

Department of Environmental Protection  
Promulgation of  
Chapter 39 of Title 15 of the Rules of the City of New York  
Defining the Term“Adjacent” in Relation to Engine Idling Near Schools.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Environmental Protection by sections 1043 and 1403(c) of the Charter of the City of New York, and section 24-163(f) of the Administrative Code of the City of New York, and in accordance with the requirements of section 1043 of the Charter of the City of New York, that the Department of Environmental Protection promulgates a rule defining the term adjacent in relation to engine idling near schools (15 RCNY 39-01 *et seq.*) These amendments were proposed and published on April 6th, 2009 in the City Record. The required hearing was held on May 6, 2009.

Statement of Basis and Purpose

On February 10, 2009, Mayor Michael Bloomberg signed Local Law Number 5 for the year 2009. The law amended section 24-163 of the Administrative Code of the City of New York in relation to the amount of time the engine of a motor vehicle is permitted to idle when adjacent to a school. The law provides that the Commissioner shall determine by rule the meaning of the term “adjacent”.

This rulemaking sets forth the determination by the Commissioner of the Department of Environmental Protection as to the meaning of the term “adjacent” for purposes of compliance with Section 24-163(f) of the Administrative Code.

Consistent with the above, DEP promulgates the following new Rule, to be found at 15 RCNY chapter 39. This Rule sets forth the definition of the term “adjacent” in relation to engine idling near schools.

The Rule is authorized by Section 1043 of the Charter of the City of New York, section 24-163(f) of the Administrative Code and Local Law Number 5 for the year 2009.

The text of the Rule follows.

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Title 15 of the Rules of the City of New York is amended by adding a new Chapter 39, to read as follows:

**Chapter 39**  
**Engine Idling Adjacent to any Public or Non-Public School.**

§39-01 Definitions.

Marginal Street. “Marginal street” shall have the meaning set forth in section 4-01 of Title 34 of the Rules for the City of New York.

Street. “Street” shall have the meaning set forth in subdivision 13 of section 1-112 of the Administrative Code of the City of New York, except that for the purposes of this rule “street” shall include “marginal streets”.

§39-02 Adjacent to Any Public or Non-Public School.  
“Adjacent” shall mean on each and every street on which a school is located and has entrances and/or exits to such street. School shall include any building or structure, playground, athletic field or other property that is part of the school.