

DEPARTMENT OF PARKS & RECREATION

Notice of Opportunity to Comment on Proposed Rules Regarding the Regulation of Pedicabs Within the Property of the Department of Parks & Recreation

Revision of §1-02 and §1-05(i) of Title 56 of the Rules of the City of New York

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Parks & Recreation (“Parks”) by Section 533 (a) (9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, that Parks proposes to amend §1-02 and §1-05(i) of Title 56 of the Rules of the City of New York.

Written comments regarding the proposed rules may be sent to Alessandro G. Olivieri, General Counsel, Department of Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, New York, New York 10065, by October 21, 2009. A public hearing shall be held on October 21, 2009 at Chelsea Recreation Center at 430 West 25th Street, New York, New York at 11:00 a.m. Persons seeking to testify are requested to notify Laura LaVelle at the address stated above. Persons who request that a sign language interpreter be provided at the hearing are asked to notify Laura LaVelle at the foregoing address by October 14, 2009. Written comments and a tape recording of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at The Arsenal, Room 313, telephone number (212) 360-1313.

These amendments were not included in the Parks regulatory agenda because the Department was not aware of the necessity for amendments at the time the regulatory agenda was prepared.

New material is indicated by underlining. Deletions are indicated by brackets.

Section 1. Section 1-02 of Title 56 of the Rules of the City of New York is amended to add three new definitions to read as follows:

Bicycle. “Bicycle” means every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

Park path. “Park path” means any road, path or trail through or within a park that is not used for vehicular traffic, except for possible use by emergency motor vehicles or Department motor vehicles.

Pedicab. “Pedicab” means a bicycle as defined in this section or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

§ 2. Subdivision (i) of section 1-05 of Title 56 of the Rules of the City of New York is amended to read as follows:

§ 1-05

(i) Bicycling and operating Pedicabs

(1) Any person bringing a bicycle or a pedicab into any park shall obey all park signs pertaining to the use of such bicycles or pedicabs. Only pedicabs that carry a registration plate as required by Section 20-255 of the New York City Administrative Code and are operated by, or are authorized to be operated by, a pedicab business that possesses a valid pedicab business license, as defined by Section 20-249 of the New York City Administrative Code, may be operated within property under the jurisdiction of the Department. Only a pedicab driver as defined by Section 20-249 of the New York City Administrative Code who has a valid pedicab driver’s license as defined by Section 20-249 of the New York City Administrative Code may operate a pedicab within property under the jurisdiction of the Department.

(2) No bicycle or pedicab shall be ridden or otherwise operated in vegetated areas or on any bridle path, pedestrian way, Park path, sitting or play area, [or] playground, or in any other area so designated. Bicycles may be ridden and operated on park roads, bikepaths, and other areas specifically designated by the Commissioner. Pedicabs may only be operated on park roads

designated by the Commissioner and may not be operated or stopped in (i) any recreation lane designated by the Commissioner for use by pedestrians or bicyclists or (ii) any bikepath designated by the Commissioner; or (iii) any greenway designated by the Commissioner.

(3) No person shall operate a bicycle or a pedicab in a reckless manner. Any person operating a bicycle or pedicab shall ride in the direction of traffic and obey all traffic lights and road signs. Persons operating pedicabs may not ride adjacent to another pedicab, bicycle or vehicle, except when using the left lane to pass another pedicab, bicycle or motor vehicle.

(4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except children may be carried in seats securely attached to a bicycle.
No person riding [upon] a bicycle shall attach himself or herself or his/her bicycle to the outside of any vehicle being operated upon a roadway.

(5) [Bicyclists] Any person operating a bicycle shall yield the right of way to pedestrians, in-line skaters, and horse drawn carriages. Any person operating a pedicab shall yield to pedestrians, bicyclists, in-line skaters, and horse drawn carriages.

(6) On the park roads in Central Park, all pedicabs shall remain in the far right lane, except when passing another pedicab, bicycle, or vehicle in which case the pedicab may use the next lane to the left to pass.

(7) No person shall operate a pedicab adorned with commercial advertising in any park, or at any other location under the jurisdiction of the Department, unless the pedicab is on a park road during a time when private motor vehicles are allowed to operate on such park road.

(8) No person operating a pedicab in any park, or at any other location under the jurisdiction of the Department, shall solicit passengers except at areas specifically designated by the Commissioner subject to any limitation imposed by the Commissioner as to the number of

pedicabs that may operate in such area at any given time. Signs shall be posted informing the public of the designation of such areas for solicitation of pedicab passengers.

(9) No person operating a pedicab shall pick up or release passengers in any park or at any other location under the jurisdiction of the Department except in areas specifically designated by the Commissioner subject to any limitation imposed by the Commissioner as to the number of pedicabs that may pick up or release passengers in such designated areas at any given time. Signs shall be posted informing the public of the designation of such areas for pick up and release of passengers.

(10) No person operating a pedicab shall occupy an area reserved solely for buses, taxicabs, horse drawn carriages or other vehicles or motor vehicles.

(11) In addition to complying with the provisions of this subsection (i) of this section 1-05, pedicab drivers shall operate pedicabs in compliance with the provisions of Section 20-259 of the New York City Administrative Code.

(12) If there are exceptional circumstances, the Commissioner, in consultation with the commissioners of police, transportation and consumer affairs, shall be authorized, upon notice, to restrict or prohibit any pedicab driver, as defined by Section 20-249 of the New York City Administrative Code, from operating his or her pedicab on any park road otherwise designated for pedicab use, for a consecutive period of time, not to exceed fourteen days, or on one or more particular days. For purposes of this subsection, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or bicycle traffic, existence of any obstructions on Department property, a parade, demonstration, special event, or other such similar event or occurrence at or near such location. Notwithstanding the preceding provisions of this paragraph, the Commissioner may restrict or prohibit the operation of pedicabs within property under the

jurisdiction of the Department for periods of time in excess of fourteen days when such restrictions apply to bicycles or other types of vehicles.

STATEMENT OF BASIS AND PURPOSE

These rules are promulgated pursuant to the authority of the Commissioner of the Department of Parks and Recreation (the “Commissioner”) under sections 389(b), 533(a)(9) and 1043 of the New York City Charter and under section 20-265 of the New York City Administrative Code. The Commissioner is authorized to establish and enforce rules for the use, governance and protection of public parks and of all property under the charge or control of the Department of Parks and Recreation (“Parks”).

The proposed rules are designed to address the operation of pedicabs within City parks so as to promote safety, preserve aesthetic values and provide a balanced interaction with other Parks’ users, while still permitting pedicab drivers to continue to ply their trade. At certain times, Parks and the Department of Transportation close park roads to motorized vehicles driven by the general public in order to improve safety and access, as well as to maintain the park’s unique atmosphere as a tranquil haven and recreational destination. This atmosphere is preserved by limiting the display of commercial advertising during these periods. As a result, the proposed rules only allow pedicabs to display commercial advertising when the pedicabs are operating on park roads that are open to motorized vehicles driven by the general public. At such times, the impact of advertising displayed on pedicabs to park users is de minimis.

In addition, the proposed rules, by establishing clear guidelines for pedicab operators to follow and better instruction to the public should reduce confusion and counterproductive

interactions between Department staff and the pedicab operators, as well as between the Parks patrons and visitors and the pedicab drivers.