

New York City Department of Finance

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The New York City Department of Finance (“the Department”) is proposing to amend the Department’s rules to authorize Officers of the Federal Protection Service, who are part of the United States Department of Homeland Security, to issue parking summonses in New York City.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place at 11:00am on May 2, 2016. The hearing will be in the Department hearing room at 345 Adams Street, 3rd Floor, Brooklyn, N.Y. 11201.

How do I comment on the proposed rule? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to the Department through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to loewenbergerj@finance.nyc.gov.
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, N.Y. 11201, Attn: Jeremy Loewenberger.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Jeremy Loewenberger at (718) 403-3650.
- **Hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Joan Best at (718) 488-2007, or you can sign up in the hearing room before the hearing begins on May 2, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is May 2, 2016.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by mail at the address given above, sent to the attention of Joan Best; by telephone, by calling Joan Best at (718) 488-2007; or by e-mail at bestj@finance.nyc.gov. You must tell us by April 18, 2016.

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website: <http://rules.cityofnewyork.us/>. In addition, copies of all submitted comments concerning the proposed rule and a summary of oral comments from the hearing will be available to the public a few days after the hearing at NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, N.Y. 11201.

What authorizes Department of Finance to adopt this rule? New York State Vehicle and Traffic Law section 237, section 19-203 of the Administrative Code of the City of New York, and

New York City Charter (“Charter”) sections 1043 and 1504 authorize the Department to adopt this proposed rule. This proposed rule was not included in the Department’s most recent regulatory agenda as it was not contemplated at the time the agenda was prepared.

Where can I find the Department of Finance’s rules? The Department’s rules can be found in Title 19 of the Rules of the City of New York at <http://rules.cityofnewyork.us>.

What laws govern the rulemaking process? The Department must meet the requirements of section 1043 of the Charter when creating or amending rules. This notice is made according to the requirements of section 1043 of the Charter.

STATEMENT OF BASIS AND PURPOSE

There are times when vehicles are parked near federal facilities in New York City in violation of parking regulations. Currently, Law Enforcement Security Officers, Criminal Investigators and police officers of the Federal Protective Service do not have the authority to issue parking violations to these vehicles. These officers, however, are currently designated as state peace officers pursuant to the New York State Criminal Procedure Law and are authorized to execute criminal process in New York State. This designation makes these officers eligible to receive this authority to issue parking violations. This proposed rule seeks to enhance public safety in and around federal facilities in New York City by giving these officers the authority to issue parking violations.

Specifically, the proposed rule amends the definition of “Notice of violation (summons)” contained in section 39-01 of the Rules Relating to Parking Violations by adding Officers of the Federal Protective Service of the United States Department of Homeland Security as authorized issuing agents who may issue notices of violation (summons) in the City of New York.

Matter underlined is new. Matter in brackets [] is to be deleted.

“Will” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department unless otherwise specified or unless the context clearly indicates otherwise.

Amendment to Rule Relating to Parking Violations

§1. Paragraph (2) of the definition of “Notice of violation (summons)” of Section 39-01 of Chapter 39 of Title 19 of the Rules of the City of New York is amended to read as follows:

(2) For purposes of this definition, authorized issuing agents shall be members of the Police Department, Fire Department, Department of Transportation, Traffic Enforcement Agents, Department of Sanitation, the Sheriff, Under Sheriff and Deputy Sheriffs of the

Department of Finance's Office of the City Sheriff, Fraud and Associate Fraud Investigators of the Department of Finance, Department of Business Services, Business Integrity Commission, New York City Housing Authority Police, Port Authority of New York and New Jersey Police, Police of the Metropolitan Transportation Authority and its subsidiary authorities, United States Park Police, Department of Buildings Special Patrolmen, State Regional Park Police, Taxi and Limousine Commission, Waterfront Commission of New York Harbor, Department of Parks and Recreation, Department of Correction, Roosevelt Island Security Organization, Sea Gate Association Police, Snug Harbor Rangers with peace officer status, officers of the Co-op City Department of Public Safety, Amtrak Police Officers, Office of Court Administration Court Officers, Department of Health Police Officers, Health and Hospitals Corporation Police Officers, New York State Office of Mental Health Safety Officers, New York State Office of Mental Retardation and Developmental Disabilities Police Officers, Triborough Bridge and Tunnel Authority Police Officers, State University Maritime College Public Safety Officers, Department of Environmental Protection Police Officers, [and] managers of the New York City Transit Authority, and Officers of the Federal Protective Service of the United States Department of Homeland Security.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Parking Rules Regarding Authority to Issue Parking Summonses

REFERENCE NUMBER: 2016 RG 110

RULEMAKING AGENCY: New York City Department of Finance

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: March 16, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Parking Rules Regarding Authority to Issue Parking
Summonses**

REFERENCE NUMBER: DOF-22

RULEMAKING AGENCY: Department of Finance

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

March 16, 2016
Date