

## MEMORANDUM OF UNDERSTANDING

The U.S. Department of State and the City of New York wish to encourage compliance by Consulates, United Nations Missions and the United Nations, as well as their personnel, with New York State and City of New York parking laws, rules and regulations and thereby help to relieve congestion in the City of New York, including in particular the areas surrounding the United Nations, while at the same time facilitating the conduct of Consulate and United Nations business. For these purposes, the U.S. Department of State and the City of New York have developed a parking program for vehicles that bear license plates issued by the U.S. Department of State, except for vehicles with "S" designation.

All elements of the program are essential to meet these objectives and all elements must be applied fairly and without discrimination.

The new Parking Program for Diplomatic and Consular Vehicles, which includes procedures regarding notices of parking violation issued on or after November 1, 2002, is set forth in Attachment A hereto. (Attachment A, however, includes additional procedures providing for immediate suspensions of registrations of certain vehicles bearing "C" series license plates issued by the U.S. Department of State). This parking program is to take effect on these dates set forth in such Attachment A.

With regard to notices of parking violation issued before November 1, 2002, the procedures to be applied are set forth in Attachment B hereto (except for those additional procedures contained in Attachment A providing for suspensions of registrations of certain vehicles bearing "C" series license plates issued by the U.S. Department of State).

The City of New York and the U.S. Department of State agree to work together in good faith to carry out their

respective obligations in this Memorandum of Understanding,  
including Attachments A and B hereto.

(signed) THE U.S. DEPARTMENT OF STATE

(signed) THE CITY OF NEW YORK

## ATTACHMENT A

### **PARKING PROGRAM FOR DIPLOMATIC AND CONSULAR VEHICLES**

#### **A. SCOPE**

1. This Parking Program for Diplomatic and Consular Vehicles ("Parking Program"), is effective upon signature hereof, except as otherwise provided herein, and applies to DOS Plate Vehicles.

#### **B. DEFINITIONS**

2. For the purposes of this Parking Program:

(a) "DOS Plate Vehicles" means vehicles bearing "A" series license plates, "C" series license plates and "D" series license plates issued by the U.S. Department of State, and does not include vehicles bearing "S" series license plates issued by the U.S. Department of State;

(b) "'A' series license plates" means license plates issued by the U.S. Department of State to official vehicles of the Secretariat of the United Nations and the Organization of American States and the personally owned vehicles of those members who have diplomatic status;

(c) "'C' series license plates" means license plates issued by the U.S. Department of State to consular missions and career consular officers;

(d) "'D' series license plates" means license plates issued by the U.S. Department of State to diplomatic missions and those members who hold diplomatic rank;

(e) "'S' series license plates" means license plates issued by the U.S. Department of State to the administrative and technical staff at diplomatic missions and consular employees at consular missions;

(f) "outstanding parking violation fines" means the amounts indicated on the face of each City of New York Notice of Parking Violation; and

(g) "unanswered" means (i) unpaid or (ii) not submitted to the Diplomatic Parking Review Panel within one hundred (100) days from issuance in accordance with the procedures set forth in this Parking Program.

### C. REPORTING AND RESOLUTION OF NOTICES OF PARKING VIOLATION

3. The New York City Department of Finance will continue to provide the head of each Consulate, the head of each Mission and the Office of the Under Secretary General for Management in the United Nations Secretariat with a monthly report listing the outstanding notices of parking violation attributed to vehicles associated with that Consulate or Mission or the United Nations Secretariat. As soon as practicable, but in no event later than the first monthly report after October 31, 2002, each monthly report will indicate in the following order for each notice of parking violation: the license plate number; the date, time and location of issuance; the notice of parking violation number; and the violation and violation code. Beginning with the first monthly report after October 31, 2002, each monthly report also will list each DOS Plate Vehicle that has three (3) or more outstanding notices of parking violation issued on or after November 1, 2002 that are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision.

4. Any registrant of a DOS Plate Vehicle may contact the New York City Department of Finance for an appointment to discuss his, her or its outstanding parking violation liability by calling the Diplomatic Parking Review Panel, New York City Department of Finance, at (212) 361-8290, or by writing to the Diplomatic Parking Review Panel at 66 John Street, 3rd Floor, New York, NY 10038.

5. The New York City Department of Finance will continue to provide to the Office of Foreign Missions (New York) of the U.S. Department of State ("OFM/NY") and the United States Mission to the United Nations ("USUN/HC") a monthly report listing all outstanding notices of parking violation for DOS Plate Vehicles. Such report will contain the same information in the same order as that provided to the Consulates and Missions and the United Nations Secretariat pursuant to paragraph 3 of this Parking Program.

6. The U.S. Department of State will provide the New York City Department of Finance with a monthly report of all DOS Plate Vehicles associated with each Mission and Consulate and the United Nations, in a format to be agreed upon by the U.S. Department of State and the New York City Department of Finance. Such monthly report will list the following for each DOS Plate Vehicle: the name and address of the registrant, the make, model and Vehicle Identification Number ("VIN") of the vehicle, and the registration expiration date of the vehicle. Such report will also include a list of: (a) each DOS Plate Vehicle whose registration has been suspended, not renewed or not issued, as the case may be, by the U.S. Department of State in accordance with paragraphs 20 and 26 of this Parking Program, and the date

each such registration ceased to be valid; (b) each DOS Plate Vehicle whose license plates have been recalled by the U.S. Department of State because it is not properly registered or insured; (c) each DOS Plate Vehicle whose registrant is no longer properly accredited or whose diplomatic or consular duties have been terminated; or (d) each DOS Plate Vehicle that has been reported lost or stolen. The report will also identify "A", "C" or "D" series license plates that have been reported lost or stolen. The U.S. Department of State may update this list at any time, including by telephone, to remove from the report any vehicle or license plates that no longer meet any of the criteria set forth above. Unless a telephone update is confirmed in writing or by e-mail within two days of such update, the vehicle or license plates that were the subject of the update will be deemed not to have been removed from the report. The City of New York will designate an official to receive and maintain such reports and updates and will provide an address, including an e-mail address, and facsimile and telephone numbers for such official.

7. [intentionally left blank]

8. Missions, Consulates, their members and other registrants of DOS Plate Vehicles are expected to respond to all notices of parking violation issued by the City of New York within thirty (30) days from issuance. All registrants should pay the parking fine or contest the parking violation.

9. [intentionally left blank]

10. If a registrant of a DOS Plate Vehicle believes that a notice of parking violation was issued in error or is otherwise unjust, such registrant (or the head of such registrant's Mission or Consulate or the Office of the Under Secretary General for Management in the United Nations Secretariat, as appropriate) may respond in writing to:

Diplomatic Parking Review Panel  
City of New York  
Department of Finance  
66 John Street, 3rd floor  
New York, New York 10038

Alternatively, a registrant may write to OFM/NY or USUN/HC if such registrant believes that a notice of parking violation was issued in error or is otherwise unjust. OFM/NY or USUN/HC will promptly transmit such response to the Diplomatic Parking Review Panel, and the Diplomatic Parking Review Panel will accept such

document for review in accordance with the procedures specified herein.<sup>1</sup>

11. The registrant's response pursuant to paragraph 10 of this Parking Program must be in writing and state the basis for such registrant's belief that the notice of parking violation was issued in error or is otherwise unjust. To respond to a notice of parking violation, the registrant should use the Parking Violation Response Form for Diplomatic and Consular Personnel attached hereto as Exhibit II.

12. The Diplomatic Parking Review Panel will issue a response, with an explanation, within twenty (20) business days of receipt of a registrant's response pursuant to paragraph 10 of this Parking Program.

13. Notices of parking violation issued to DOS Plate Vehicles for violations that are inapplicable to such vehicles, e.g., lack of inspection, expired inspection sticker, and lack of (or obstructed) VIN, will be considered incorrectly issued and dismissed upon submission of a written defense to the Diplomatic Parking Review Panel. In addition, second and subsequent, if any, notices of parking violation issued at the same location for the same violation within one hour will be considered incorrectly issued and dismissed, provided that the first notice of parking violation was correctly issued. In the event that the first notice of parking violation is dismissed, the next notice of parking violation issued at the same location will be considered the first notice of parking violation issued for the purposes of this paragraph. This process will continue until a notice of parking violation is determined to have been correctly issued or all such notices of parking violation have been dismissed as incorrectly issued.

14. If the Diplomatic Parking Review Panel concludes that a notice of parking violation is valid, the amount due will be paid within seven (7) days of such decision, unless a notice of appeal is filed pursuant to paragraph 15 of this Parking Program.

15. If a registrant of a DOS Plate Vehicle believes that the Diplomatic Parking Review Panel has incorrectly concluded that a notice of parking violation is valid, such registrant (or the head of such registrant's Mission or Consulate or the Office of the Under Secretary General for Management in the United Nations Secretariat, as appropriate) may file a notice of appeal. Notice of appeal may be sent to:

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<sup>1</sup> The U.S. Department of State points out that submission of documents through OFM/NY or USUN/HC is not the most efficient or expeditious method of responding to notices of violation and is not recommended by the U.S. Department of State.

Diplomatic Parking Appeals Panel  
City of New York  
Department of Finance  
66 John Street, 3rd Floor  
New York, New York 10038

Alternatively, a notice of appeal may be sent to OFM/NY or USUN/HC. OFM/NY or USUN/HC will promptly transmit such notice of appeal to the Diplomatic Parking Appeals Panel, and the Diplomatic Parking Appeals Panel will accept such document for review in accordance with the procedures specified herein.<sup>2</sup>

16. The registrant's notice of appeal pursuant to paragraph 15 of this Parking Program must be: (a) in writing and accompanied by a statement setting forth the reason for the appeal and supporting documentation; and (b) received by the Diplomatic Parking Appeals Panel within thirty (30) days of the issuance of the determination by the Diplomatic Parking Review Panel. To appeal the decision of the Diplomatic Parking Review Panel, registrants should use the Notice of Parking Violation Appeal for Diplomatic and Consular Personnel attached hereto as Exhibit III.

17. The U.S. Department of State will take all appropriate action should a registrant abuse the appeals process.

18. The Diplomatic Parking Appeals Panel will issue a response, with an explanation, within twenty (20) business days of receipt of a notice of appeal pursuant to paragraph 15 of this Parking Program. If the Diplomatic Parking Appeals Panel concludes that a notice of parking violation is valid, the amount due will be paid within seven (7) days of such decision.

19. (a) A notice of parking violation that is unanswered for more than one hundred (100) days from issuance or that is the subject of a decision adverse to the registrant by the Diplomatic Parking Review Panel or, if appealed, the Diplomatic Parking Appeals Panel, will be reported to the relevant authorities responsible for implementing the provisions of section 545 of P.L. 107-115 and any other applicable legislation.

(b) Nothing in this Parking Program constitutes a waiver of any privileges or immunities to which registrants may be entitled as a matter of law, nor does it constitute their acceptance of the civil or criminal jurisdiction of the City or State of New York or their respective authorities. By responding to or otherwise contesting the validity of a notice of parking violation, or appealing an adverse decision of the Diplomatic

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<sup>2</sup> The U.S. Department of State points out that submission of documents through OFM/NY or USUN/HC is not the most efficient or expeditious method of responding to notices of violation and is not recommended by the U.S. Department of State.

Parking Review Panel, a registrant has merely accepted the City's offer of consensual dispute resolution.

**D. SUSPENSION, NON-RENEWAL AND NON-ISSUANCE OF REGISTRATIONS**

20. The U.S. Department of State will suspend, not renew and not issue registrations for DOS Plate Vehicles, as follows:

(a) DOS Plate Vehicles with (1) "A" series license plates, (2) "D" series license plates and (3) "C" series license plates whose registrants are covered by an applicable bilateral agreement. (A list of "applicable bilateral agreements" as referred to in this Parking Program of which the U.S. Department of State is currently aware is annexed to the letter from Patrick Kennedy to Michael A. Cardozo dated August 9, 2002.) If a vehicle ("Vehicle #1") of a registrant has three (3) or more outstanding notices of parking violation issued on or after November 1, 2002 that are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision, the U.S. Department of State will not renew the registration of such Vehicle #1. If, however, the same registrant applies for or otherwise would be issued a new or renewal registration for another vehicle ("Vehicle #2") before the expiration of the registration for Vehicle #1, then the U.S. Department of State will not issue or renew a registration for such Vehicle #2.

(b) DOS Plate Vehicles with "C" series license plates whose registrants are not covered by an applicable bilateral agreement. If a vehicle of a registrant has three (3) or more outstanding notices of parking violation issued on or after November 1, 2002 that are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision, the U.S. Department of State will immediately suspend the registration of such vehicle.

(c) Notwithstanding the provisions of subparagraphs (a) or (b) of this paragraph, the U.S. Department of State will not suspend or refuse to renew or issue, as the case may be, a registration for the sole remaining vehicle registered to a Consulate or a Mission.

21. The U.S. Department of State will not issue a new or substitute registration for any DOS Plate Vehicle where the registration for such vehicle has been suspended or not renewed or issued, as the case may be, pursuant to paragraph 20 of this Parking Program, unless and until the registrant has paid, with respect to the vehicle that caused the registration suspension, non-renewal or non-issuance, all outstanding parking violation fines for all notices of parking violation unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision.

22. Where a registrant of a DOS Plate Vehicle has timely responded to a notice of parking violation, calculation of the 100-day outstanding period that triggers the U.S. Department of State measures regarding the suspension, non-renewal or non-issuance of a vehicle's registration will be suspended until a decision is rendered and a seven (7) day period for remitting payment (if any) has passed.

23. To identify vehicles whose registrations will be suspended, not renewed or not issued pursuant to paragraph 20 of this Parking Program, the U.S. Department of State will refer to the monthly report provided by the New York City Department of Finance in accordance with paragraph 5 of this Parking Program.

24. The U.S. Department of State will recall and take possession of the license plates of any DOS Plate Vehicle that is not properly registered or insured, as follows:

(a) With respect to DOS Plate Vehicles with "C" series license plates whose registrants are not covered by an applicable bilateral agreement, the U.S. Department of State will without delay locate and immediately take possession of the license plates of such vehicles.

(b) With respect to DOS Plate Vehicles with "A", "D", or "C" series license plates whose registrants are covered by an applicable bilateral agreement, the U.S. Department of State will secure the return of the license plates of such vehicles within thirty (30) days of the date of the non-renewal pursuant to paragraph 20 of this Parking Program, unless the U.S. Department of State advises the City of New York in writing within that time that despite its diligent efforts it has been unable to do so.

In either instance, the U.S. Department of State will keep the New York City Commission for the United Nations, Consular Corps and Protocol ("UN Commission") informed as to the status thereof, including: notification within 30 days after the successful recall of a license plate, and immediate responses to inquiries by the City of New York as to the status of a license plate recall.

25. With regard to any registrant that has had a registration suspended, not renewed or not issued in accordance with paragraph 20 or 26 of this Parking Program and has outstanding parking violation fines associated with any of his, her or its vehicles, the U.S. Department of State will apply the provisions set forth in 2 Foreign Affairs Manual 234.2 and 234.3 to resolve all outstanding parking violation fines of such registrant.

**E. IMMEDIATE SUSPENSION OF REGISTRATIONS OF CERTAIN DOS PLATE VEHICLES WITH "C" SERIES LICENSE PLATES**

26. Effective August 30, 2002, the U.S. Department of State will immediately suspend the registration of a DOS Plate Vehicle with "C" series license plates not covered by an applicable bilateral agreement when such vehicle has three (3) or more notices of parking violation issued on or after April 1, 1997 that were unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision, provided that the U.S. Department of State will not suspend a registration of the sole remaining DOS Plate Vehicle with "C" series license plates registered to a Consulate. To suspend registrations pursuant to this paragraph, the U.S. Department of State will refer to a report or reports issued by the New York City Department of Finance to the U.S. Department of State on or after September 1, 2002. Such report will list each DOS Plate Vehicle with "C" series license plates not covered by an applicable bilateral agreement that has three (3) or more outstanding notices of parking violation that are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision.

27. The U.S. Department of State will not issue a new or substitute registration for any DOS Plate Vehicle with "C" series license plates where the registration for such vehicle has been suspended pursuant to paragraph 26 of this Parking Program unless and until the registrant has paid, with respect to such vehicle, all outstanding parking violation fines for all notices of parking violation unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision.

28. The U.S. Department of State will without delay locate and immediately take possession of Department-issued license plates of any DOS Plate Vehicle with "C" series license plates whose registration has been suspended pursuant to paragraph 26 of this Parking Program.

29. A registrant of a DOS Plate Vehicle with "C" series license plates with outstanding parking violation liability - parking fines (i.e., the amounts indicated on the face of each City of New York Notice of Parking Violation), plus penalties and interest arising from notices of parking violation issued since April 1, 1997 - may satisfy such outstanding parking violation liability and avoid suspension of the registration for such vehicle pursuant to paragraph 26 of this Parking Program if such registrant pays 60% of such outstanding parking violation liability by August 30, 2002. The provisions in this paragraph are in addition to the provisions set forth in Attachment B to this Parking Program.

**F. TOWING**

30. The City of New York will tow a DOS Plate Vehicle only when: (a) it is parked illegally in a manner that presents a hazard to health and safety; (b) it meets the criteria set forth in subparagraph (c) or (d) of paragraph 6 of this Parking Program; (c) it displays lost or stolen license plates in accordance with the report provided pursuant to paragraph 6 of this Parking Program; or (d) the U.S. Department of State has authorized the towing of such vehicle after inquiry from the City. The following is the list of health and safety parking violations, for which the City of New York may tow parked vehicles without operators:

Violation Code 10	No Stopping (anytime)
Violation Code 12	No Standing (Snow Emergency)
Violation Code 14	No Standing (anytime)
Violation Code 18	No Standing (Bus Lane)
Violation Code 19	No Standing (Bus Stop)
Violation Code 25	No Standing (Commuter Van Stop)
Violation Code 27	No Parking (Except Handicap Plates/ Permits)
Violation Code 40	Fire Hydrant
Violation Code 45	Traffic Lane (No Parking, No Standing, or No Stopping)
Violation Code 46	Double Parking
Violation Code 48	Bike Lane (No Parking, No Standing, or No Stopping)
Violation Code 49	Excavation (Vehicle Obstructing Traffic)
Violation Code 50	Crosswalk (No Parking, No Standing, or No Stopping)
Violation Code 51	Sidewalk (No Parking, No Standing, or No Stopping)
Violation Code 52	Intersection (No Parking, No Standing, or No Stopping)
Violation Code 55	Tunnel/Elevated Roadway (No Parking, No Standing, or No Stopping)
Violation Code 96	Railroad Crossing
Violation Code 98	Obstructing Driveway/Pedestrian Ramp/ Curb-Cut

31. DOS Plate Vehicles that are towed by the City of New York will be removed to the nearest New York City Police Department tow facility (in Manhattan such facility is on the West Side at 38th Street) for the protection of the vehicle and the respect of its registrant and the Mission or Consulate involved.

32. A DOS Plate Vehicle that is towed will be released pursuant to the City of New York/U.S. Department of State Towed Vehicle Procedure attached hereto as Exhibit I.

#### **G. REMOVALS FOR PUBLIC HAZARDS**

33. The City of New York may remove a DOS Plate Vehicle when it is creating a public hazard for which a notice of parking violation does not apply.

#### **H. DIPLOMATIC/CONSULAR PARKING SPACES AND DECALS**

34. To accommodate the needs of Missions and Consulates, the City of New York will provide 530 designated parking spaces, as follows: (a) two parking spaces for each Mission (not to exceed 384 in total) and (2) one or two parking spaces for each Consulate (not to exceed 146 in total), within reasonable proximity to such Missions and Consulates. Such parking spaces will be allocated by the U.S. Department of State with the concurrence of the City of New York. Such Mission and Consulate parking spaces will be specifically assigned to each Mission and Consulate, will be available to Missions and Consulates in accordance with this Parking Program on a twenty-four (24) hour, seven (7) day per week basis, and will be identified by an appropriate unique designation. Except as provided in paragraphs 42 and 45 of this Parking Program, such Mission and Consulate parking spaces may be used only by DOS Plate Vehicles bearing non-transferable Service Vehicle Decals.

35. If the number of Missions or Consulates in the City of New York increases, the City of New York and the U.S. Department of State will discuss in good faith providing parking spaces to the additional Mission(s) or Consulate(s).

36. The City of New York will provide an additional 35 spaces to be used exclusively by DOS Plate Vehicles bearing non-transferable Delivery Vehicle Decals. The City of New York reserves the right to install parking meters for such spaces under the same terms and conditions as parking meters for commercial vehicles.

37. The location of the 565 parking spaces in paragraphs 34 and 36 of this Parking Program will be determined by the New York City Department of Transportation, in consultation with the U.S. Department of State.

38. The 565 parking spaces will be allocated, located and ready for use by DOS Plate Vehicles bearing the appropriate non-transferable decal in accordance with this Parking Program by November 1, 2002.

39. Each Mission may designate two DOS Plate Vehicles with "D" series license plates, each Consulate that is allocated two parking spaces may designate two DOS Plate Vehicles with "C" series license plates, each Consulate that is allocated one parking space may designate one DOS Plate Vehicle with "C" series

license plates and the United Nations may designate two DOS Plate Vehicles with "A" series license plates that will be issued, by the City of New York, a non-transferable Service Vehicle Decal authorizing such vehicle to be treated like a for-hire vehicle while actively engaged in and for the purpose of expeditiously picking up or discharging passengers, in a manner that does not obstruct traffic, provided that such vehicle bearing a non-transferable Service Vehicle Decal may not pick up or discharge passengers in a for-hire vehicle stop, and provided further that the operator of such vehicle remains in attendance at the vehicle and shall immediately remove such vehicle when instructed to do so by any law enforcement officer.

40. The driver of a vehicle bearing a non-transferable Service Vehicle Decal may wait only in (a) an area where the driver of an ordinary passenger vehicle is permitted to wait, (b) a parking space assigned to his or her own Mission or Consulate, as the case may be, or (c) a parking space assigned to another Mission or Consulate, with the permission of such Mission or Consulate.

41. Any Mission or Consulate that loses a parking space pursuant to paragraph 48 of this Parking Program also will lose a Service Vehicle Decal for each parking space such Mission or Consulate loses. If such parking space is restored in accordance with this Parking Program, then such Service Vehicle Decal will be restored, at the same time.

42. Each Mission may designate one DOS Plate Vehicle with "D" series license plates, each Consulate may designate one DOS Plate Vehicle with "C" series license plates, and the United Nations may designate two DOS Plate Vehicles with "A" series license plates that will be issued, by the City of New York, a non-transferable Delivery Vehicle Decal authorizing such vehicle to stand temporarily (no more than thirty (30) minutes) for the purpose of and while actually engaged in delivering, loading or unloading for official business in either (a) the parking space or spaces assigned to such Mission or Consulate, (b) the parking space or spaces of the Mission or Consulate to which the delivery is being made, with the permission of such Mission or Consulate, or (c) the 35 spaces designated for exclusive use by vehicles bearing non-transferable Delivery Vehicle Decals.

43. A non-transferable Delivery Vehicle Decal will be issued upon satisfactory certification by the registrant/applicant that the registrant/applicant has arranged for reserved off-street parking for such vehicle in a garage or other legal parking. When not in delivery service, such vehicles must park in such off-street or other legal parking spaces.

44. A designated vehicle privilege (non-transferable Service Vehicle Decal or non-transferable Delivery Vehicle Decal) will take effect, as follows: (a) on November 1, 2002 for a

registrant/applicant that submits to the New York City Department of Finance the designation required by either paragraph 39 or paragraph 42 of this Parking Program and, if required, satisfactory certification in accordance with paragraph 43 of this Parking Program on or before October 1, 2002; (b) for a registrant/applicant that submits to the New York City Department of Finance the designation required by either paragraph 39 or paragraph 42 of this Parking Program and, if required, satisfactory certification in accordance with paragraph 43 of this Parking Program from October 2, 2002 through October 31, 2002, thirty (30) days after such submission; (c) for a registrant/applicant that submits to the New York City Department of Finance the designation required by either paragraph 39 or paragraph 42 of this Parking Program and, if required, satisfactory certification in accordance with paragraph 43 of this Parking Program after October 31, 2002, fifteen (15) days after submission or December 1, 2002, whichever is later; and (d) for a registrant/applicant transferring a decal to a different vehicle, within ten (10) business days after submission of the designation required by either paragraph 39 or paragraph 42 of this Parking Program and, if required, satisfactory certification in accordance with paragraph 43 of this Parking Program, provided that neither the vehicle such designation is being transferred to nor the vehicle such designation is being transferred from has three (3) or more outstanding notices of parking violation unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision. Such designations shall be made in a form determined by the New York City Department of Finance or other agency of the City of New York designated for such purpose.

If a vehicle bearing a non-transferable Service Vehicle Decal or a non-transferable Delivery Vehicle Decal is out-of-service, the Mission, Consulate or the United Nations, as the case may be, may designate, for a period not to exceed five (5) business days, a vehicle that will be deemed to possess, during such period, such non-transferable Service Vehicle Decal or non-transferable Delivery Vehicle Decal. A temporary designation under this paragraph must be submitted in writing to the UN Commission. The UN Commission will not accept such temporary designation if either the out-of-service vehicle or the temporarily designated vehicle has three (3) or more outstanding notices of parking violation unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision. Such temporary designation will not take effect until acknowledged in writing by the UN Commission. Such temporary designation will expire immediately upon the earlier of (i) the expiration of the period of time set forth in the designation - not to exceed five (5) business days - or (ii) the return to service of the out-of-service vehicle. Such temporary designation may be renewed for just cause in accordance with the provisions of this paragraph for successive periods not to exceed five (5)

business days each. The Mission, Consulate or the United Nations, as the case may be, will immediately notify the UN Commission in writing of the return to service of the out-of-service vehicle. If a vehicle deemed to possess a non-transferable Service Vehicle Decal or non-transferable Delivery Vehicle Decal under this paragraph is issued a notice of parking violation during the period of time the temporary designation is in effect, and such notice of parking violation would be dismissed had the vehicle in fact possessed a non-transferable Service Vehicle Decal or non-transferable Delivery Vehicle Decal, then such notice of parking violation will be considered incorrectly issued and dismissed upon submission of a written defense to the Diplomatic Parking Review Panel. The U.S. Department of State will take all appropriate action should a Mission, Consulate, or the United Nations abuse the use of temporary designations.

45. Any Mission or Consulate may dual-designate its vehicle, if it has only one vehicle, or one of its vehicles, if it has more than one vehicle, as both its service vehicle and its delivery vehicle, and affix both a non-transferable Service Vehicle Decal and a non-transferable Delivery Vehicle Decal to such vehicle and such dual-designated vehicle may park in such Mission's or Consulate's designated parking space or spaces.

46. In the event that a DOS Plate Vehicle with a non-transferable Service Vehicle Decal or a non-transferable Delivery Vehicle Decal is issued a notice of parking violation, such notice of parking violation will be dismissed pursuant to paragraph 10 of this Parking Program if it was issued in error or is otherwise unjust, including a showing of an allowable use pursuant to this Section H.

47. A Service Vehicle Decal or a Delivery Vehicle Decal may be withdrawn and the privileges associated therewith may be cancelled by the City of New York at any time, following consultation among the UN Commission, the U.S. Department of State, the New York City Department of Finance and the affected entity (i.e., the Mission or Consulate or the United Nations), if such privileges are abused.

48. The parking spaces provided by the City of New York under paragraph 34 of this Parking Program are subject to the following conditions:

(a) The number of Mission parking spaces is subject to reduction, no earlier than ten (10) business days after notification to the U.S. Department of State, as follows:

- (1) the total number of Mission parking spaces provided by the City of New York may be reduced by one for each Mission that has 40 to 64 outstanding notices of parking violation that (i) were issued on or after

November 1, 2002 to DOS Plate Vehicles with "D" series license plates registered to such Mission or such Mission's personnel, and (ii) are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision; and

- (2) the total number of Mission parking spaces provided by the City of New York may be reduced by two for each Mission that has 65 or more outstanding notices of parking violation that (i) were issued on or after November 1, 2002 to DOS Plate Vehicles with "D" series license plates registered to such Mission or such Mission's personnel, and (ii) are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision, provided that the loss of a second space will not occur before August 1, 2003.

Any Mission parking space or spaces removed pursuant to this subparagraph (a) will be restored within 45 days upon the payment by the affected Mission of (as of the date the Mission requests restoration): (1) all outstanding parking violation fines of the DOS Plate Vehicles with "D" series license plates registered to such Mission and such Mission's personnel for notices of parking violation issued on or after November 1, 2002 and unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision; and (2) all costs incurred by the City of New York associated with the restoration of such parking space or spaces, which is currently estimated to be three hundred (300) dollars.

(b) The number of Consulate parking spaces is subject to reduction, no earlier than ten (10) business days after notification to the U.S. Department of State, as follows:

- (1) the total number of Consulate parking spaces provided by the City of New York may be reduced by one for each Consulate that has 40 to 64 outstanding notices of parking violation that (i) were issued on or after November 1, 2002 to DOS Plate Vehicles with "C" series license plates registered to such Consulate or such Consulate's personnel, and (ii) are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision; and
- (2) the total number of Consulate parking spaces provided by the City of New York may be reduced by two for each Consulate that has 65 or more outstanding notices of parking violation that (i) were issued on or after November 1, 2002 to DOS Plate Vehicles with "C" series

license plates registered to such Consulate or such Consulate's personnel, and (ii) are unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision, provided that the loss of a second space will not occur before August 1, 2003.

Any Consulate parking space or spaces removed pursuant to this subparagraph (b) will be restored within 45 days upon the payment by the affected Consulate of (as of the date the Consulate requests restoration): (1) all outstanding parking violation fines of the DOS Plate Vehicles with "C" series license plates registered to such Consulate and such Consulate's personnel for notices of parking violation issued on or after November 1, 2002 and unanswered for more than one hundred (100) days from issuance or unsatisfied for more than seven (7) days after decision; and (2) all costs incurred by the City of New York associated with the restoration of such parking space or spaces, which is currently estimated to be three hundred (300) dollars.

49. Missions, Consulates and other registrants of DOS Plate Vehicles will surrender to the City of New York, by October 31, 2002, all non-handicap placards that were issued to such Missions, Consulates and other registrants before November 1, 2002. All such non-handicap placards shall be invalid on and after November 1, 2002.

50. If a Mission or Consulate observes an unauthorized non-diplomatic vehicle in its designated space(s), it may call the NYPD Traffic Management Center at (718) 706-6062 to report the vehicle and have the vehicle issued a notice of parking violation and removed. The caller should report the color, make, model, license plate number and exact location of the vehicle. The Traffic Management Center operator will immediately contact the local precinct to request that a police officer be promptly dispatched to issue a notice of parking violation to the unauthorized non-diplomatic vehicle. The Traffic Management Center operator will, after contacting the local precinct, immediately contact the local tow facility to request that the first available tow truck be dispatched to remove the unauthorized non-diplomatic vehicle. Any complaints with regard to this hotline should be made in writing to the UN Commission, with copies to OFM/NY and USUN/HC, and should contain particular information.

## **I. ORIENTATION**

51. USUN/HC, OFM/NY, the New York City Department of Finance and the UN Commission will co-chair and/or participate in orientation sessions, as needed, to answer questions that may arise as a result of the implementation of this Parking Program.

52. The New York City Police Department will develop appropriate directives for all police officers and traffic enforcement agents. Police officers and traffic enforcement agents will continue to extend every courtesy and consideration to vehicles bearing non-transferable Service Vehicle Decals.

53. The UN Commission, the New York City Department of Finance, OFM/NY and USUN/HC will be available to answer questions from diplomats and consular officers and other registrants of DOS Plate Vehicles with respect to this Parking Program.

**J. POINTS OF CONTACT**

54. Discussions related to implementation of this Parking Program will be conducted as necessary among OFM/NY, USUN/HC and the New York City Commission for the United Nations, Consular Corps and Protocol.

**K. RESERVATION OF RIGHTS AND RESPONSIBILITIES**

55. This Parking Program does not affect a registrant's rights, responsibilities, privileges and liabilities under applicable domestic and international law, and does not affect the City of New York's or the U.S. Department of State's rights under applicable law.

**ATTACHMENT A - EXHIBIT I**

**CITY OF NEW YORK/U.S. DEPARTMENT OF STATE  
TOWED VEHICLE PROCEDURE**

For reasons set forth in the Parking Program, the City of New York may tow DOS Plate Vehicles. Such vehicles will be released by the City of New York upon request of OFM/NY provided the following:

- (1) The vehicle is owned or leased by a diplomat, a consular officer, a Mission, a Consulate, a United Nations official with diplomatic status ("UN Official") or the United Nations. (If OFM does not have current insurance information, proof of insurance must be presented to OFM/NY before the release is requested.)
- (2) If the vehicle is a rental, the rental agreement must be signed by a diplomat, a consular officer or a UN Official, and OFM/NY must receive a copy of that rental agreement for verification. A copy of the rental agreement must also be presented at the towing facility.

Such DOS Plate Vehicles will be released without precondition of payment of parking fines, penalties or interest, or payment of towing, storage and other applicable fees.

OFM/NY will not request release for:

- (1) Any vehicle registered to persons or entities other than diplomats, consular officers, Missions, Consulates, UN Officials and the United Nations.
- (2) A vehicle registered to a private citizen that is "rented by" or "on loan to" a diplomat, consular officer, Mission, Consulate, UN Official or the United Nations, even if a written agreement for such use exists.
- (3) A vehicle whose description does not match that of the vehicle for which U.S. Department of State plates were issued.

Callers regarding such vehicles will be instructed to contact New York City Department of Finance HelpLine at (718) 422-7800 for routine handling.

A vehicle that is not properly registered and/or not properly insured will not be permitted to be removed from a tow

facility, except that the registrant may arrange for such vehicle to be towed from the tow facility to a location where such vehicle legally may be stored. No vehicle, including a DOS Plate Vehicle, may be operated in the City of New York unless it is properly registered and properly insured under the requirements of the appropriate authority.

#### **Obtaining the Tow's Voucher Number**

If a vehicle has been towed in Manhattan, the registrant or his/her/its representative should first call (212) 971-0770 or 971-0773 to confirm the vehicle is on site at the tow facility. The caller should be prepared to describe the vehicle using the license plate number and the color, make, model and year of the vehicle. The caller should then request the voucher number of the towed vehicle. Once the voucher number is obtained, the caller may contact OFM/NY to request release of any vehicle that OFM/NY determines meets the criteria contained in this Exhibit.

#### **During Normal Working Hours**

During normal working hours (Monday through Friday, 8 A.M. to 5 P.M.), the caller should contact OFM/NY's tow-release line at (212) 826-4504 and leave a message with the voucher number, license plate number, vehicle description (color, make, model and year), the location and approximate time of towing, and a call back number. Failure to leave the necessary information will cause delays.

OFM/NY will arrange, with the City of New York, the release of any vehicle that it determines meets the criteria contained in this Exhibit I. The release normally takes approximately an hour to process.

#### **Outside Normal Working Hours**

Outside normal working hours, OFM/NY's tow-release program operates on a beeper system. After obtaining the voucher number (above), the caller should dial (917) 269-0603 and, after the tone, enter a telephone number to be contacted. The OFM/NY duty officer will then call that number and solicit the necessary information.

#### **Obtaining the Vehicle**

After the release of a vehicle is requested, the registrant or his/her/its representative should proceed to the towing facility to obtain the vehicle. The facility for all Manhattan tows is located at Pier 76, on 12th Avenue at approximately 38th Street. Persons seeking the release of vehicles should bring their driver's license and other

identification with them, as well as the applicable license plate number and voucher number.

Upon entering the facility, the registrant or his/her/its representative should ask to see the Window Supervisor for a diplomatic release. Proof of current registration and insurance must be presented to the Window Supervisor at the tow facility before such vehicle will be allowed to be driven away from the tow facility. If proof of registration and insurance cannot be provided to the Window Supervisor, the registrant or his/her/its representative must arrange for removal of the vehicle from the tow facility by other means.

### **Boroughs Outside Manhattan**

On rare occasions, vehicles may be towed in other boroughs or from one borough to a tow facility in another borough. The only changes to the procedure involve the telephone number to call to obtain the voucher number, and the location of the facility. The various telephone numbers are listed below. When requesting the voucher number, the caller should also ask for directions to the tow facility in question.

Bronx:	(718) 585-1385 or 585-0839
Queens:	(718) 786-7136
Brooklyn:	(718) 694-0697
Staten Island:	(718) 876-5301

### **Towing at Airports**

Most tows at the various airports are done by private contractors at the request of the airline. Such tows are considered to have occurred on private property and towing charges must be paid under all circumstances to obtain the vehicle's release.

In some instances, the tow is done by the Port Authority Police, in which case a free release of the vehicle may be available. To obtain information regarding either possibility at the airports, call the Port Authority Police at the following numbers:

JFK:	(718) 244-4335
La Guardia:	(718) 533-3900
Newark:	(973) 961-6230