



**THE CITY OF NEW YORK
DEPARTMENT OF FINANCE**

NOTICE OF RULEMAKING

Pursuant to the power vested in me as Commissioner of Finance by sections 389(b) and 1043 of the New York City Charter, section 237 of the Vehicle and Traffic Law and section 19-203 of the Administrative Code of the City of New York, I hereby promulgate the within amendment to the Rules Relating to Parking Violations. These rules were published in proposed form on January 16. A hearing for public comment was held on February 17, 2009.

Martha E. Stark
Commissioner of Finance

NOTE: New Matter is underlined; matter to be deleted is in [brackets]

Section 1. The second of the two subdivisions (n) of section 39-05 of Title 19 of the Rules of the City of New York is amended and relettered as subdivision (p), and a new subdivision (q) is added to such section 39-05, to read as follows:

§39-05 Amount of Fines. Scheduled fines. Except as otherwise provided for the specific violations within the Restricted Area, the following schedule of fines shall apply to violations listed below:

VIOLATION

* * *

(n) <u>(p)</u> Obstructing traffic at an intersection in violation of 34 RCNY §4-08(e)(12)	[\$115.00] <u>100.00</u>
<u>(q) Idling an engine in violation of 34 RCNY 4-08(p)</u>	<u>\$100.00</u>

BASIS AND PURPOSE OF AMENDMENT

Allowing a vehicle engine to idle in violation of section 24-163 of the New York City Administrative Code is also a violation of the illegal parking, standing or stopping provision of the rules of the New York City Department of Transportation set out in 34 RCNY §24-08(p). Presently, the New York City Department of Finance Rules Relating to Parking Violations sets the fine for such a violation at \$100.00 in 19 RCNY §39-05(a), the general provision for illegal stopping, standing or parking. This amendment adds a new subdivision (q) to section 39-05 of the Rules Relating to Parking Violations to provide clarity as to the engine idling violation by stating it separately from the general stopping, standing or parking provision.

This amendment also reletters the existing subdivision of section 39-05 pertaining to obstructing traffic at an intersection as subdivision (p), as this provision had inadvertently been lettered as subdivision (n) in a previous rulemaking action. In addition, the amount of the fine for this violation was inadvertently stated as \$115.00, which reflected the base fine amount of \$100.00 plus the \$15.00 surcharge that is added to all parking fines by section 1809-a of the Vehicle and Traffic Law. This amendment revises the stated fine for this violation to read \$100.00, as it was not necessary to include the surcharge in the amount of the stated fine.