice shall include the location(s) where meters will be converted and the earliest date on which such converted meters will go into operation.

§ 2. Sections 19-214 and 19-215 of the administrative code of the city of New York are REPEALED.

§ 3. Section 19-213 of title 19 of the administrative code of the city of New York, as added by local law 82 for the year 2009, is amended to read as follows:

§ 19-213 Grace period; failure to purchase parking time and cancellation of certain tickets.

a. [For the purposes of this section, the term "munimeter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter and must be displayed in a conspicuous place on a vehicle's dashboard.] Definitions. As used in this section, the following terms have the following meanings:

                           Agent. The term “agent” means any person employed by the city of New York authorized to issue a notice of violation for parking violations.

Parking meter. The term “parking meter” means a device which accepts payment or a credential that authorizes vehicle parking time, including, but not limited to, a pay-and-display parking meter or a pay-by-plate parking meter.

                                          Pay-and-display parking meter. The term “pay-and-display parking meter” means an electronic parking meter that dispenses timed receipts that must be displayed on the dashboard of a motor vehicle or in a visible and secure place on a motorcycle.

                                          Pay-by-plate parking meter. The term “pay-by-plate parking meter” means an electronic parking meter that requires entry of license plate information for proper registration of payment.

b. Grace period. No notice of violation shall be issued for allegedly parking in excess of the [allotted] parking time [displayed on a munimeter receipt] purchased or longer than the time period allowed by a sign posted by the department until five minutes after the time that such a violation occurs.

c. Failure to purchase parking time. Notwithstanding any rule or regulation to the contrary, and subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a vehicle for the failure to purchase parking time, it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a parking meter at the location such notice of violation was issued. Evidence in support of the affirmative defense shall be the presentation, in person or by mail, of a valid payment receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence, as determined by the hearing officer, that such parking time was purchased.

d. Cancellation of certain tickets. 1. Any agent who issues a notice of violation by electronic means for failure to pay the parking charge required at a pay-and-display parking meter shall cancel such notice of violation when, not later than five minutes after the issuance of such notice, such agent is shown a valid payment receipt with an official start time indicated and such start time is no later than five minutes after the time of the issuance of such notice. The electronic copy of such canceled notice shall be marked “valid receipt shown; ticket canceled” and shall include the number of such payment receipt shown. The electronic parking meter system shall be programmed to prohibit such notice from being canceled later than five minutes after the issuance of such notice.

2. If an agent has issued a notice of violation by electronic means for failure to pay the parking charge required at a pay-by-plate parking meter, and parking time is purchased for such vehicle for the blockface where the vehicle is located not more than five minutes after the notice of violation was issued, such notice of violation shall be canceled automatically by the electronic parking meter system.

§ 4. This local law takes effect 60 days after it becomes law.

10/1/21 11:00AM

1. NYC, Vision Zero, available at: <https://www1.nyc.gov/content/visionzero/pages/>. [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. NYC, Vision Zero, *Vision Zero-Year 7 Report* (April 2021), available at:

 <https://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-7-report.pdf> [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *Id.* [↑](#footnote-ref-7)
8. See Local Law 195 of 2019 [↑](#footnote-ref-8)
9. See Local Law 121 of 2019 [↑](#footnote-ref-9)
10. See Local Law 108 of 2021 [↑](#footnote-ref-10)
11. NYC, Transcript: “Mayor de Blasio Holds Media Availability,” December 22, 2020, available at: <https://www1.nyc.gov/office-of-the-mayor/news/884-20/transcript-mayor-de-blasio-holds-media-availability>. [↑](#footnote-ref-11)
12. New York Times, Christina Goldbaum, “Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths,” Updated on January 1, 2021, available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>. [↑](#footnote-ref-12)
13. The Gothamist, Jake Offenhartz, “Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era,” Updated October 23, 2020, available at <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>. [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
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16. *Id.* [↑](#footnote-ref-16)
17. *Id.*  [↑](#footnote-ref-17)
18. Winnie Hu, “De Blasio Vowed to Make City Streets Safer. They’ve Turned More Deadly,” The New York Times, Updated Oct. 7, 2021, available at <https://www.nytimes.com/2021/09/30/nyregion/traffic-deaths-nyc.html> [↑](#footnote-ref-18)
19. The Gothamist, Jake Offenhartz, “Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era,” Updated October 23, 2020, available at: <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>. [↑](#footnote-ref-19)
20. Transportation Alternatives, Press Release, “Vision Zero in Crisis: 2021 No on Track to be Deadliest Year in De Blasio Era,” July 21, 2021, available at: <https://www.transalt.org/press-releases/vision-zero-in-crisis-2021-now-on-track-to-be-deadliest-year-in-de-blasio-era-new-york-city-nyc>. [↑](#footnote-ref-20)
21. Transportation Alternatives, Press Release, “Coalition of 80+ Organizations Launch NYC 25x25, Challenge New York City’s Next Mayor To Give Streets Back To People,” March 1, 2021, available at <https://www.transalt.org/press-releases/coalition-of-80-organizations-launch-nyc-25x25-challenge-new-york-citys-next-mayor-to-give-streets-back-to-people>. [↑](#footnote-ref-21)
22. NYC Department of Transportation, *About DOT*, available at:

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23. *Id.* [↑](#footnote-ref-23)
24. *Id.* [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
26. NYC, Department of Transportation, *Motorists & Parking*, available at:

<https://www1.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>. [↑](#footnote-ref-26)
27. *Id.* [↑](#footnote-ref-27)
28. *Id.* [↑](#footnote-ref-28)
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36. NYC OpenData, *311 Service Requests from 2010 to Present*, available online at:

 <https://data.cityofnewyork.us/Social-Services/311-Service-Requests-from-2010-to-Present/erm2-nwe9/data>. [↑](#footnote-ref-36)
37. Complaints which NYPD handled where the “Complaint Type” is “Illegal Parking.” [↑](#footnote-ref-37)
38. Complaints which NYPD handled where the “Complaint Type” is “Illegal Parking” and the “Descriptor” is “Parking Permit Improper Use.” [↑](#footnote-ref-38)
39. For the results described herein, the Oversight and Investigations Team included only SRs where NYPD’s response was one of the following:

The Police Department responded to the complaint and with the information available observed no evidence of the violation at the time.

The Police Department responded to the complaint and determined that police action was not necessary.

The Police Department responded to the complaint and took action to fix the condition.

The Police Department responded and upon arrival those responsible for the condition were gone.

The Police Department issued a summons in response to the complaint.

The Police Department responded to the complaint but officers were unable to gain entry to the premises.

The Police Department responded to the complaint and a report was prepared.

The Police Department made an arrest in response to the complaint. [↑](#footnote-ref-39)
40. Tunnel and bridge crossings for February, March, and April 2020 were 9.3 million, 7.2 million, and 4.0 million, respectively. *See* Port Authority of New York and New Jersey (Port Authority), *Traffic & Volume*, available online at: <https://www.panynj.gov/bridges-tunnels/en/traffic---volume-information---b-t.html>. Crossings for March 2020 were 28% lower than March 2019, and crossings for April 2020 were about 39% lower than April 2019. *See id.* [↑](#footnote-ref-40)
41. Tunnel and bridge crossings have exceeded 95% of pre-pandemic levels since the week of May 17, 2021. *See* Press Release, Port Authority of New York and New Jersey (Port Authority), Port Authority Facility Volumes See Modest Uptick Amid Ongoing Impacts From Covid-19 Pandemic (May 27, 2021), available online at: <https://www.panynj.gov/port-authority/en/press-room/press-release-archives/2021-press-releases/port-authority-facility-volumes-see-modest-uptick.html>. [↑](#footnote-ref-41)
42. NYC Mayor, *Transcript: Mayor de Blasio Appears on Inside City Hall* (Sept. 14, 2020), available online at: <https://www1.nyc.gov/office-of-the-mayor/news/652-20/transcript-mayor-de-blasio-appears-inside-city-hall>. [↑](#footnote-ref-42)
43. *See* Local Law 6 of 2020 [↑](#footnote-ref-43)