

Mr. Charles L. Benton  
Budget Director

(continued)

is specifically reserved to the Mayor and City Council to be exercised by ordinance.

"(b) The Commissioner of Transit and Traffic, however, in order to ascertain the effect on traffic operation and to experiment with various streets and when the safety and convenience of the public may be served thereby, may establish by administrative regulation temporary parking restrictions and/or temporary one-way streets to be fully effective as established for a period not to exceed six months, and no such temporary order may be renewed or extended beyond that time. At any time after such an administrative regulation is issued, the City Council by ordinance passed by that body may direct the Commissioner of Transit and Traffic to rescind the administrative regulation concerning any temporary parking restrictions or one-way streets established by him in accordance with this section. In such event, at the time the Commissioner of Transit and Traffic is officially notified of the action of the City Council, the administrative regulation referred to shall be abrogated and be of no further force or effect. Prior to the expiration of or at the end of any six month period the City Council may, by ordinance, prohibit any parking or provide for any one-way street established prior thereto by the Commissioner of Transit and Traffic, and in no event shall any temporary order be renewed or extended beyond six months without an ordinance of the City Council."

Since sub-section (b) above grants the Department of Traffic and Transit broad powers to make temporary parking restrictions for experimental purposes when the safety and convenience of the public may be served thereby, it is our opinion that the Commissioner of Transit and Traffic has the power to establish temporary no-parking zones of the kind contemplated in the pilot program, for periods not to exceed six months. This may be accomplished by administrative regulations promulgated by the Commissioner of Transit and Traffic, and the proper posting of the prohibited zones.

It should be noted, however, that the City Council does have a veto power over the Commissioner's administrative power in this respect.

Very truly yours,

/s/ FRANCIS B. BURCH  
City Solicitor

/s/ BERNARD J. SACHS  
Assistant City Solicitor

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