

## Highway Rules

### Contents

#### 2-01 Definitions

#### 2-02 Permits

- a) Initial permit application
- b) General conditions for all permits
- c) Display of permits and signs at worksite
- d) Corrective action request
- e) Orders
- f) Fees
- g) Notice of street operations
- h) Work site safety
- i) Waivers
- j) Suspension of application review
- k) Permit revocation and refusal to renew permit
- l) Refusal to issue permit
- m) Embargo periods
- n) Voiding and reissuing of permits

#### 2-03 Schedule of fees

#### 2-04 Canopies

- a) Permit required
- b) Permit fees
- c) Conditions
- d) Maintenance
- e) Permit expiration, renewal and transferability
- f) Placement of canopies
- g) Design criteria
- h) Application
- i) Removal of unauthorized canopies
- j) Miscellaneous

#### 2-05 Construction activity

- a) Permit required
- b) Permit requirements
- c) Conditions
- d) Conditions for the placement or storage of construction material and equipment (other than cranes) on the street
- e) Temporarily closing sidewalk
- f) Temporary pedestrian walkway in roadway
- g) Temporarily closing roadway
- h) Placement of shanties or trailers on the street
- i) Crossing a sidewalk
- j) Placement of cranes and derricks on street
- k) Format to be used for irrevocable stand-by letter of credit
- l) Crane restricted area

#### 2-06 Land contour work

- a) Permit required
- b) Conditions

- c) Exceptions
- d) Application
- e) Approval required
- 2-07 Underground street access covers, transformer vault covers, and gratings
  - a) General conditions
  - b) Maintenance requirements
  - c) Work in critical roadways
- 2-08 Newsracks
  - a) Definitions
  - b) Placement
  - c) Unlawful locations
  - d) Size, shape and appearance
  - e) Maintenance
  - f) Indemnification and insurance
  - g) Violations and removal
  - h) Notices
- 2-09 Sidewalk, Curb and Roadway Work
  - a) Compliance with requirements
  - b) Professional self-certification
  - c) Coordination with capital projects – all city, state and federal agencies and public authorities
  - d) Required submissions
  - e) Waiver
  - f) Sidewalk
  - g) Curb (concrete, steel faced, stone)
  - h) Roadway
- 2-10 Street furniture
  - a) Permit required
  - b) Permit requirements
  - c) General conditions
  - d) Application
  - e) Design criteria
  - f) Planters
  - g) Non-electrical sidewalk sockets
  - h) Bicycle racks
  - i) Maintenance required by the permittee or property owner
  - j) Temporary security structures
- 2-11 Street openings and excavations
  - a) Permit required
  - b) Permit requirements
  - c) Conditions
  - d) Application
  - e) Excavation and restoration requirements
  - f) Excavations and street openings in protected streets
  - g) Emergency street openings and excavations
- 2-12 Vacant lots
  - a) Property owners' responsibility
  - b) Failure to comply
  - c) Reinspection
  - d) Permit requirements

2-13 Vaults

- a) Vault defined
- b) Exceptions
- c) License required
- d) Permit required
- e) Applications
- f) Adjustments to license fee
- g) Limitations
- h) Curb
- i) Arched or covered vault
- j) Hoistway openings
- k) Boiler room exit
- l) Sidewalks over vaults
- m) Doors and gratings
- n) Defective covers
- o) Abandoned vaults
- p) Historic districts

2-14 Miscellaneous

- a) Public pay telephones
- b) Banners
- c) Bandstands and temporary platforms
- d) Helicopter lifts
- e) Temporary festoon/holiday lighting and/or other temporary lighting
- f) Commercial refuse containers
- g) Storage boxes

2-15 Removal of unauthorized encroachments

2-16 Street closings lasting more than 180 days

2-17 Adjudications

2-18 Newsstands

2-19 Bicycle access in office buildings

## **Section 2-01 Definitions**

**Administrative code.** The term "Administrative Code" means the Administrative Code of the City of New York.

**Block Segment.** The term "Block Segment" means the linear stretch of the street between the curblines of the cross streets that intersect such block.

**Commissioner.** The term "Commissioner" means the Commissioner of the Department of Transportation or his or her authorized designee.

**Corrective action request or CAR.** The term "corrective action request" or "CAR" means a formal notice by the Department that work performed and/or a condition created or maintained on a street is in violation of these rules or other applicable law with a request that action be taken by the person to whom such notice is addressed to correct the work and/or the condition so described.

**Department.** The term "Department" means the Department of Transportation.

**Designated field headquarters.** The term "designated field headquarters" means an office maintained at the work site, unless some other location is approved by the Department.

**Embargo period.** The term "embargo period" means a period of time designated by the OCMC during which there shall be a temporary suspension of work (except for emergency work) due to a holiday, special event or emergency.

**Emergency.** The term "emergency" means a situation endangering the public safety or causing or likely to cause the imminent interruption of service required by law, contract or franchise to be continuously maintained.

**Emergency work.** The term "emergency work" means work necessary to correct a situation endangering the public safety or causing or likely to cause the imminent interruption of service required by law, contract or franchise to be continuously maintained, for example, by a government agency, a public utility, a franchisee, etc. Such term shall not include work on new construction, regrades of existing hardware, continuation of an existing permit that has expired or will expire imminently or any other work which is not necessary to correct a condition likely to cause such imminent interruption.

**Intersection.** The term "Intersection" means the area contained within the grid created by extending the curblines of two or more streets at the point at which they cross each other.

**OCMC.** The term "OCMC" means the Office of Construction Mitigation and Coordination, a unit within the Department which is responsible for providing traffic stipulations and coordinating construction activity on City streets.

**Protected street.** The term "protected street" means a street which has been resurfaced or reconstructed within five years prior to the date of application for a permit.

**Roadway.** The term "roadway" means that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

**Sidewalk.** The term "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

**Specifications.** The term "specifications" means the standard specifications available from the Department indicating required construction materials.

**Standards.** The term "standards" means the standard details of construction, available from the Department, which contains drawings showing required dimensions of items to be constructed.

**Street.** The term "street" means a public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, except marginal streets.

**Section 2-02**  
**Permits**

**(a) Initial permit application.** The following information shall be provided to the Department upon initial application for a permit under these rules and shall be updated as necessary and refiled annually:

- (1) If the applicant is a corporation:
  - (i) address and telephone number of applicant;
  - (ii) name and telephone number of a contact person in the event of an emergency;
  - (iii) affidavit acknowledging incorporation and a certified copy of the certificate of incorporation, and proof of registration with the New York State Department of the State, Office of the Secretary of State. When completing the permit application, applicants must supply the Department with the identical identifying information, including but not limited to the company name, as they have provided to the New York State Department of State, Office of the Secretary of State;
  - (iv) names of corporate officers:
  - (v) names of two agents/employees designated to receive summonses or notices of violation or other notices required by these rules or other provisions of law;
  - (vi) New York City plumber's license certificate or other license numbers, if applicable;
  - (vii) name(s) of representative(s) authorized to obtain permit(s) on behalf of the applicant;
  - (viii) employer identification number;
  - (ix) email address, if any.
- (2) All other applicants:
  - (i) address and telephone number of applicant;
  - (ii) name(s) of representative(s) authorized to obtain permit(s) on behalf of the applicant;
  - (iii) New York City plumber's license certificate or other license numbers, if applicable;
  - (iv) employer identification number;
  - (v) email address, if any.

- (3) Insurance and indemnification requirements (for all applicants):
- (i) Each applicant shall, before applying for a permit, obtain a Commercial General Liability (CGL) insurance policy or policies satisfying the requirements of this subparagraph. All CGL insurance policies, whether primary, excess or umbrella, shall:
- (A) be issued by a company or companies that may lawfully issue the required policy and has an A.M. Best rating of at least A-VII or a Standard and Poor's rating of at least AA.
- (B) provide coverage to protect the City of New York ("City") and the applicant from claims for property damage and/or bodily injury, including death, which may arise from any operations performed by or on behalf of the applicant for which the Department has issued it a permit;
- (C) provide coverage at least as broad as that provided by the most recent edition of ISO Form CG 0001;
- (D) provide coverage for completed operations;
- (E) provide coverage of at least \$1,000,000 combined single limit per occurrence, except that with respect to applications for permits to place a crane on a street, such minimum amount shall be no less than \$3,000,000 combined single limit per occurrence in the applicable CGL or automobile liability policy;
- (F) provide that the City and its officials and employees are Additional Insureds with coverage at least as broad as set forth in ISO Form CG 2026(11/85 ed.);
- (G) provide that the limit of coverage applicable to the Named Insured is equally applicable to the City as Additional Insured.
- (H) This policy shall not be cancelled or terminated, or modified or changed in a way that affects the City by the issuing insurance company unless thirty (30) days prior written notice is sent to the Named Insured and the Commissioner of the New York City Department of Transportation, except that notice of termination for non-payment may be made on only ten (10) days written notice.
- (I) If the permit applicant has applied for more than one thousand permits in the previous calendar year, the insurance policy shall contain each of the following endorsements:
- (1) If and insofar as knowledge of an "occurrence", "claim", or "suit" is relevant to the City as Additional Insured under this policy, such knowledge by an agent, servant,

official or employee of the City of New York will not be considered knowledge on the part of the City of New York of the "occurrence", "claim", or "suit" unless notice thereof is received by the: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department; and

(2) Any notice, demand or other writing by or on behalf of the Named Insured to the insurance company shall also be deemed to be a notice, demand or other writing on behalf of the City as Additional Insured. Any response by the Insurance Company to such notice, demand or other writing shall be addressed to the Named Insured and to the City at the following address: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.

(ii) Each applicant shall, before applying for a permit, obtain Workers Compensation insurance in accordance with the laws of the State of New York from a licensed insurance company.

(iii) Each applicant shall, before applying for a permit, file with the Department proof that the applicant has insurance in place that provides coverage set forth in this subdivision with respect to the permit period. If the applicant chooses to meet this proof with an insurance certificate, the insurance certificate shall set forth the coverage provided, state that completed operations coverage is included and that the City is an additional insured, and shall be accompanied by a sworn statement in a form prescribed by the Department from the insurer or from a licensed insurance broker certifying that the insurance certificate is accurate in all material respects, and that the described insurance is in effect.

(iv) An applicant may obtain insurance policies applicable to more than one permit application, in which case the proof pursuant to subparagraph (iii) shall state that the policies cover all such permits in specified boroughs, or throughout the City.

(v) The applicant shall provide a copy of any required policy within thirty days of a request for such policy by the Department or the New York City Law Department.

(vi) In its sole discretion, the Department may allow applicants that frequently seek permits to self-insure, provided that the applicant:

- (A) presents proof of excess or umbrella CGL coverage applicable to its operations under such permits;
- (B) certifies that it has a self-insurance program in place that satisfies the requirements contained in subparagraph (i) and will continue it for the life of the permit and the Guarantee Period, as defined in



subparagraph (ii) of paragraph (16) of subdivision (e) of §2-11 of these rules;

- (C) agrees to provide the same defense of any suit against the City that alleges facts that bring the suit within the scope of the coverage required in subparagraph (i) as an insurer would be obligated to provide under the laws of New York;
- (D) submits a statement, signed by a person authorized to bind the applicant and acknowledged by a notary public, in which the applicant agrees to assume full liability for satisfying all obligations set forth in this subparagraph vi, and
- (E) provides the Department with the name and address of the office or official of its self-insurance program who is responsible for satisfying the self insurance obligations.

(vii) The permittee shall maintain insurance throughout the Guarantee Period, as defined in subparagraph (ii) of paragraph (16) of subdivision (e) of section 2-11 of these rules, satisfying the requirements in subparagraph (i) of this paragraph and providing coverage to protect the City and the applicant from all claims for property damage and/or bodily injury, including death, which may arise from any defects discovered during such Guarantee Period.

(viii) The permittee shall notify in writing the CGL insurance carrier, and, where applicable, the worker's compensation and/or other insurance carrier, of any loss, damage, injury, or accident, and any claim or suit arising from any operations performed by or on behalf of the permittee for which the Department has issued it a permit, immediately, but not later than 20 days after such event. The permittee's notice to the CGL insurance carrier must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured as well as the Named Insured." The permittee's notice to the insurance carrier shall contain the following information: the name of the permittee, the number of the permittee, the date of the occurrence, the location (street address and borough) of the occurrence, and the identity of the persons or things injured, damaged or lost.

(ix) The permittee shall indemnify, defend and hold the City and its officials and employees harmless against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements), known or unknown, contingent or otherwise, allegedly arising out of or in any way related to the operations of the permittee and/or its failure to comply with any of the requirements set forth herein or law. Insofar as the facts and law relating to any claim would preclude the City and its officials and employees from being completely indemnified by the permittee, the City and its officials

and employees shall be partially indemnified by the permittee to the fullest extent provided by law.

(x) A failure by the City or the Department to enforce any of the foregoing requirements shall not constitute a waiver of such requirement or any other requirement.

(4) Permit bonds.

(i) A permit bond shall be submitted by all permittees to the permit office at the time of permit issuance to cover all costs and expenses that may be incurred by the City as a result of the activity for which the permit is issued or for the purpose of otherwise safeguarding the interests of the City. The permit bond shall be in the form prescribed by the Department. Such permit bonds described above shall cover all permitted activities described herein.

(ii) For a permit bond submitted for the purpose of performing street openings and excavations pursuant to section 2-11 of these rules, such permit bond shall be submitted in the amount of \$10,000.00 for a single location within the City of New York per calendar year, \$25,000.00 for two to fifty locations within the City of New York per calendar year, and \$50,000.00 for fifty-one to one hundred locations within the City of New York per calendar year. Permittees who are issued permits for more than one hundred locations per calendar year shall submit a permit bond in the amount of \$100,000.00.

(iii) Effective July 1, 2008, for a permit bond submitted pursuant to subparagraph (ii) above, such permit bond shall be submitted in the amount of \$10,000.00 for a single location within the City of New York per calendar year, \$50,000.00 for two to fifty locations within the City of New York per calendar year, and \$100,000.00 for fifty-one to one hundred locations within the City of New York per calendar year. Effective July 1, 2008, permittees who are issued permits for more than one hundred locations per calendar year shall submit a permit bond in the amount of \$250,000.00.

(iv) For permits with the exception of those set forth in subparagraph (ii) above and sidewalk construction permits issued pursuant to section 2-09 of these rules, a permit bond shall be submitted in the amount of \$5,000 for a single location within the City of New York per calendar year or in the amount of \$25,000 for multiple locations within the City of New York per calendar year. In the event that a permittee will also secure street opening and excavation permits within the City of New York during the same calendar year, the permittee's compliance with subparagraph (ii), or effective July 1, 2008 with subparagraph (iii), above shall be sufficient to demonstrate compliance with this section.

(5) Deposits.

(i) A deposit of \$5,000.00, in the form of money order or certified check, shall be required from permittees when outstanding balances for permit fees, backcharge fees, corrective action requests (CARs) or other charges exceed \$3,000.00 for a period longer than forty-five (45) calendar days.

(ii) Such permittees shall maintain a deposit balance of \$5,000.00 at all times until the deposit is refunded pursuant to subparagraph (iv), below. If the balance of such cash deposit falls below \$5,000.00, all review of permit applications and permit issuance may cease, except in cases of emergency work.

(iii) Any amounts owed by permittees for permit fees, CAR fees, backcharge fees or other charges payable pursuant to law for a period longer than forty-five (45) calendar days shall be deducted from the deposit after notice to the permittee.

(iv) Deposits shall be refunded after one year (365 consecutive calendar days) of full compliance with all applicable laws, rules and specifications.

**(b) General conditions for all permits.**

(1) Permit applications for the following work shall be reviewed by OCMC prior to the issuance of permits:

- (i) work to be performed for sewer and water system construction;
- (ii) work to be performed in Manhattan;
- (iii) work required on primary and secondary arteries;
- (iv) permits to close streets;
- (v) permits for placement of commercial refuse containers in Manhattan;
- (vi) any other activity deemed necessary by the Commissioner.

(2) Permits for emergency work. Permits for emergency work shall be issued in accordance with § 2-11 of these rules.

(3) Before issuing a permit the Department may demand that permittee show proof of required approvals from other governmental entities.

(4) Street closings lasting more than 180 days. Permits that will result in a publicly mapped street being fully closed for more than 180 consecutive calendar days shall be issued in accordance with the requirements of section 2-16 of these rules.

**(c) Display of permits and signs at work site.**

(1) Unless otherwise authorized, permits shall be kept at the work site or designated field headquarters at all times and shall be made available for inspection upon request of any police officer or any authorized employee of the Departments of Environmental Protection, Buildings, Police and Transportation or any other City employees specifically authorized by the Commissioner to enforce these rules.

(2) Permittees shall display signs at the work site or at 100 foot intervals along a series of excavations or continuous cut indicating the name of the permittee conducting the work, the name of the entity for whom the work is being conducted and, if applicable, the name(s) of the subcontractor(s). Such signs shall include:

- (i) permittee's telephone number for complaints;
- (ii) contractor's telephone number, if not the permittee;
- (iii) the permit number;
- (iv) the purpose of the street opening; and
- (v) the start and scheduled completion dates of the work.

(3) Signs shall be conspicuously displayed and shall face the nearest curb line. Such signs shall be clear, readable and in letters at least 1 1/2 inches in height and shall conform to the Department's specifications.

(4) Permittees will be required to post Project Informational Signs for any project with a projected completion time of three months or more, or as otherwise directed by the Commissioner. Signs shall be kept in readable, good condition.

(5) Sign size, content and graphics will conform to "Project Information Sign" specifications which is available at the Department Permit Offices and also on the Department website. Sign content shall include the following:

- (i) the name of the street on which the work is being performed;
- (ii) the nature of the work (i.e., major reconstruction project, sewer work, new building, water shaft, or transit work major utility installation);
- (iii) a brief description of the work. For building operations, permittees must include: type of work (i.e. new building, major renovation), building use (commercial or residential), size. For street/roadway work information permittees must include: the type of work being performed (i.e. upgrade of water supply, new transit station or transit line, upgrade of existing transit station or transit line, and upgrade of sewer system), roadway reconstruction with added amenities, and the quality of life benefits resulting from project;
- (iv) the scheduled completion date of the project;

- (v) project name, or if a governmental project, the project identification number;
- (vi) contact information for the construction company performing the work, and a telephone number and/or a web site for more information.

**(d) Corrective action request (CAR).**

(1) A CAR may be served either personally, by mail and/or by email on the person responsible for the work and/or the condition which requires correction at his or her last known address, email address or at the address or email address for such person contained in the records of the Department. Where a CAR is served for a violation of § 19-147 of the Administrative Code, in the case of a utility company, the CAR may be given orally or in writing to a person or at a place designated by the utility and the utility shall respond within twenty-four (24) hours.

(2) Any corrective action required by the CAR shall be performed within thirty (30) days of the issuance of the CAR unless such issuance is protested as provided herein.

(3) Within fourteen (14) days after the date of mailing of the CAR, unless a different time is specified on the CAR or in these rules, the respondent may protest the issuance of the CAR in the manner directed on the CAR.

(4) Protests shall be reviewed by the Department and a final determination regarding the protest shall be made within a reasonable period of time.

(5) If a protest is denied, any corrective action required by the CAR shall be performed within thirty (30) days after the date of such denial.

(6) In the event that the original permit has expired before the corrective action is undertaken and an additional excavation is necessary, a new permit shall be obtained in order to complete the required work. The new permit shall not affect the guarantee period, which will relate back to the original permit. If a permittee is performing restoration work that does not entail an additional excavation or re-grading of hardware, a new permit shall not be required by the Department.

(7) Where a CAR relates to a violation of § 19-147 of the Administrative Code and no corrective action is taken within the applicable time or where an imminent danger to life or safety exists, the Department may perform the work required by a CAR or the work necessary to avert the danger and charge the cost to the person responsible for restoring, replacing or maintaining the pavement, sidewalk, curb, gutter or street hardware in accordance with such section.

(8) Notwithstanding the above, where a condition exists that creates an imminent danger to pedestrians or vehicles, the Department may issue a priority CAR, which shall require corrective action to be taken within three (3) hours of issuance of the CAR by telephone call. The Department may also issue a priority

CAR via email requiring corrective action to be taken within three (3) hours of issuance; however, should a priority CAR be issued via email, a follow-up telephone call must also be placed to the permittee.

(9) In the event that a CAR is issued within the guarantee period, the corrective action shall still be taken even after the expiration of the guarantee period.

**(e) Orders.**

(1) Except as otherwise provided by these rules or other applicable law, any orders issued by the Commissioner may be served personally or by mail addressed to the last known address of the person to whom the order is directed or to the address for such person set forth in the records of the Department or by delivery or mailing to a person or a location designated by the person to whom the order is directed.

(2) Except as otherwise provided by these rules, a person to whom an order is directed shall have an opportunity to be heard within five business days after a timely request for such opportunity is received by the Department. A request shall be made within the time and in the manner directed on the order. If, after considering the written objections of the respondent, the Commissioner affirms the order, the work required by the order shall be completed within 30 days after notice of such determination is mailed to the respondent.

(3) Notwithstanding the foregoing provisions, an order to cease and desist may be given orally or in writing to the persons executing the work and shall require immediate compliance therewith.

(4) In accordance with § 19-151 of the Administrative Code where a respondent fails to comply with an order issued by the Commissioner, including an order to cease and desist, within the applicable time, the Commissioner may execute the work required to be executed in such order. All costs and expenses of the City for such work may be recovered from the persons who are found to be liable for the violation.

(5) In addition, failure to comply with an order issued by the Commissioner may result in criminal or civil penalties in accordance with sections 19-149 or 19-150 of the Administrative Code.

**(f) Fees.**

(1) The fees for permits and CARs are specified in § 2-03 of these rules.

(2) Permits shall be valid for fifteen calendar days, unless otherwise specified on the permit. Permits may be extended for 14 days upon presentation of proof that circumstances beyond the permittee's control caused a delay in the work and payment of an additional fee. In the event a permittee fails to complete the work within the time period specified in the permit, another permit may be issued

for a period of time to be specified by the Commissioner. There shall be a separate permit fee for each such additional permit.

(3) Payment of all fees shall be received upon application for the permit or, where applicable, no later than thirty calendar days after the billing date.

**(g) Notice of street operations.**

(1) Permittees and owners of underground facilities shall comply with state Industrial Code Rule No. 53 relating to Construction, Excavation and Demolition Operations at or Near Underground Facilities.

(2) Permittees shall notify the Police Department and the communications center of the Fire Department of all construction activities requiring street closing at least twenty-four hours in advance of the commencement of non-emergency work.

(3) In the event that any non-emergency construction work results in the closing of

(i) more than two-thirds (2/3) of the moving lanes per direction on any street for more than 15 minutes per hour between the hours of 1 a.m. and 5 a.m., or

(ii) half (50%) or more of the moving lanes per direction on any street or limited access roadway, for a duration of more than four minutes or two traffic light cycles of the nearest traffic signal, whichever is less, during all other hours,

the permittee shall post at the site of the closing a public notification seven (7) calendar days prior to such closing in a manner directed by OCMC.

**(h) Work site safety.**

All obstructions on the street shall be protected by barricades, fencing, railing with flags, lights, and/or signs, placed at proper intervals and at prescribed hours in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices. During twilight hours the flags shall be replaced with amber lights. Permittees shall also comply with any additional work site safety requirements set forth in these rules or in the permit.

**(i) Waivers.**

(1) Except where expressly prohibited by law, the Commissioner may, in his/her discretion, waive or modify these rules, in the interests of public safety and convenience.

(2) Requests for waivers shall be submitted in writing to the Commissioner.

**(j) Suspension of application review.**

The Commissioner may suspend review of applications for permits pending:

- (1) payment by an applicant of outstanding fines, civil penalties or judgments imposed or entered against such applicant by a court or the environmental control board,
- (2) payment by an applicant of outstanding fees or other charges lawfully assessed by the Commissioner against such applicant pursuant to these rules or other applicable law and/or
- (3) satisfactory compliance by an applicant with a CAR or order issued by the Commissioner.

**(k) Permit revocation and refusal to renew permit.**

(1) The Commissioner may, after giving the permittee notice and an opportunity to be heard, revoke or refuse to renew a permit:

- (i) for failure to comply with the terms or conditions of such permit, these rules or other applicable law in carrying out the activity for which the permit was issued;
- (ii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of the permit was based; or
- (iii) whenever a permit has been issued in error and the conditions are such that the permit should not have been issued.

(2) Prior to taking any of the actions listed in paragraph (1) above, the Commissioner shall give the permittee an opportunity to be heard upon not less than two days notice.

(3) Notwithstanding any inconsistent provision of paragraph (2) above, if the Commissioner determines that an imminent peril to life or property exists, the Commissioner may revoke a permit without affording the permittee an opportunity to be heard prior to such revocation. Upon request of the permittee, the Commissioner shall afford the permittee an opportunity to present his or her objections to such action within five days after such request is received by the Department.

**(l) Refusal to issue permit.**

The Commissioner may refuse to issue a permit to an applicant:

- (1) who has exhibited a pattern of disregard for the rules or orders of the Department or the terms or conditions of permits issued by the Department or for other applicable law.
- (2) who has been found liable by a court or in a proceeding before the environmental control board of a violation of a rule or order of the Department or



the terms or conditions of a permit issued by the Department or other applicable law, which violation caused an imminent peril to life or property.

**(m) Embargo periods.**

(1) All routine work shall be suspended during an embargo period unless approval for the work is granted by OCMC. Such suspension shall not apply to emergency work, for which an emergency number shall be obtained by the permittee pursuant to the provisions of § 2-11 of these rules. Information regarding embargo periods is on file at each borough permit office and is available upon request. It is the responsibility of each permittee to obtain such information prior to the commencement of any work. It shall be a violation of these rules to do any work on the street during an embargo period without the prior approval of OCMC or an emergency number.

(2) A request for approval to work during an embargo shall be submitted on a form provided by the Commissioner, along with a fee as specified in §2-03 of these rules. Payment of the application fee shall not guarantee that approval to work during the embargo period will be granted and application fee is in addition to any required permit fees.

**(n) Voiding and reissuing of permits.**

Permits may be voided and reissued only within three business days of issuance. See § 2-03 for the fee for reissuance. Permits reissued after three business days shall be subject to the full permit fee.

**Section 2-03  
Schedule Of Fees**

All fees shall be paid in accordance with the following fee schedule:

<b>Permit Or Activity</b>	<b>Fee</b>	<b>Other Charges</b>	<b>Maximum Duration per Permit</b>	<b>Maximum Distance per Permit</b>	<b>Maximum Width per Permit</b>
<b>Street Opening Permits - General</b>					
Normal street	\$135.00		15 days	300 linear ft. (lin. ft.)	12 feet
Protected street	\$135.00	\$245.00 inspection fee	15 days	300 lin. ft.	12 feet
Emergency work	\$45.00		2 business days	300 lin. ft.	12 feet
<b>Specific Types of Street Opening Permits:</b>					
Open sidewalk to install foundation	\$135.00		30 days	300 lin. ft.	sidewalk (SW) width
Major installations-electric conduit	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-gas pipe	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-steam pipe	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-telephone line	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Transformer vault-in roadway	\$135.00, \$380.00 protected street		15 days to 30 days	300 lin. ft.	variable
Transformer vault-in sidewalk	\$135.00		15 days to 30 days	300 lin. ft.	SW width
Installation and/or removal of poles	\$135.00		30 days	2 sw flags	SW width
Major installations-water	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-cable	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet

Fee for review of request to work during an embargo period	\$135.00.				
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Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Major installations-sewer	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Rapid transit construct/alteration	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	Variable or SW width
Installation of public telephone stanchion	\$135.00		30 days	Not Applicable	SW width
Installation of newsstand	\$135.00		30 days	As per approved plans	As per approved plans
Repair water connections/mains	\$135.00, \$380.00 protected street	\$10.00 minimum for tunneling &/or jacking Excess over 1st 10 ft., \$1.00 per ft.	15 days to 30 days	300 lin. ft.	12 feet
Repair sewer connections/main	\$135.00, \$380.00 protected street		15 days to 30 days	300 lin. ft.	12 feet
Repair water and sewer connection/mains	\$135.00, \$380.00 protected street		15 days to 30 days	300 lin. ft.	12 feet
Install or replace fuel oil line	\$135.00		15 days	300 lin. ft.	SW width
Vault construction, alteration, or repair	\$135.00		30 days	300 lin. ft.	As per approved plan
Reset, replace, install or repair curb	\$135.00		30 days	As required, up to 300 lin. ft.	Not applicable
Pave roadway	\$135.00		15 days	300 lin. ft. & as per approved plan	As per approved plan
Tree pit	\$135.00		30 days	300 lin. ft.	Variable based on SW width
Construct or alter utility access chamber	\$135.00, \$380.00 protected street		15 days	300 lin. ft.	12 feet

<b>Permit or Activity</b>	<b>Fee</b>	<b>Other Charges</b>	<b>Maximum Duration per Permit</b>	<b>Maximum Distance per Permit</b>	<b>Maximum Width per Permit</b>
Adjust hardware casting	\$135.00		15 days	300 lin. ft.	12 feet
Access to utility chamber in restricted zone during restricted hours	\$30.00		Uninterrupted emergency period	300 lin. ft.	12 feet
Repair gas connections/mains	\$135.00, \$380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Repair steam connection/mains	\$135.00, \$380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Repair electric/communication lines	\$135.00, \$380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Test pits, cores or boring	\$135.00, \$380.00 protected street		15 days	300 lin. ft.	Not applicable
Conduit construction (cable, telecommunication) & franchise	\$135.00, \$380.00 protected street		15 days	300 lin. ft.	12 feet
Major installation - franchise	\$135.00, \$380.00 protected street		30 days (90 days with OCMC approval)	As per approved plans	As per approved plans
Erect canopy	\$135.00		30 days	Not applicable	SW width
Install street furniture	\$135.00		30 days	Not applicable	Not applicable
Land fill	\$135.00	Inspection fee of \$25.00 for 1st 400 cubic yards. Excess over 400 cy at \$0.05 per cy.	30 days	Not applicable	Not applicable
Private sewer	\$135.00, \$380.00 protected street		30 days	300 lin. ft.	12 feet
Install fence	\$135.00		30 days	300 lin. ft.	Not applicable

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Install traffic signals	\$135.00, \$380.00 protected street		30 days	300 lin. ft.	Not applicable
Install or repair petroleum pipelines/monitoring and recovery systems	\$135.00, \$380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Installation of fire alarm box	\$135.00		30 days	Not applicable	SW width
Installation of bus shelter	\$135.00		30 days	As per Division of Franchises	As per Division of Franchises

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
<b>Construction Activity Permits</b>					
Types of Construction Activity Permits:					
Place material on street	\$50.00	\$30.00 per month inspection fee	3 months	300 linear ft. but not more than 80% frontage may be encumbered.	8 feet
Crossing sidewalk	\$50.00		3 months	2 crossings at 12 ft. wide within 300 linear ft.	SW width
Place crane on street	\$50.00 per week or part thereof.	\$100.00 inspection fee	1 week	Variable	Not more than one third width of roadway
Place equipment other than crane on street	\$50.00		3 months	300 lin. ft.	12 feet
Place shanty or trailer on street	\$50.00		3 months	Variable	12 feet
Temporary pedestrian walk in roadway	\$50.00		3 months	300 lin. ft.	
Hang temporary festoon/holiday lighting and/or other temporary lighting	\$50.00		90 days	One block face	
Install decorative planters on street	\$50.00		1 year		
Install or change pavement markings, construction signs, and supports	\$50.00		90 days		

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Install bicycle rack	\$50.00		1 year		
Temporary closing of roadway	\$50.00		3 months		
Temporary sidewalk closing	\$50.00		3 months		
Placement of containers for construction waste debris	\$50.00		90 days	300 lin. ft.	12 feet

<b>Sidewalk Construction Permits</b>					
Repair/construct sidewalk	\$70.00		30 days	300 lin. ft. or per block and lot	SW width

<b>Licenses</b>					
Vault License	\$35.00	\$2.00 per sq. ft.			

<b>Canopy Permits</b>					
Canopy in connection with a sidewalk cafe license	\$50.00		1 year		
	\$25.00		1 year		

<b>Miscellaneous Charges and Fees</b>					
Subpoenas	\$15.00				
Removal of banners, canopies, signs and other encroachments and obstructions	cost of labor and materials				
Storage fee for removed banners, canopies, signs and other encroachments and obstructions	\$15.00 per day				
CARs	\$40.00				
Backcharges and JETS	\$134.00 per sq. yd.				
Extension of Permit	\$40.00		14 days		
Place commercial refuse container on street	\$30.00 per year				12 feet

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Application review fee for placement of commercial refuse container on street in restricted area as defined in § 2-14 (f)(4)	\$30.00 per application				
Filing of Sidewalk, Curb and Roadway Application (SCARA) - Plan Type A	No Fee		one year		
Filing of SCARA- Plan Type B	\$35.00 Filing Fee		one year		
Filing of SCARA- Plan Type C	\$2.00 per lin. ft.		one year		
Filing of SCARA- Plan Type D	\$4.00 per lin. ft.		one year		
Filing of SCARA- Plan Type E	\$4.00 per lin. ft.		one year		
Filing of SCARA- Plan Type F	\$8.00 per lin. ft.		one year		
Reissuance of permit within three business days	\$15.00		duration of original permit		
Install temporary security structure	\$50.00		One year	300 lin. ft.	Not applicable
Renew temporary security structure	\$50.00		Six months	300 lin. ft.	Not applicable
City adjustment of street hardware to meet pavement	\$125.00		Not applicable	Not applicable	Not applicable

## **Section 2-04 Canopies**

**(a) Permit required.**

No person shall erect or maintain a canopy over the sidewalk without obtaining a permit from the Commissioner. The canopy shall be adequate for public safety and convenience and shall respect the special circumstances of the particular site or street and shall not detract from public use of the sidewalk. Canopy permits may be issued for the entrance to a building, or place of business within a building.

**(b) Permit fees.**

- (1) The fee for the issuance of a canopy permit shall be \$50 per year.
- (2) The fee for the issuance of a canopy permit in connection with a sidewalk cafe license shall be \$25.

**(c) Conditions.**

- (1) Canopy permits shall not be issued for:
  - (i) placement on streets listed in subdivision f of this section;
  - (ii) placement within the following: fifteen feet of fire hydrants or bus stop zones; beneath a fire escape or so located as to obstruct operation of fire escape drop ladders or counter-balanced stairs or so as to obstruct any exit from a building; within the area created by extending the building line to the curb (the "corner") or within the area from ten feet of either side of the corner (the "corner quadrant"); five feet of tree pit edges, four feet of street lights and utility hole or transformer vault covers or gratings; three feet of parking meters; or
  - (iii) placement without written approval from the property owner; or
  - (iv) placement without written approval from the Department of Consumer Affairs for locations licensed by the Department of Consumer Affairs; or
  - (v) placement at locations deemed by the Commissioner as inadequate with respect to public safety and convenience.
- (2) Canopies shall not be permitted above underground street access covers, vault covers, gratings, or cellar doors which require access.
- (3) Canopy design and construction shall be in accordance with the Department's standard details of construction.
- (4) Owners shall be responsible for the removal of a canopy within ten days when so directed by the Commissioner for necessary street construction.



(5) Advertising on a canopy is prohibited. The house or street number and/or firm name or filed trade name may appear on a canopy as prescribed by the Zoning Resolution of the City of New York. However, descriptive words contained in the firm name or filed trade name tending to advertise the business conducted on the premises are prohibited. Lettering may include logo art for the purpose of business identification only.

(6) All canopy permits shall be posted in a conspicuous place at the entrance for which the permit is issued.

**(d) Maintenance.**

(1) Canopies shall be well maintained at all times.

(2) The covering shall be kept clean, free from accumulation of snow and ice and free from rips and tears, discoloration, fading, sagging, graffiti, etc.

(3) Canopies with metal frameworks shall be painted as needed, but at least every five years.

(4) All structural members shall be kept free of rust and surface imperfections (smooth to the touch).

**(e) Permit expiration, renewal and transferability.**

(1) Each permit shall expire one year from the date of issuance, unless revoked sooner by the Commissioner. Applications for renewal of canopy permits shall be made at least one month prior to permit expiration dates.

(2) Canopy permits shall not be transferable from person to person or from the location of original issue.

(3) Notwithstanding any inconsistent provision of this section relating to the location of a canopy, where a permit was issued for a canopy erected prior to May 19, 1995 under the rules in effect prior to that date, a renewal permit may be issued for the continued maintenance of such canopy at such location provided that:

(i) The canopy is at the same location and was not altered on or after May 19, 1995;

(ii) The canopy is not on a street listed as restricted in subdivision f of this section; and

(iii) The department performs an on-site inspection and determines that the canopy does not present a hazard to public safety and convenience. For the purposes of this provision, hazards for which the department will refuse the renewal of a permit shall include, but not be limited to, the location of a canopy within fifteen feet of a fire hydrant or bus stop, beneath or obstructing a fire escape or within a corner or corner quadrant.

**(f) Placement of canopies.**

The following categories of restricted streets are established:

**(1) Fully Restricted Streets.**

No canopy may be erected or maintained on the below listed streets:

**(i) Borough of Manhattan:**

- |     |                   |  |
|-----|-------------------|--|
| (A) | FIFTH AVENUE:     | West 34th Street to<br>West 59th Street                    |
| (B) | SIXTH AVENUE:     | West 34th Street to<br>West 59th Street                    |
| (C) | 34th STREET:      | West side of Fifth Avenue to<br>East side of Eighth Avenue |
| (D) | 42nd STREET:      | East side of Eighth Avenue to<br>West side of Third Avenue |
| (E) | SEVENTH AVENUE:   | South side of 33rd Street to<br>North side of 34th Street  |
| (F) | BROADWAY:         | Chambers Street to Battery Place                           |
| (G) | WHITEHALL STREET: | Beaver Street to Water Street                              |
| (H) | WALL STREET:      | Broadway to South Street                                   |
| (I) | BROAD STREET:     | Wall Street to Water Street                                |
| (J) | SIXTH AVENUE:     | West 4th Street to West 8th Street                         |
| (K) | WEST 8th STREET:  | Sixth Avenue to Fifth Avenue                               |
| (L) | EAST 8th STREET:  | Fifth Avenue to Fourth Avenue                              |
| (M) | ASTOR PLACE:      | Broadway to 3rd Avenue                                     |
| (N) | ST. MARK'S PLACE: | 3rd Avenue to 2nd Avenue                                   |
| (O) | 72nd STREET:      | Broadway/Amsterdam to Columbus<br>Avenue                   |

**(2) Partially Restricted Streets.**

The erection or maintenance of canopies on the streets listed below is limited to one building entrance only, except that hotels and apartment houses may erect and maintain canopies over all their entrances and restaurants may erect and maintain a canopy over one entrance separate and distinct from the building entrance, if any.

**(i) Borough of Manhattan:**

- |     |                                |  |
|-----|--------------------------------|--|
| (A) | FIFTH AVENUE:                  | West 12th Street to<br>West 34th Street          |
| (B) | MADISON AVENUE:                | East 23rd Street to<br>East 96th Street          |
| (C) | PARK AVENUE:                   | East 46th Street to<br>East 60th Street          |
| (D) | 43RD STREET to<br>60TH STREET: | Sixth Avenue to<br>Lexington Avenue              |
| (E) | RIVERSIDE DRIVE:               | George Washington Bridge to<br>West 135th Street |
| (F) | MORNINGSIDE<br>AVENUE:         | West 116th Street to<br>West 125th Street        |
| (G) | CENTRAL PARK<br>WEST:          | West 60th Street to<br>West 75th Street          |
| (H) | SOUTH STREET SEAPORT           |  |
| (I) | NASSAU STREET MALL             |  |

**(ii) Borough of Brooklyn**

- |     |                    |  |
|-----|--------------------|--|
| (A) | OCEAN PARKWAY:     | Belt Parkway to Prospect Park            |
| (B) | OCEAN AVENUE:      | Flatbush Avenue to Avenue Z              |
| (C) | PLAZA STREET:      | Eastern Parkway to<br>Prospect Park West |
| (D) | EASTERN PARKWAY:   | Plaza Street to Ralph Avenue             |
| (E) | FULTON STREET MALL |  |
| (F) | STUYVESANT AVENUE: | Fulton Street to Madison Avenue          |
| (G) | KINGS HIGHWAY:     | Bay Parkway to Rockaway<br>Parkway       |

**(iii) Borough of the Bronx**

- (A) GRAND CONCOURSE: 158 Street to 179 Street
- (B) PELHAM PARKWAY: Cruger Avenue to Hutchinson River Parkway

**(iv) Borough of Queens**

- (A) JAMAICA AVENUE: 168 Street to Cross Island Parkway
- (B) HILLSIDE AVENUE: 179 Street to the City Line

**(v) Borough of Richmond**

- (A) HYLAN BOULEVARD: Fingerboard Road to Tysens Lane
- (B) VICTORY BOULEVARD: Bay Street to Willowbrook Road
- (C) RICHMOND AVENUE: Richmond Terrace to Forest Avenue
- (D) NEW DORP LANE: Richmond Road to Hylan Boulevard

**(g) Design criteria.****(1) Size limitations of canopies.**

**(i) Width.** Canopy width is limited to the width of the building entrance or the place of business, as defined by the doors leading into the building or place of business, but in no case shall the width be less than 4 feet nor more than 10 feet, unless authorized in writing by the Commissioner or as required by the Commissioner.

**(ii) Height.** The bottom of any portion of the canopy covering shall not be less than eight feet above the sidewalk and the top of any portion of the canopy covering shall not exceed 12 feet above the sidewalk, unless authorized in writing by the Commissioner.

**(iii) Length.** The canopy shall extend from the building line to within a minimum of eighteen inches and a maximum of twenty-four inches from the face of the curb line.

**(2)** Canopy design and construction shall conform to Standard Details of Construction H 1029. Canopy shall be fully roofed.

**(3)** Certification by the manufacturer that the covering is flameproof shall be submitted with the permit application. Where certification is unobtainable from the manufacturer, certification by the installer may be submitted instead.

**(4) Lettering on covering.**

(i) The height of lettering on any side of a canopy shall not exceed 12 inches, as specified in the Zoning Resolution.

(ii) The painting, imprinting, or stenciling authorized in the above paragraph (4)(i) shall be limited to a single horizontal line of lettering, and with a cumulative surface area not exceeding twelve (12) square feet per side. It shall be lawful to paint, imprint or stencil directly upon a canopy within the character and area limitations prescribed by the Zoning Resolution of the City of New York.

**(5) Lighting and Illumination.**

(i) The area under the canopy shall be lighted to a minimum of thirty foot candles when the canopy is within twenty feet of a lamppost. Illumination shall be limited to the underside of the canopy. Neon lights are not permitted. Fluorescent light fixtures shall have the bulbs covered so they are not visible. Illumination sources shall be installed so that they do not protrude below the bottom of any portion of the canopy covering.

(ii) All electrical work shall be done by a licensed electrician.

**(6)** Side curtains are not permitted.

**(7)** Supporting framework shall be constructed of metal members.

(i) Vertical uprights shall be of sufficient size and strength and shall be no less than a standard steel pipe, one and one-quarter inches in diameter and not exceeding three inches in diameter. Where a special construction is used instead of pipe, the design shall be equivalent to the above valid minimum pipe standard approved by the Commissioner. The vertical uprights shall be imbedded in an independent concrete footing of adequate size, designed to sustain all anticipated loads.

(ii) Intermediate vertical upright supports are not permitted except for additional upright supports at the face of the building. Such additional upright supports shall not extend more than 18 inches of the property line.

(iii) Diagonal bracing at vertical upright supports is not permitted, except where required for wind bracing. Permissible wind bracing supports shall be constructed parallel to the curb line and shall extend outward no more than eighteen inches from the vertical upright.

**(h) Application.**

(1) Applications for canopy permits shall include:

- (i) A statement of the basic construction details including the following:
  - (A) type, description and color of the canopy covering;
  - (B) type, diameter and gauge of all supporting members;
  - (C) description of the frame, wind bracing assembly and sidewalk and building fastenings;
  - (D) description of proposed lettering on canopy covering, including exact wording and dimensions thereof;
  - (E) five inch by seven inch photograph of the proposed site.
- (ii) A sketch showing the canopy dimensions, location and all street facilities within fifteen feet of both sides of the canopy.
- (iii) A certificate that the covering is flameproof.
- (iv) Consent of the Landmarks Preservation Commission for the erection of a canopy in a designated landmark historic district or attached to a building that has Landmark's historic designation.

(2) Permit requirements. All permits are subject to applicable provisions contained in § 2-02 of these rules.

**(i) Removal of unauthorized canopies.**

Pursuant to §19-124 of the Administrative Code, the Commissioner may serve an order upon the owner of any premises requiring the removal of any unauthorized canopy. Upon the owner's failure to comply with such order within the time specified, the Commissioner may remove such canopy or cause the same to be removed, at the owner's sole cost and expense.

**(j) Miscellaneous.**

No attachments of any kind or in any manner are permitted on a canopy, including, but not limited to:

- (1) Temporary or permanent signs
- (2) Balloons
- (3) Streamers
- (4) Flags
- (5) Banners
- (6) Pennants

**Section 2-05**  
**Construction activity**

**(a) Permit required.**

(1) A separate construction activity permit is required for each of the following activities, except where otherwise provided by these rules or by permit stipulations:

- (i) Placing construction material on street during working hours
- (ii) Placing construction equipment other than cranes or derricks on the street during working hours
- (iii) Temporarily closing sidewalk
- (iv) Constructing temporary pedestrian walk in roadway
- (v) Temporarily closing roadway
- (vi) Placing shanty or trailer on street
- (vii) Crossing a sidewalk
- (viii) Placing crane or derrick on street during working hours
- (ix) Storing construction material on the street during non-working hours
- (x) Storing construction equipment on the street during non-working hours

(2) Permits for construction activity involving building operations shall be obtained only by the general contractor or the construction manager.

**(b) Permit requirements.**

All permits are subject to applicable provisions contained in § 2-02 of these rules.

**(c) Conditions.**

(1) Permits shall be kept on the job site or at the designated field headquarters at all times and shall be made available for inspection.

(2) All obstructions on the street shall be protected by barricades, fencing, railing with flags, lights, and/or signs, placed at proper intervals and at prescribed hours in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices. During twilight hours the flags shall be replaced with amber lights.

(3) All permittees shall notify the Police Department and the communications center of the Fire Department of all construction activities requiring street closing at least twenty-four hours in advance of the commencement of non-emergency work.

(4) Permittees may be required to obtain approval(s) from OCMC or from a designee of the Commissioner.

(5) All permittees shall comply with the provisions of subdivision (g) of § 2-02 of these rules, if applicable.

**(d) Conditions for the placement or storage of construction material and equipment (other than cranes) on the street.**

- (1) Sidewalks shall be kept clear for pedestrian passage and the curblines shall be kept clear and unobstructed for drainage purposes.
- (2) The street shall be protected with proper covering to prevent damage; e.g.: planking, skids, plating, pneumatic tires, before construction material or equipment, including containers are placed on the street. All planking and skids for containers must be a minimum of 1 ½" to a maximum of 3" thick. Overall size must be a minimum of 12"x12" and the placement of the protective covering must not exceed the outer dimensions of the container. Protection shall be placed directly under each steel wheel or roller of the container to adequately distribute the weight. Placement of all protection shall be done upon delivery by the managing agent, distributor, or owner of the container.
- (3) The name, address and telephone number of the owner shall be printed on two sides of each container used for construction debris.
- (4) Each container shall be stored in an area designated by the Commissioner for the storage of construction material.
- (5) All containers shall be clearly marked on all four sides with high intensity fluorescent paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination at a distance of three hundred feet.
- (6) No temporary hoist or scaffold shall be erected on or over a roadway without review of site plans by OCMC, approval of such plans by the Commissioner and a permit from the Department of Buildings.
- (7) No temporary fence which extends more than three feet onto the street shall be erected on the sidewalk without the Commissioner's approval of the location and a permit from the Department of Buildings.
- (8) Construction material or equipment shall not be stored or placed within:
  - (i) five feet of railroad tracks;
  - (ii) three feet of any city-owned electrical systems equipment including, but not limited to, signal and lamp posts, ITS systems, cameras, panel and/or junction boxes, provided that access to the equipment is maintained at all times;
  - (iii) fifteen feet of hydrants;



- (iv) the area created by extending the building line to the curb (the "corner") or within the area from ten feet of either side of the corner (the "corner quadrant");
  - (v) any "No Standing" zone.
- (9) Permittees shall comply with all rules or permit conditions relating to interference with access to subway facilities, fire alarms, street signs, parking meters, emergency telephones, water main valves, utility facilities and any city-owned electrical equipment including, but not limited to, cameras, ITS, street light and signal poles, panel and/or junction boxes.
- (10) Space shall be provided within the storage area for loading and unloading construction materials and for all other permissible operations.
- (11) The storage area shall be clearly delineated on all sides with barricades, fencing, railing or other safety devices reflectorized and/or illuminated in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices.
- (12) For the purpose of mixing mortar, concrete or other materials, or to bend steel reinforcement bars, surface protection shall be provided.
- (13) Mortar boxes for hand mixing shall not extend beyond the area permitted for the storage of materials on the street.
- (14) Storage space shall not exceed eighty percent of each linear frontage of the plot on which the buildings are to be constructed, altered or demolished; nor shall more than one-third of the roadway width, with a maximum of one lane measured from the curb, be encumbered with construction material unless a street closing permit is obtained.
- (15) The Commissioner may direct that construction material stored or placed within the street line, particularly in a critical area, be confined to the sidewalk frontage area where the building is to be constructed, altered or demolished. The permittee shall enclose the sidewalk storage area with a four foot high barricade or fence in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices and shall provide adequate lighting and a minimum of five feet of clear pedestrian passage. A temporary partial sidewalk closing permit shall be required.
- (16) All equipment hoses, cables, or wires carried overhead across the sidewalk shall have fourteen (14) feet minimum clearance.
- (17) All equipment hoses, cables, or wires placed on the sidewalk while in use shall be bridged and protected by warning signs and/or lights.
- (18) A construction activity permit shall be required for a truck crane (boom truck) with telescopic, hydraulic or folding booms, over fifty feet and not more than one hundred thirty-five feet with a maximum rated capacity of three tons. A

valid copy of a current “Crane Approval and Operations Certificate (CD)” shall be obtained from the Department of Buildings when a “Certificate of On-site Inspection” is not required.

**(e) Temporarily closing sidewalk.**

A temporary partial sidewalk closing permit shall be required when more than three feet from the property line is obstructed by a fence. A temporary full sidewalk closing permit shall be required when a minimum clear sidewalk passage of five feet cannot be maintained for pedestrians.

**(f) Temporary pedestrian walkway in roadway.**

(1) The Commissioner may require permittees to construct temporary pedestrian walkways on the roadway when adequate pedestrian passage cannot be maintained on the sidewalk.

(2) If a pedestrian walkway in the roadway is not required, warning signs advising pedestrians to use the opposite sidewalks shall be placed and maintained at each corner or as otherwise directed.

**(g) Temporarily closing roadway.**

(1) A roadway closing permit is required for closing one or more lanes of the roadway.

(2) A roadway closing permit is required during blasting operations and the firing of shots.

**(h) Placement of shanties or trailers on the street.**

(1) A permit shall be required to place a construction shanty, trailer, or similar structure on the street.

(2) Placement of shanties or trailers is subject to the same restrictions as the placement of equipment.

(3) Construction shanties or trailers shall be placed within the storage area provided for construction materials.

(4) Shanties and trailers shall be removed from the street when the building structure first floor level is covered by a roof, second floor or a second floor slab, unless otherwise directed by the Commissioner.

(5) Use of a shanty or trailer anywhere on a street as a renting or sales office shall be prohibited.

(6) No lettering or symbols shall be placed on a shanty or trailer except for the name and telephone number of the contractor.

(7) The shanty or trailer shall be lighted or have reflectorized striping on the exterior.

**(i) Crossing a sidewalk.**

(1) A permit for crossing a sidewalk shall be obtained for the delivery or removal of any construction material or equipment on the street by vehicle or motorized equipment across a sidewalk where there is no approved drop curb (driveway).

(2) A maximum of two sidewalk crossings shall be allowed per each three hundred linear feet.

**(j) Placement of cranes and derricks on street.**

For the purposes of these rules the terms “crane” and “derrick” shall be as defined in the New York City building code.

(1) Permit requirements

(i) Building operations

(A) A crane permit shall be required for all cranes and derricks operating in the street on building construction or related activity under the jurisdiction of the Department of Buildings, with the exception of: truck cranes with telescopic, hydraulic or folding booms, over fifty feet and not more than one hundred thirty-five feet with a maximum rated capacity of three tons, for which a construction activity permit has been issued.

(B) A crane permit shall be required for assist cranes with a maximum rated capacity greater than twenty tons to assemble, operate, or disassemble any crane on a street. Assist cranes with a maximum rated capacity of twenty tons or less shall require a Construction Activity Permit.

(C) All permittees shall comply with the rules for power operated cranes, derricks and cableways of the Department of Buildings.

(ii) Street operations

(A) A crane permit shall be required for all cranes and derricks operating in the street with a maximum rated capacity greater than twenty (20) tons and which are not related to building operations.

(B) A construction activity permit shall be required for all cranes and derricks with a rated capacity of twenty tons or less when used for street related activity and where the activity is not under the jurisdiction of the Department of Buildings. A written statement shall be submitted by the owner of the structure,

building or premises, general contractor, construction manager, or authorized agent stating that he/she visited the site and that there are no excavations or retaining walls and that no vaults or subsurface construction exists at the site. If there are excavations, retaining walls, vaults or subsurface construction existing at the site, then an affidavit shall be submitted from a Professional Engineer indicating (1) that the sidewalk or roadway and the supporting sub-grade can safely bear the crane and crane load, (2) that any existing vaults or other subsurface structures are capable of supporting the crane and load, and (3) that the sheeting or retaining walls supporting any excavations adjoining the street area are capable of supporting the crane and load.

(2) Application.

All applicants for a permit shall file the following:

- (i) A standard application including the following information:
  - (A) location of the work site;
  - (B) nature of the work to be performed;
  - (C) date of commencement of crane operation and estimated completion date,
  - (D) length of the crane's boom. (Approval of the Department of Buildings is required for cranes with booms over two hundred fifty feet in length, contingent upon passing a satisfactory assembled inspection for each phase. For such cranes, a special review and approval meeting must be held with the Department of Buildings and the applicant.);
  - (E) model and serial numbers of cranes to be used;
  - (F) crane/derrick application form #M12;
  - (G) approval or permit from the Department of Buildings in the case of new structures, renovations or modifications made to a building, or placement of a sign structure; and
  - (H) daily or annual overdimensional permit.
- (ii) A sketch showing:
  - (A) proposed location of the crane in the work area;
  - (B) area to be designated for pedestrian passageway;

(C) measures to be taken from safeguarding and protecting pedestrians and for maintaining vehicular traffic, including OCMC stipulations.

(iii) The following documentation from the Department of Buildings:

(A) "Crane Approval and Operations Certificate (CD)" (for all cranes and derricks).

(B) "Application for a Certificate of On-Site Inspection (Crane Notice)".

(C) All plans/amendments related to the operation and movement of the crane.

(3) Placement.

All cranes may be placed partially or entirely on the street, in the discretion of the Commissioner, subject to the following conditions and requirements:

(i) A crane shall not occupy more than one third of the roadway width except in accordance with the stipulations set forth in the street closing permit.

(ii) The extreme outer limit of the crane, in any operating or storage position, shall be at least twelve feet from the opposite curb. The Commissioner may issue a street closing permit when a minimum of twelve feet cannot be maintained.

(iii) Cranes equipped with steel tracks shall be supported by:

(A) steel plates; or

(B) timber platforms not less than six inches thick and covering the entire base of the crane.

(iv) The crane and loads shall not exceed 3,500 lbs. per square foot.

(v) For cranes equipped with rubber tires:

(A) the pressure applied to the street surface through outriggers or other elements of the crane shall not exceed 3,500 lbs. per square foot;

(B) the pressure shall be distributed by timber mats, wood planking or steel plates, extending not less than twelve inches beyond the base of the outriggers on all sides and sufficiently thick to uniformly distribute the load pressure including the weight of the crane.

(vi) Each permittee shall ensure that the surface upon which the crane will rest is capable of supporting the above pressures. The permittee shall further expand the size and thickness of the timber platforms, mats and steel plates beyond the minimum requirements stipulated above for all types of cranes, so as not to exceed the bearing capacity of the street. This shall apply to structural streets and streets over underground facilities/structures as well.

(vii) An alternate means of distributing the load may be approved by the Department of Buildings when a "Certificate of On-Site Inspection" is required.

(viii) When any part of the crane requiring a "Certificate of On-Site Inspection" is placed on the street, a statement by a New York State licensed professional engineer shall be filed with the Borough Permit Office certifying:

(A) that the street area and the supporting subgrade can bear the crane load safely. Should the street condition require that the crane and load be distributed over a larger area than afforded by the elements of the crane, the New York State licensed professional engineer shall furnish full dimensional details of load distribution;

(B) that the engineer has taken all necessary measures to ascertain that there is no vault underneath the sidewalk area or that if a vault does exist its roof is sufficiently strong to support the load to be imposed thereon.

(C) that the sheeting or retaining walls supporting any excavations adjoining the street bearing the load capacity are capable of supporting the area carrying the crane and load. When the crane is used to excavate adjacent to itself, the New York State licensed professional engineer shall specify the sheeting or retaining wall reinforcement required to support the crane and load.

(4) Master or special rigger/sign hanger.

A "Certificate of Crane On-Site inspection" is not required for a master or special rigger or a master or special sign hanger working within the purview of his/her license issued by the New York City Department of Buildings. Permissible work under the supervision of a master or special rigger or a master or special sign hanger includes:

- (i) the hoisting or lowering of any article on the outside of any existing/completed building;
- (ii) the removal or installation of boilers and tanks; and
- (iii) the erection, maintenance or removal of signs or sign structures.

(5) Safety requirements.

(i) For purposes of safety, a flagperson(s) shall be assigned at all times during the operation of the crane to coordinate all crane operations with pedestrian and vehicular traffic and to give proper warnings to the crane operator. Exceptions may be granted under the following conditions:

(A) Where OCMC traffic stipulations provide for the crane to be operated in an area that has been closed to vehicular and pedestrian traffic, and

(B) Where the full outward swing of the crane actually does not exceed beyond the barricade and the sidewalk area within the swing of the crane carriage or boom is securely barricaded in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices to prevent pedestrian traffic or an adequate covered pedestrian walkway is provided.

(ii) When a crane is stored on a street it shall be clearly marked with adequate lighting or with high intensity fluorescent paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination up to a distance of three hundred feet.

(iii) It shall be unlawful for any person other than a crane operator licensed by the Department of Buildings to operate a crane on a street.

(6) Permits for the placements of a crane on the street may be issued for the area from the northern street line of 66th Street to the extreme southernmost tip of Manhattan as specified on the map in subdivision I and in the following limited cases:

(i) When erecting from the street:

(A) a tower or climbing crane which will be operated within building site property lines; or

(B) a temporary platform or permanent plaza within a building site for the placement of a street crane.

(ii) When erecting a structure/building on a building site from the street within one hundred and ten working days when use of a tower or climbing crane is not practicable.

(iii) Temporary crane permits are issued for the erection of a structure for a maximum of one hundred ten working days. Crane usage shall be apportioned between the various stages of erection by the building owner, the general contractor or the construction manager. A working day is defined as each day covered by an active permit, not by the days a crane

operates. Several cranes operating simultaneously at the same site shall be credited with one working day for each day covered by the active permit. The one hundred and ten day limit shall not be exceeded. However, extensions may be granted by the Commissioner in extraordinary circumstances.

(iv) Permittees shall be required to delineate the street area authorized for use in blue thermoplastic tape or paint. Upon expiration or revocation of the permit, the permittee shall remove the paint or markings and restore the area to its original condition.

(7) Letter of Credit. To ensure full compliance with all crane permit terms and stipulations the following requirements and procedures apply:

(i) Permittees are required to file a \$40,000 Irrevocable Stand-by Letter of Credit.

(ii) The form of the Letter of Credit and the bank upon which it is drawn shall be approved by the Commissioner.

(iii) The term of such Letter of Credit shall be at least one year. Such Letter of Credit may cover multiple crane permit locations.

(iv) If the permittee fails to remove a crane when required or otherwise violates a permit condition, the terms of the Letter of Credit shall provide that the Commissioner may demand a payment of \$1,000 a day for the first five days and \$2,500 for each day thereafter

(v) A Letter of Credit shall not be required in the following circumstances:

(A) contractors with licensed operators performing rigging operations, i.e. hoisting or lowering materials or equipment on or off existing buildings;

(B) in special cases, contractors with licensed operators performing rigging operations in conjunction with new building construction;

(C) contractors with licensed operators performing work on elevated railroad or bridge structure engaged in street construction such as pavement removal, trenching or bulkheading, or in the installation and/or repair of underground shafts, sewers and water facilities.

**(k) Format To Be Used For Irrevocable Stand-By Letter Of Credit**

Beneficiary  
The City of New York  
Department of Transportation  
Manhattan Street Maintenance Office



Battery Maritime Building, 4th floor  
New York, New York, 10004

Sir/Madam:

By order of our client, (name and address of Permittee), we issue this Stand-By Irrevocable Letter of Credit No. . . . . , in your favor for \$40,000.00 (Forty Thousand U.S. Dollars) effective immediately for our client's performance under the required Crane Permit(s) for the placement of cranes at the following location(s):

\_\_\_\_\_  
\_\_\_\_\_

Funds under this Irrevocable Letter of Credit are available by Sight Draft drawn on us accompanied by:

1. A statement signed by the Commissioner of the New York City Department of Transportation or an authorized representative stating that:

"(Permittee Name) has failed to comply with the terms and conditions agreed to under the permit(s) issued or has failed to remove a crane when required. For this violation the City of New York, acting through its Department of Transportation, is demanding a payment of \$1,000.00 (One Thousand U.S. Dollars) a day for the first five days of violation. After five days, payment for the continuing violation is \$2,500.00 (Two Thousand Five Hundred U.S. Dollars) a day.

"This(these) violation(s) has(have) existed for . . . days and demand is now made for payment of (enter total amount). We have notified (Permittee name and address) in writing that this certification is being presented."

2. A copy of notice given to (Permittee name) referred to in No. 1 above.
3. The original of this Irrevocable Letter of Credit and Amendments, if any.

The Sight Draft shall bear the following clause:

"DRAWN UNDER (Bank Name), LETTER OF CREDIT NUMBER . . . . . DATED . . . . ."

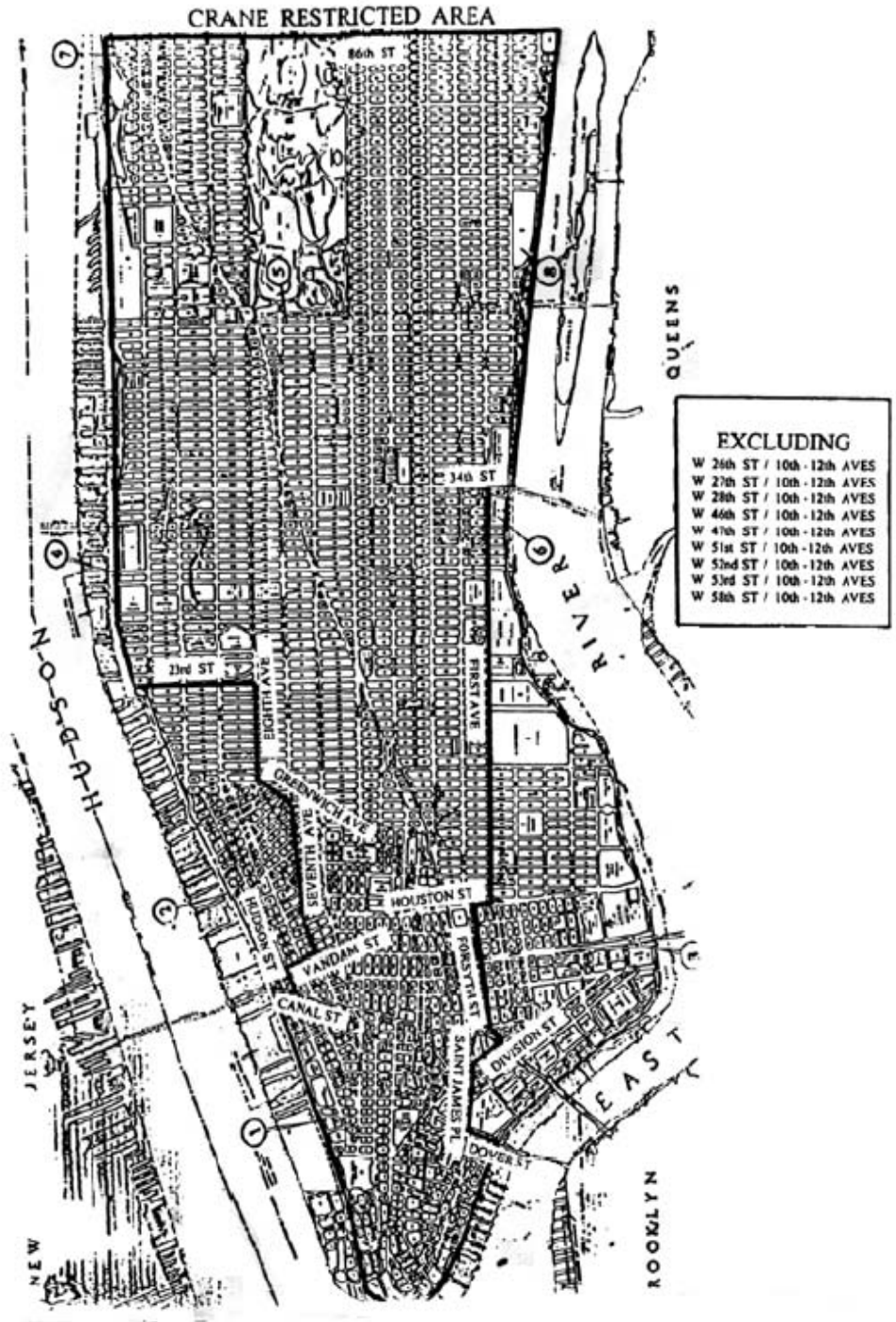
This Irrevocable Letter of Credit expires at (Bank office address) at the close of business on . . . . .

This Irrevocable Letter of Credit sets forth in full the terms of our undertaking and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument or agreement referred to herein or to which this Irrevocable Letter of Credit relates and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.

We agree with you that drafts drawn in compliance with the terms of this Credit shall be honored on presentation.

This Irrevocable Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500.

**(I) Crane Restricted Area**



**Section 2-06**  
**Land contour work**

**(a) Permit required.**

(1) A permit shall be obtained from the Commissioner to perform land contour work which includes the clearing, grubbing, grading, filling or excavation of vacant lots and other specified land parcels.

(2) The provisions of these rules are also applicable to the disposal site for excavated materials.

(3) All permits are subject to applicable provisions contained in § 2-02 of these rules.

**(b) Conditions.**

(1) No condition shall be created or maintained that interferes with or obstructs existing drainage, unless an alternate drainage plan is provided for in the above plans, subject to approval by the Department of Environmental Protection. The applicant shall provide for conduction of surface waters as required by the Commissioner to the nearest approved Department of Environmental Protection collection point.

(2) Watercourses, drainage ditches, conduits and other like or unlike means of carrying off water or disposing of surface water shall not be obstructed by refuse, waste, construction materials, earth, stones, tree stumps, branches, or by any other means that may interfere with surface drainage or cause the impoundment of surface waters either within or beyond the area where land contour work is performed.

(3) All excavations shall be drained. The drainage shall be maintained until the completion of the excavation and pumping shall be used where necessary.

(4) Fill material shall consist of inert, inorganic matter, suitably compacted. No materials shall be used other than clean earth, ashes, dirt, concrete, rock, gravel, stone, slag, or sand. Rocks and masonry shall not be larger than one-quarter of a cubic yard. No material larger than three inches in dimension may be placed within two feet of the surface. For public safety and health, the Commissioner may require a smooth graded surface treated according to the Department specifications with asphalt paving mixture, compacted cinders, stone screening, soil cement mixtures, or seeded or sodded lawn treatment, or other material as required by the Commissioner.

(5) Sodding or planting, where required, shall be completed within thirty days of work completion or as may be permitted by the Commissioner. Safeguards shall be provided to prevent soil erosion in the interval preceding sodding or planting.

(6) Work beyond lot lines shall be subject to the requirements of these rules.

(7) A minimum safety factor of two shall be used against earth slides within the property and the adjacent property. Where two parallel streets are at unequal elevations, the land grading between these two streets generally should be at a constant slope. Where possible the ground should be graded back from the front property line at a grade level with the street for a distance equal to the normal zoning set-back requirement but not less than twenty-five feet before commencing a slope.

**(c) Exceptions.**

A permit is not required for grading work to be performed pursuant to a Department of Buildings permit for the erection of one or more structures, provided that the permit authorizes the grading, and that the work is performed entirely within the building site area.

**(d) Application.**

(1) The application shall state the following:

- (i) name of the land surveyor or New York State licensed professional engineer;
- (ii) description of the land contour work;
- (iii) work limits and number of linear feet in the work area;
- (iv) cubic yards of fill to be placed;
- (v) that work areas exceeding ten thousand square feet shall be supervised by a New York State licensed professional engineer. The application shall note the name, address, and telephone number of the New York State licensed professional engineer;
- (vi) whether streets adjacent to the land are finally mapped and with whom title of the streets is vested. Prescriptive streets as determined by the corporation counsel shall be deemed as finally mapped.

(2) Applicants for a Land Contour permit shall be the property owner or the owner's authorized representative. The permit application shall be accompanied by:

- (i) a statement of property ownership or of authorization by the property owner if work is to be performed by a contractor;
- (ii) a statement from the surveyor or New York State licensed professional engineer which states that the work will not cause adverse drainage conditions to the property and adjacent land;
- (iii) a plan prepared by a land surveyor or New York State licensed professional engineer.

(3) Applicants shall submit a plan at a minimum scale of 1"=50' or the scale required by the Commissioner. The original mylar plus one paper print filed at the time of permit application shall be drawn according to the Commissioner's standards. The plans shall show the following:

- (i) name of the land surveyor or New York State licensed professional engineer;
- (ii) existing watercourses, drainage ditches, conduits and other drainage facilities, or like or unlike means of carrying off water, or disposing of property surface water, and the area three hundred feet beyond the property and any additional information as required by the Commissioner;
- (iii) existing and proposed grades of the area to be filled or excavated, plotted in contours spaced at five feet intervals or at other intervals as required by the Commissioner;
- (iv) direction of all surface water flow before and after completion of land contour work;
- (v) statement of the slopes to be maintained and a cross section of the slopes.
- (vi) soil investigation, including, but not limited to, locating the elevation of the ground water table, whenever required by the Commissioner;
- (vii) lines and grades of abutting streets which are legally mapped;
- (viii) profile of the existing grade, legal grade and final grade of the abutting street;
- (ix) substitute for existing drainage as noted below, subject to approval of the Department of Environmental Protection:
  - (A) interference with or obstruction of surface course causing drainage to flow in a direction other than a general direction and drainage pattern existing prior to the land contour work tending to cause impoundment or flooding either within or beyond the area on which contour work is performed;
  - (B) increase of surface course drainage in the direction and drainage pattern existing prior to the land contour work tending to cause impoundment or flooding either within or beyond the area in which contour work is performed; and
  - (C) interference or obstruction of existing watercourses, drainage ditches, conduits and other like or unlike means of carrying off water or disposing of surface water;

(x) proposed provisions for maintenance of existing drainage or for any substitute that shall drain the property adequately and shall provide safeguards against health hazards according to criteria established in consultation with the Department of Health as noted below:

(A) flooding: proposed provisions to eliminate existing conditions of surface water impoundment. The entire area under examination shall be provided within the property. The plans shall indicate the provisions taken to avoid direct flooding of adjacent properties or intrusion of surface water to existing or planned individual sewage disposal systems; and

(B) small water impoundment: proposed provisions to avoid small water impoundment which may become the breeding area or harborage of insects and other pests. Pests are defined as members of the class insecta and members of the Phylum Arthropoda including spiders, mites, ticks, mosquitoes, centipedes and wood lice.

(xi) provisions for disposal of excavation material.

(4) Certification shall be required from a New York State licensed professional engineer that drainage for a three hundred foot radius around the site will not be adversely affected by grading, and that existing watercourses, if any, will not be disturbed.

**(e) Approval required.**

(1) Sites designated as Wetlands shall have prior approval from the New York State Department of Environmental Conservation.

(2) Sites in designated Natural Areas or in South Richmond shall require prior approval from the City Planning Commission.

(3) The Commissioner may require that land contour plans be reviewed and approved by the Department of Environmental Protection.

## Section 2-07

### Underground street access covers, transformer vault covers and gratings

**(a) General conditions.**

(1) Except for work on the critical roadways during restricted times listed in subdivision c of this section, and subject to these rules, underground street access covers, transformer vault covers and gratings may be opened to perform subsurface work without the prior authorization of the Department. During a Department declared embargo, sidewalks shall be included in the restrictions listed in paragraph (5) of subdivision (c) of this section.

(2) Except when emergency work is being performed, if excessive traffic congestion occurs on a roadway where underground street access covers, transformer vault covers or gratings have been opened, any police officer or other person authorized to enforce these rules may direct that the cover or grating openings be closed and the encumbered traffic lane opened until the congestion abates. It shall be a violation of these rules to disobey such a direction.

(3) The opening of covers and gratings shall not restrict more than a maximum of 11 feet of roadway. If such opening results in a full roadway closure, the Police Department, the Communication Centers of the Fire Department and the Department of Transportation shall be notified simultaneously with the closing. If such opening falls under the provisions of subdivision (g) of § 2-02 of these rules, the entity opening the covers or gratings shall comply with all the requirements of such subdivision.

(4) Except for emergency work or where required due to the nature of the work, no more than two consecutive covers or gratings shall be opened at any time on a block segment, including the adjacent intersection.

(5) A permit is required to store material or equipment on the street during non-working hours whether or not the cover or grating opening is in a critical roadway. No such permit shall be required to store tool carts on the sidewalk. No tool cart shall be stored on a sidewalk unless a minimum passage of five feet is maintained on the sidewalk for pedestrians. No tool cart stored on a sidewalk shall obstruct any hydrant, bus stop or driveway. A permit is required to store tool carts on the roadway. All tool carts shall display the name, address and telephone number of the entity that placed them on the sidewalk or roadway.

(6) Where subsurface work requiring the opening of covers and gratings on a sidewalk is performed and a five foot minimum passageway on the sidewalk cannot be maintained for pedestrians, a temporary sidewalk closing permit shall be obtained.

(7) Flagpeople. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times while actively working at the site, post a flagperson or utilize an authorized plan



for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

**(b) Maintenance requirements.**

(1) The owners of covers or gratings on a street are responsible for monitoring the condition of the covers and gratings and the area extending twelve inches outward from the perimeter of the hardware.

(2) The owners of covers or gratings shall replace or repair any cover or grating found to be defective and shall repair any defective street condition found within an area extending twelve inches outward from the perimeter of the cover or grating.

(3) Street hardware shall be flush with the surrounding street surface. Street hardware which is greater than 1/2" above or below the street surface as measured by a six foot straight edge centered on the hardware shall be replaced or adjusted at the owner's expense.

(4) Owners of underground facilities shall only use covers with their name or registered markings clearly displayed for identification purposes. Owners shall have one year from the date of the adoption of this paragraph to be in full compliance with this paragraph.

(5) Covers shall be clearly identified with markings that are registered with the Department. The owners of covers which are in good condition but lack identifying markings shall place the assigned color code or tag next to the cover or grating in lieu of replacement.

(6) Underground street access covers, transformer vault covers, and gratings shall not be placed in any street over an opening unless they are of a type approved by the Commissioner.

**(c) Work in Critical Roadways.**

(1) Except as otherwise provided in paragraphs 2 and 3 of this subdivision, no person shall perform subsurface work requiring cover and grating openings in the critical roadways listed in paragraph 5 of this subdivision at the locations and during the hours specified in such paragraph.

(2) No person shall perform emergency work requiring cover or grating openings in the critical roadways listed in paragraph 5 of this subdivision at the locations and during the hours specified in such paragraph without an emergency authorization number from the Department.

(3) Notwithstanding the foregoing provisions, subsurface work requiring cover or grating openings may be performed at any time in traffic lanes which are obstructed by street construction authorized by the Commissioner, i.e., by the installation of water mains, sewers, street lighting, traffic control devices, cranes, construction debris containers, or other construction equipment.

(4) Authorization for emergency work requiring cover and grating openings in critical roadways during restricted hours.

(i) An authorization number shall be obtained by the owner of the cover or grating or the authorized agent of the owner by faxing the required DOT request for authorization number form to the Department's Emergency Authorization Unit, unless otherwise directed by the Commissioner. Required information shall include, but not be limited to the following:

- (A) Name of permittee
- (B) Permittee ID #
- (C) Location of emergency (including borough)
- (D) Type of emergency (including interruption of service)

(ii) Authorization numbers shall be kept on site and shall be presented upon the request of any police officer or other City employee authorized by the Commissioner to enforce these rules. Any additional information regarding the emergency work that is requested at the site by a Department inspector shall be provided by the permittee and/or the persons performing such work.

(iii) The fee for obtaining an authorization number shall be thirty dollars (\$30.00). Such fee shall be paid within fifteen days of billing. The owner shall be responsible for payment of all fees imposed pursuant to this paragraph.

(iv) Emergency work shall be performed on an around-the-clock basis until the emergency is eliminated, at which time the emergency authorization number expires, as specified in subparagraph (ii) of paragraph (2) of subdivision (g) of § 2-11 of these rules.

(v) The person performing such emergency work shall inform the Department's Emergency Authorization Unit within twelve hours of the completion of such emergency work.

(5) Critical roadways: Work restrictions apply Monday through Friday (except for the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day) at the locations (including intersections) and during the hours listed below:

**(i) Manhattan**

**(A) East / West Roadways – Restricted Access 7:00 AM to 8:00 PM**

- 1.) 8<sup>th</sup> Street – Avenue of the Americas to Third Avenue
- 2.) 9<sup>th</sup> Street – Avenue of the Americas to First Avenue
- 3.) 14<sup>th</sup> Street – Joe DiMaggio Highway to FDR Drive
- 4.) 20<sup>th</sup> Street – Avenue C to First Avenue
- 5.) 23<sup>rd</sup> Street – Joe DiMaggio Highway to FDR Drive/Avenue C
- 6.) 25<sup>th</sup> Street – FDR Drive to First Avenue

- 7.) 30<sup>th</sup> Street – Joe DiMaggio Highway to FDR Drive
- 8.) 31<sup>st</sup> Street – Tenth Avenue to Second Avenue
- 9.) 32<sup>nd</sup> Street – Seventh Avenue to Second Avenue
- 10.) 33<sup>rd</sup> Street – Joe DiMaggio Highway to First Avenue
- 11.) 34<sup>th</sup> Street – Joe DiMaggio Highway to FDR Drive
- 12.) 35<sup>th</sup> Street – Eleventh Avenue to FDR Drive
- 13.) 36<sup>th</sup> Street – Eleventh Avenue to FDR Drive
- 14.) 37<sup>th</sup> Street – Eleventh Avenue to FDR Drive
- 15.) 38<sup>th</sup> Street – Eleventh Avenue to FDR Drive
- 16.) 39<sup>th</sup> Street – Joe DiMaggio Highway to First Avenue
- 17.) 40<sup>th</sup> Street – Joe DiMaggio Highway to First Avenue
- 18.) 41<sup>st</sup> Street – Joe DiMaggio Highway to Avenue of the Americas
- 19.) 42<sup>nd</sup> Street – Joe DiMaggio Highway to FDR Drive
- 20.) 43<sup>rd</sup> Street – First Avenue to Lexington Avenue
- 21.) 43<sup>rd</sup> Street – Vanderbilt Avenue to Joe DiMaggio Highway
- 22.) 44<sup>th</sup> Street – First Avenue to Lexington Avenue
- 23.) 44<sup>th</sup> Street – Vanderbilt Avenue to Joe DiMaggio Highway
- 24.) 45<sup>th</sup> Street – First Avenue to Joe DiMaggio Highway
- 25.) 46<sup>th</sup> Street – First Avenue to Eighth Avenue
- 26.) 47<sup>th</sup> Street – First Avenue to Eighth Avenue
- 27.) 48<sup>th</sup> Street – First Avenue to Eighth Avenue
- 28.) 49<sup>th</sup> Street – FDR Drive to Joe DiMaggio Highway
- 29.) 50<sup>th</sup> Street – Beekman Street to Joe DiMaggio Highway
- 30.) 51<sup>st</sup> Street – First Avenue to Eighth Avenue
- 31.) 52<sup>nd</sup> Street – First Avenue to Eighth Avenue
- 32.) 53<sup>rd</sup> Street – FDR Drive to Eighth Avenue
- 33.) 54<sup>th</sup> Street – First Avenue to Eighth Avenue
- 34.) 55<sup>th</sup> Street – Sutton Place to Joe DiMaggio Highway
- 35.) 56<sup>th</sup> Street – Sutton Place to Joe DiMaggio Highway
- 36.) 57<sup>th</sup> Street – Sutton Place to Joe DiMaggio Highway
- 37.) 58<sup>th</sup> Street – Sutton Place to Eleventh Avenue
- 38.) 59<sup>th</sup> Street – Fifth Avenue to Sutton Place
- 39.) 59<sup>th</sup> Street – Miller Highway to Columbus Avenue
- 40.) 60<sup>th</sup> Street – FDR Drive to Fifth Avenue
- 41.) 61<sup>st</sup> Street – FDR Drive to Fifth Avenue
- 42.) 62<sup>nd</sup> Street – FDR Drive to Fifth Avenue
- 43.) 63<sup>rd</sup> Street – FDR Drive to Fifth Avenue
- 44.) 65<sup>th</sup> Street – Central Park West to Fifth Avenue (Transverse Roadway)
- 45.) 65<sup>th</sup> Street – West End Avenue to York Avenue
- 46.) 66<sup>th</sup> Street – Central Park West to Fifth Avenue (Transverse Roadway)
- 47.) 66<sup>th</sup> Street – West End Avenue to York Avenue
- 48.) 71<sup>st</sup> Street – FDR Drive to York Avenue
- 49.) 72<sup>nd</sup> Street – Central Park West to Fifth Avenue (Transverse Roadway)
- 50.) 72<sup>nd</sup> Street – Central Park West to Henry Hudson Parkway
- 51.) 72<sup>nd</sup> Street – Park Avenue to Fifth Avenue
- 52.) 73<sup>rd</sup> Street – FDR Drive to York Avenue
- 53.) 79<sup>th</sup> Street – Central Park West to Fifth Avenue (Transverse Roadway)
- 54.) 79<sup>th</sup> Street – Henry Hudson Parkway to Broadway
- 55.) 79<sup>th</sup> Street – Park Avenue to Fifth Avenue
- 56.) 79<sup>th</sup> Street – York Avenue to FDR Drive
- 57.) 81<sup>st</sup> Street – Amsterdam Avenue to Central Park West

- 58.) 84<sup>th</sup> Street – Park Avenue to Fifth Avenue
- 59.) 85<sup>th</sup> Street – Park Avenue to Fifth Avenue
- 60.) 86<sup>th</sup> Street – Amsterdam Avenue to Central Park West
- 61.) 86<sup>th</sup> Street – Central Park West to Fifth Avenue (Transverse Roadway)
- 62.) 92<sup>nd</sup> Street – FDR Drive to First Avenue
- 63.) 95<sup>th</sup> Street – Riverside Drive to Broadway
- 64.) 96<sup>th</sup> Street – FDR Drive to Fifth Avenue
- 65.) 96<sup>th</sup> Street – Henry Hudson Parkway to Central Park West
- 66.) 97<sup>th</sup> Street – Central Park West to Fifth Avenue (Transverse Roadway)
- 67.) 97<sup>th</sup> Street – FDR Drive to Fifth Avenue
- 68.) 97<sup>th</sup> Street – Henry Hudson Parkway to Central Park West
- 69.) 106<sup>th</sup> Street – First Avenue to FDR Drive
- 70.) 116<sup>th</sup> Street – First Avenue to FDR Drive
- 71.) 125<sup>th</sup> Street – Henry Hudson parkway to FDR Drive
- 72.) 135<sup>th</sup> Street – St. Nicholas Avenue to Harlem River Drive
- 73.) 138<sup>th</sup> Street – Malcolm X Boulevard to Harlem River Drive
- 74.) 145<sup>th</sup> Street – Riverside Drive to Harlem River Drive
- 75.) 155<sup>th</sup> Street – Riverside Drive to Harlem River Drive
- 76.) 158<sup>th</sup> Street – Henry Hudson Parkway to Broadway
- 77.) 165<sup>th</sup> Street – Riverside Drive to Broadway
- 78.) 178<sup>th</sup> Street – Fort Washington Avenue to Amsterdam Avenue
- 79.) 179<sup>th</sup> Street – Fort Washington Avenue to Amsterdam Avenue
- 80.) 181<sup>st</sup> Street – Riverside Drive to Amsterdam Avenue
- 81.) 207<sup>th</sup> Street – Broadway to Ninth Avenue
- 82.) Ann Street – Park Row to Gold Street
- 83.) Avenue of the Finest – Rose Street to Pearl Street
- 84.) Barclay Street – West Street to Broadway
- 85.) Battery Place – West Street to Broadway
- 86.) Bayard Street – Baxter Street to Bowery
- 87.) Beach Street – Varick Street to Avenue of the Americas
- 88.) Beekman Street – Park Row to South Street
- 89.) Broome Street – Varick Street to Clinton Street
- 90.) Canal Street – West Street to Essex Street/East Broadway
- 91.) Catherine Street – Bowery/Division Street to South Street
- 92.) Central Park South – Broadway to Fifth Avenue
- 93.) Chambers Street – River Terrace to Centre Street
- 94.) Christopher Street – Joe DiMaggio Highway to Greenwich Avenue/Avenue of the Americas
- 95.) Clarkson Street – Joe DiMaggio Highway to Seventh Avenue
- 96.) Cortlandt Street – Church Street to Broadway
- 97.) Delancey Street – Clinton Street to Bowery
- 98.) Dey Street – Church Street to Broadway
- 99.) Division Street – Bowery to Canal Street
- 100.) Dominick Street – Avenue of the Americas to Hudson Street
- 101.) Dover Street – Pearl Street to South Street
- 102.) Dover Street – Pell Street to Bowery
- 103.) Duane Street – Greenwich Street to Lafayette Street
- 104.) Dyckman Street – Henry Hudson Parkway to Harlem River Drive
- 105.) East Broadway – St. James Place to Grand Street
- 106.) East Drive – Central Park South to Central Park North
- 107.) Exchange Alley – Broadway to Hanover Street

- 108.) Frankfort Street – Park Row to Pearl Street
- 109.) Fulton Street – Church Street to South Street
- 110.) Grand Street – Varick Street to South Street
- 111.) Harrison Street – West Street to Hudson Street
- 112.) Hester Street – Centre Street to Essex Street
- 113.) Houston Street – Joe DiMaggio Highway to FDR Drive
- 114.) John Street – Broadway to South Street
- 115.) Kenmare Street – Lafayette Street to Bowery
- 116.) Liberty Street – South End Avenue to Pearl Street
- 117.) Madison Street – Avenue of the Finest to Grand Street
- 118.) Maiden Lane – Broadway to South Street
- 119.) Montgomery Street – East Broadway to South Street
- 120.) Murray Street – North End Avenue to Broadway
- 121.) Park Place – Greenwich Street to Broadway
- 122.) Pearl Street – Lafayette Street to St. James Place
- 123.) Pine Street – Broadway to South Street
- 124.) Reade Street – Greenwich Street to Centre Street
- 125.) Rector Street – West Street to Broadway
- 126.) Robert F. Wagner Senior Place – Pearl Street to South Street
- 127.) Spring Street – Joe DiMaggio Highway to Bowery
- 128.) Spruce Street – Park Row to Gold Street
- 129.) St. Marks Place – Third Avenue to First Avenue
- 130.) Thomas Street – Hudson Street to Broadway
- 131.) Vesey Street – North End Avenue to Broadway
- 132.) Walker Street – Beach Street to Canal Street
- 133.) Wall Street – Broadway to South Street
- 134.) Warren Street – Greenwich Street to Broadway
- 135.) Watts Street – Broome Street to Hudson Street
- 136.) West Drive – Central Park South to Central Park North
- 137.) Worth Street – Hudson Street to Park Row (Chatham Square)

**NOTE: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 8:00 PM.**

**(B) North / South Roadways – Restricted Access 7:00 AM to 8:00 PM**

- 1.) Allen Street – East Broadway to Houston Street
- 2.) Amsterdam Avenue – 59<sup>th</sup> Street to 72<sup>nd</sup> Street
- 3.) Avenue C – 14<sup>th</sup> Street to 34<sup>th</sup> Street
- 4.) Avenue of the Americas – Church Street to Central Park South
- 5.) Battery park Underpass – Joe DiMaggio Highway to South Street
- 6.) Bowery – Worth Street to Third Avenue/6<sup>th</sup> Street
- 7.) Broad Street – South Street to Wall Street
- 8.) Broadway – Battery Place to 79<sup>th</sup> Street
- 9.) Central Park West – 59<sup>th</sup> Street to 66<sup>th</sup> Street
- 10.) Centre Street – Park Row to Kenmare Street
- 11.) Chrystie Street – Canal Street to Houston Street
- 12.) Church Street – Liberty Street to Canal Street
- 13.) Cleveland Place – Kenmare Street to Lafayette Street
- 14.) Clinton Street – Grand Street to Broome Street
- 15.) Columbus Avenue – 59<sup>th</sup> Street to 66<sup>th</sup> Street

- 16.) Eighth Avenue – Hudson Street to Central Park South
- 17.) Eleventh Avenue – Joe DiMaggio Highway to 59<sup>th</sup> Street
- 18.) Essex Street – Canal Street to Houston Street
- 19.) FDR Drive – Whitehall Street to 125<sup>th</sup> Street
- 20.) Fifth Avenue – Washington Square North to 139<sup>th</sup> Street
- 21.) First Avenue – Houston Street to 66<sup>th</sup> Street
- 22.) First Avenue Tunnel – 41<sup>st</sup> Street to 49<sup>th</sup> Street
- 23.) Fourth Avenue – Bowery to 14<sup>th</sup> Street
- 24.) Gold Street – Maiden Lane to Frankfort Street
- 25.) Greenwich Street – Battery Place to Gansevoort Street
- 26.) Harlem River Drive – 125<sup>th</sup> Street to Dyckman Street
- 27.) Henry Hudson Parkway – 59<sup>th</sup> Street to Henry Hudson Bridge
- 28.) Hudson Street – Chambers Street to 14<sup>th</sup> Street
- 29.) Irving Place – 14<sup>th</sup> Street to 20<sup>th</sup> Street
- 30.) Joe DiMaggio Highway – Battery Place to 59<sup>th</sup> Street (\*Restricted Access  
6:00 AM to 8:00 PM)
- 31.) Lafayette Street – Centre Street to 8<sup>th</sup> Street
- 32.) LaGuardia Place – Houston Street to Washington Square South
- 33.) Lexington Avenue – Gramercy Park North to 129<sup>th</sup> Street
- 34.) Madison Avenue – 23<sup>rd</sup> Street to 138<sup>th</sup> Street
- 35.) Nassau Street – Wall Street to Spruce Street
- 36.) Ninth Avenue – Gansevoort Street to 59<sup>th</sup> Street
- 37.) Norfolk Street – Grand Street to Delancey Street
- 38.) Park Avenue – 42<sup>nd</sup> Street to 66<sup>th</sup> Street
- 39.) Park Avenue South – 17<sup>th</sup> Street to 42<sup>nd</sup> Street
- 40.) Park Avenue Tunnel – 33<sup>rd</sup> Street to 40<sup>th</sup> Street
- 41.) Park Row – Broadway to Worth Street
- 42.) Pearl Street – State Street to Lafayette Street
- 43.) Pike Street – South Street to East Broadway
- 44.) Second Avenue – Houston Street to 66<sup>th</sup> Street
- 45.) Seventh Avenue – 11<sup>th</sup> Street to Central Park South
- 46.) Seventh Avenue South – Houston Street to 11<sup>th</sup> Street
- 47.) South Street – Whitehall Street to Montgomery Street
- 48.) St. James Place – Pearl Street to Bowery
- 49.) State Street – Whitehall Street to Battery Place
- 50.) Suffolk Street – Grand Street to Delancey Street
- 51.) Sutton Place/Sutton Place South – 53<sup>rd</sup> Street to 59<sup>th</sup> Street
- 52.) Tenth Avenue – Joe DiMaggio Highway to 59<sup>th</sup> Street
- 53.) Third Avenue – Bowery/6<sup>th</sup> Street to 66<sup>th</sup> Street
- 54.) Trinity Place – Morris Street to Liberty Street
- 55.) Union Square East – 14<sup>th</sup> Street to 17<sup>th</sup> Street
- 56.) Union Square West – 14<sup>th</sup> Street to 17<sup>th</sup> Street
- 57.) University Place – 8<sup>th</sup> Street to 14<sup>th</sup> Street
- 58.) Vanderbilt Avenue – 42<sup>nd</sup> Street to 47<sup>th</sup> Street
- 59.) Varick Street – West Broadway to Houston Street
- 60.) Washington Street – Joseph P. Ward Street to 14<sup>th</sup> Street
- 61.) Water Street – Whitehall Street to Fulton Street
- 62.) West Broadway – Vesey Street to Houston Street
- 63.) West End Avenue – 59<sup>th</sup> Street to 72<sup>nd</sup> Street
- 64.) Whitehall Street – South Street to Broadway
- 65.) William Street – Broad Street to Spruce Street

66.) York Avenue – 59<sup>th</sup> Street to 73<sup>rd</sup> Street

**NOTE: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 8:00 PM.**

**(C) North / South Roadways – Restricted Access 7:00 AM to 10:00 AM / 4:00 PM to 8:00 PM**

- 1.) Adam Clayton Powell Boulevard – Central Park North to 155<sup>th</sup> Street
- 2.) Amsterdam Avenue – 72<sup>nd</sup> Street to 181<sup>st</sup> Street
- 3.) Broadway – 79<sup>th</sup> Street to Ninth Avenue/Harlem River
- 4.) Dyckman Street – Harlem River Drive to Henry Hudson Parkway
- 5.) East End Avenue – 79<sup>th</sup> Street to 90<sup>th</sup> Street
- 6.) FDR Drive Southbound Service Road – 92<sup>nd</sup> Street to 97<sup>th</sup> Street
- 7.) First Avenue – 66<sup>th</sup> Street to 125<sup>th</sup> Street
- 8.) Fort Washington Avenue – Broadway/158<sup>th</sup> Street to 181<sup>st</sup> Street
- 9.) Lenox Avenue – Central Park North to 145<sup>th</sup> Street
- 10.) Riverside Drive – 72<sup>nd</sup> Street to Dyckman Street
- 11.) Second Avenue – 66<sup>th</sup> Street to 128<sup>th</sup> Street/Harlem River Drive
- 12.) St. Nicholas Avenue – Central Park North to 181<sup>st</sup> Street
- 13.) Tenth Avenue – Dyckman Street to Broadway
- 14.) Third Avenue – 66<sup>th</sup> Street to 128<sup>th</sup> Street
- 15.) West End Avenue – 72<sup>nd</sup> Street to 106<sup>th</sup> Street
- 16.) York Avenue – 73<sup>rd</sup> Street to 92<sup>nd</sup> Street

**(D) North / South Roadways – Restricted Access 7:00 AM to 10:00 AM**

- 1.) Central Park West (southbound) – 110<sup>th</sup> Street/Cathedral Parkway to 72<sup>nd</sup> Street
- 2.) Columbus Avenue (southbound) – Cathedral Parkway/110<sup>th</sup> Street to 66<sup>th</sup> Street
- 3.) Frederick Douglass Boulevard (southbound) – 155<sup>th</sup> Street to 110<sup>th</sup> Street
- 4.) Park Avenue (southbound) – 135<sup>th</sup> Street/Harlem River Drive to 66<sup>th</sup> Street

**(E) North / South Roadways – Restricted Access 4:00 PM to 8:00 PM**

- 1.) Central Park West (northbound) – 72<sup>nd</sup> Street to 110<sup>th</sup> Street/Cathedral Parkway
- 2.) Frederick Douglass Boulevard (northbound) – 110<sup>th</sup> Street/Cathedral Parkway to 155<sup>th</sup> Street
- 3.) Park Avenue (northbound) – 66<sup>th</sup> Street to 135<sup>th</sup> Street/Harlem River Drive

**(ii) Brooklyn**

**(A) Restricted Access 7:00 AM to 7:00 PM**

- 1.) Adams Street – Fulton Street to Prospect Street
- 2.) Belt Parkway (Shore Parkway) – Gowanus Expressway to Queens County Line
- 3.) Boerum Place – Atlantic Avenue to Fulton Street

- 4.) Brooklyn-Queens Expressway – Gowanus Expressway to Kosciusko Bridge
- 5.) Cadman Plaza West – Old Fulton Street to Pierrepont Street
- 6.) Court Street – Pierrepont Street to Atlantic Avenue
- 7.) DeKalb Avenue – Carlton Avenue to Fulton Street
- 8.) Flatbush Avenue – Concord Street/Manhattan Bridge to Grand Army Plaza
- 9.) Fourth Avenue – Shore Road to Flatbush Avenue
- 10.) Furman Street – Old Fulton Street to Atlantic Avenue
- 11.) Gowanus Expressway – Verrazano Bridge to Brooklyn-Queens Expressway/Battery Tunnel
- 12.) Hamilton Avenue – Third Avenue to Van Brunt Street
- 13.) Hicks Street East (northbound) – Hamilton Avenue to Atlantic Avenue
- 14.) Jackie Robinson Parkway – Jamaica Avenue to County Limits
- 15.) Jay Street – Fulton Street to Prospect Street
- 16.) Joralemon Street – Clinton Street to Flatbush Avenue
- 17.) Myrtle Avenue – Jay Street to Carlton Avenue
- 18.) Nostrand Avenue – Kings Highway to Flatbush Avenue
- 19.) Ocean Parkway – Church Avenue to Brighton Beach Avenue
- 20.) Old Fulton Street – Furman Street to Cadman Plaza West
- 21.) Prospect Expressway – Gowanus Expressway to Church Avenue
- 22.) Sands Street – Navy Street to Adams Street
- 23.) Smith Street – Atlantic Avenue to Fulton Street
- 24.) Third Avenue – 65<sup>th</sup> Street to Flatbush Avenue
- 25.) Tillary Street – Cadman Plaza West to Navy Street
- 26.) Willoughby Street – Carlton Avenue to Adams Street

**NOTE: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.**

- (B) Restricted Access 7:00 AM to 10:00 AM / 4:00 PM to 7:00 PM**
- 1.) 17<sup>th</sup> Street – Third Avenue to Fifth Avenue
  - 2.) 39<sup>th</sup> Street – Second Avenue to Dahill Road
  - 3.) 65<sup>th</sup> Street – Second Avenue to Avenue P
  - 4.) 86<sup>th</sup> Street – Fourth Avenue to McDonald Avenue
  - 5.) 92<sup>nd</sup> Street – Seventh Avenue to Fourth Avenue
  - 6.) Atlantic Avenue – Furman Street to Eldert Lane
  - 7.) Avenue U – Ocean Parkway to Ralph Avenue
  - 8.) Bay Parkway – Shore Parkway to Ocean Parkway
  - 9.) Bay Ridge Avenue – Shore Road to Seventh Avenue
  - 10.) Bedford Avenue – Flatbush Avenue to Broadway
  - 11.) Borinquen Place – Union Avenue to Marcy Avenue
  - 12.) Brighton Beach Avenue – Ocean Parkway to Coney Island Avenue
  - 13.) Broadway – Kent Avenue to Jamaica Avenue
  - 14.) Bushwick Avenue – Jamaica Avenue to Metropolitan Avenue
  - 15.) Caton Avenue – Fort Hamilton Parkway to Bedford Avenue
  - 16.) Church Avenue – Chester Avenue to Kings Highway
  - 17.) Columbia Street – Atlantic Avenue to Hamilton Avenue
  - 18.) Coney Island Avenue – Park Circle to Brighton Beach Avenue
  - 19.) Cooper Street – Broadway to Irwin Avenue
  - 20.) Cropsy Avenue – 14<sup>th</sup> Avenue to Neptune Avenue



- 21.) Division Street – Kent Avenue to Williamsburg Street East
- 22.) Eastern Parkway – Grand Army Plaza to Atlantic Avenue
- 23.) Emmons Avenue – Shore Boulevard to Knapp Street
- 24.) Empire Boulevard – Flatbush Avenue to Utica Avenue
- 25.) Fifth Avenue – Fourth Avenue/97<sup>th</sup> Street to Flatbush Avenue
- 26.) Flatbush Avenue – Grand Army Plaza to Gil Hodges Memorial Bridge
- 27.) Flatlands Avenue – Kings Highway to Pennsylvania Avenue
- 28.) Flushing Avenue – Carlton Avenue to Cypress Avenue
- 29.) Fort Hamilton Parkway – 92<sup>nd</sup> Street to Park Circle
- 30.) Fulton Street – Flatbush Avenue to Broadway
- 31.) Gerritsen Avenue – Avenue U to Nostrand Avenue
- 32.) Grand Street – Roebling Street to Gardner Avenue
- 33.) Greenpoint Avenue – Manhattan Avenue to Kingsland Avenue
- 34.) Havemeyer Street – Broadway to Metropolitan Avenue
- 35.) Highland Boulevard – Bushwick Avenue to Robert Place
- 36.) Humboldt Avenue – Greenpoint Avenue to Maspeth Avenue
- 37.) Jamaica Avenue – Broadway to Eldert Lane
- 38.) Kent Avenue – Williamsburg Street West to Calver Street
- 39.) Kings Highway – Avenue P to Eastern Parkway
- 40.) Kingsland Avenue – Greenpoint Avenue to Maspeth Avenue
- 41.) Knapp Street – Emmons Avenue to Nostrand Avenue
- 42.) Liberty Avenue – Eastern Parkway to 75<sup>th</sup> Street
- 43.) Linden Boulevard – Bedford Avenue to 78<sup>th</sup> Street
- 44.) Manhattan Avenue – Broadway to Commercial Street
- 45.) Marcy Avenue – Broadway to Metropolitan Avenue
- 46.) Marcy Avenue – Fulton Street to Flushing Avenue
- 47.) McGuinness Boulevard – Ash Street/Pulaski Bridge to Meeker Avenue
- 48.) Meeker Avenue – Gardner Avenue to Metropolitan Avenue
- 49.) Metropolitan Avenue – Kent Avenue to Scott Avenue
- 50.) Myrtle Avenue – Carlton Avenue to Wychoff Avenue
- 51.) Nassau Street – Flatbush Avenue to Carlton Avenue
- 52.) Neptune Avenue – Cropsey Avenue to Shore Boulevard
- 53.) New Utrecht Avenue – 86<sup>th</sup> Street to 39<sup>th</sup> Street
- 54.) New York Avenue – Foster Avenue to Fulton Street
- 55.) North Conduit Avenue – Atlantic Avenue to Sutter Avenue
- 56.) Nostrand Avenue – Emmons Avenue to Kings Highway
- 57.) Ocean Avenue – Emmons Avenue to Flatbush Avenue
- 58.) Park Avenue – Navy Street to Classon Avenue
- 59.) Parkside Avenue – Park Circle to Ocean Avenue/Flatbush Avenue
- 60.) Pennsylvania Avenue – Belt Parkway to Jamaica Avenue
- 61.) Prospect Avenue – Fort Hamilton Parkway to Third Avenue
- 62.) Ralph Avenue – Avenue U to Flatlands Avenue
- 63.) Remsen Avenue – Seaview Avenue to Utica Avenue
- 64.) Rockaway Parkway – Canarsie Veteran’s Circle to East New York Avenue
- 65.) Rodney Street – Broadway to Metropolitan Avenue
- 66.) Roebling Street – South 5<sup>th</sup> Street to Metropolitan Avenue
- 67.) Second Avenue – Wakeman Place to 60<sup>th</sup> Street
- 68.) Seventh Avenue – 86<sup>th</sup> Street to 65<sup>th</sup> Street
- 69.) South Conduit Avenue – Atlantic Avenue to Sutter Avenue
- 70.) Stillwell Avenue – Surf Avenue to Avenue P

- 71.) Surf Avenue – West 17<sup>th</sup> Street to Ocean Parkway
- 72.) Third Avenue – Shore Road to 65<sup>th</sup> Street
- 73.) Utica Avenue – Flatbush Avenue to Eastern Parkway
- 74.) Washington Avenue – Lincoln Road to Flushing Avenue

**(C) Restricted Access 7:00 AM to 10:00 AM**

- 1.) Hicks Street – Atlantic Avenue to Old Fulton Street
- 2.) Smith Street – Hamilton Avenue to Atlantic Avenue

**(D) Restricted Access 4:00 PM to 7:00 PM**

- 1.) Court Street – Atlantic Avenue to Hamilton Avenue
- 2.) Hicks Street West (southbound) – Congress Street to Hamilton Avenue

**(iii) Bronx**

**(A) Restricted Access 7:00 AM to 7:00 PM**

- 1.) Bronx River Parkway – Bruckner Expressway to 238<sup>th</sup> Street
- 2.) Bruckner Boulevard – Third Avenue to Bronx River Avenue
- 3.) Bruckner Expressway – Major Deegan Expressway to Hutchinson River Parkway
- 4.) Cross Bronx Expressway – Throgs Neck Expressway to Major Deegan Expressway
- 5.) East 138<sup>th</sup> Street – Exterior Street to Bruckner Boulevard
- 6.) Henry Hudson Parkway – Henry Hudson Bridge to Westchester County Line
- 7.) Hutchinson River Parkway – Bronx-Whitestone Bridge to Westchester County Line
- 8.) Major Deegan Expressway – Bruckner Expressway to Westchester County Line
- 9.) Mosholu Parkway – Henry Hudson Parkway to Dr. Theodore Kazimiroff Boulevard
- 10.) New England Thruway – Hutchinson River Parkway to Westchester County Line
- 11.) Sheridan Expressway – Bruckner Expressway to Cross Bronx Expressway
- 12.) Throgs Neck Expressway – Throgs Neck Bridge to Bruckner Expressway

**NOTE: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.**

**(B) Restricted Access 7:00 AM to 10:00 AM / 4:00 PM to 7:00 PM**

- 1.) Bailey Avenue – Sedgwick Avenue to Van Cortlandt Park South
- 2.) Barretto Avenue – Garrison Avenue to Bruckner Boulevard
- 3.) Bartow Avenue – Gun Hill Road to Hutchinson River Parkway East
- 4.) Baychester Avenue – East 241<sup>st</sup> Street to Hutchinson River Parkway West
- 5.) Boston Road – Third Avenue to Ropes Avenue
- 6.) Broadway – West 225<sup>th</sup> Street to West 262<sup>nd</sup> Street
- 7.) Bronx Boulevard – East 233<sup>rd</sup> Street to Burke Avenue
- 8.) Bronx Park East – Burke Avenue to White Plains Road

- 9.) Bronx River Avenue – Story Avenue to Westchester Avenue
- 10.) Bruckner Boulevard – Bronx River Avenue to Westchester Avenue
- 11.) Brush Avenue – Cross Bronx Expressway to Lafayette Avenue
- 12.) Burnside Avenue – Sedgwick Avenue to Webster Avenue
- 13.) Castle Hill Avenue – East Tremont Avenue to Hart Street
- 14.) City Island Avenue – Sutherland Street to Belden Street
- 15.) City Island Road – Pelham Parkway to Sutherland Street
- 16.) Conner Avenue – Tillotson Avenue to East 233<sup>rd</sup> Street
- 17.) Co-op City Boulevard – Tillotson Avenue to Bartow Avenue
- 18.) Dewey Avenue – Balcom Avenue to Hollywood Avenue
- 19.) Dr. Theodore Kazimiroff Boulevard – East Fordham Road to Bronx Park East
- 20.) Dyre Avenue – Lustre Street to Boston Road
- 21.) East 149<sup>th</sup> Street – River Avenue to Southern Boulevard
- 22.) East 161<sup>st</sup> Street – Jerome Avenue to Third Avenue
- 23.) East 163<sup>rd</sup> Street – Webster Avenue to Bruckner Boulevard
- 24.) East 177<sup>th</sup> Street – Ferris Avenue to Harding Avenue
- 25.) East 177<sup>th</sup> Street – Rodman Place to Rosedale Avenue
- 26.) East 222<sup>nd</sup> Street – Bronx Boulevard to Baychester Avenue
- 27.) East 233<sup>rd</sup> Street – Jerome Avenue to Boston Road
- 28.) East 241<sup>st</sup> Street – Bullard Avenue to Baychester Avenue
- 29.) Eastchester Road – East 222<sup>nd</sup> Street to Williamsbridge Road
- 30.) Edson Avenue – Boston Road to East Gun Hill Road
- 31.) Edward L. Grant Highway – Jerome Avenue to University Avenue
- 32.) Featherbed Lane – University Avenue to Macombs Road
- 33.) Ferris Avenue – Bronx Whitestone Bridge Plaza to Lafayette Avenue
- 34.) Fordham Road – Cedar Avenue to Boston Road
- 35.) Garrison Avenue – Leggett Avenue to Edgewater Road
- 36.) Grand Avenue – Macombs Road to West 177<sup>th</sup> Street
- 37.) Grand Concourse – 138<sup>th</sup> Street to Mosholu Parkway
- 38.) Gun Hill Road – Mosholu Parkway Service Road to Stillwell Avenue
- 39.) Hunts Point Avenue – Halleck Street to Bruckner Boulevard
- 40.) Hutchinson River Parkway East – Baychester Avenue to Bartow Avenue
- 41.) Hutchinson River Parkway West – Baychester Avenue to Bartow Avenue
- 42.) Jarvis Avenue – Burke Avenue to Country Club Road
- 43.) Jerome Avenue – East 161<sup>st</sup> Street to East 233<sup>rd</sup> Street
- 44.) Kingsbridge Road – Bailey Avenue to East Fordham Road
- 45.) Lafayette Avenue – Brush Avenue to Ellsworth Avenue
- 46.) Lafayette Avenue – Edgewater Road to Bruckner Boulevard
- 47.) Leggett Avenue – Garrison Avenue to Bruckner Boulevard
- 48.) Longwood Avenue – Garrison Avenue to Bruckner Boulevard
- 49.) Melrose Avenue – East 149<sup>th</sup> Street to Brook Avenue
- 50.) Metropolitan Avenue – Westchester Avenue to Castle Hill Avenue
- 51.) Middletown Road – Westchester Avenue to Bruckner Boulevard
- 52.) Morris Park Avenue – East 177<sup>th</sup> Street to Eastchester Road
- 53.) Mosholu Avenue – West 254<sup>th</sup> Street to Broadway
- 54.) Mosholu Parkway Service Road – Webster Avenue to West Gun Hill Road/Van Cortlandt Park South
- 55.) Nereid Avenue – Bronx Boulevard to Seton Avenue
- 56.) Pelham Parkway – Boston Road to Burr Avenue
- 57.) Pelham Parkway – Hutchinson River Parkway to City Island Road

- 58.) Riverdale Avenue – West 252<sup>nd</sup> Street to West 263<sup>rd</sup> Street
- 59.) Rosedale Avenue – Sound View Avenue to East Tremont Avenue
- 60.) Sedgwick Avenue (Dr. Martin Luther King Boulevard) – Jerome Avenue to Mosholu Parkway
- 61.) Shore Road – City Island Road to Park Drive
- 62.) Sound View Avenue – Metcalf Avenue to White Plains Road
- 63.) Southern Boulevard – Bruckner Boulevard to East Fordham Road
- 64.) Third Avenue – Bruckner Boulevard to Webster Avenue/West Fordham Road
- 65.) Throgs Neck Boulevard – Harding Avenue to Layton Avenue
- 66.) Tillotson Avenue – Eastchester Road to Hutchinson Avenue
- 67.) Tremont Avenue – Sedgwick Avenue to Schurz Avenue
- 68.) Union Port Road – White Plains Road to Westchester Avenue
- 69.) University Avenue – Sedgwick Avenue (Dr. Martin Luther King Boulevard) to Kingsbridge Road
- 70.) Van Cortlandt Park South – Broadway to Mosholu Parkway Service Road
- 71.) Webster Avenue – Brook Avenue to Nereid Avenue
- 72.) West 225<sup>th</sup> Street – Broadway to Bailey Avenue
- 73.) West 230<sup>th</sup> Street – Broadway to Bailey Avenue
- 74.) West 230<sup>th</sup> Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
- 75.) West 231<sup>st</sup> Street – Broadway to Bailey Avenue
- 76.) West 232<sup>nd</sup> Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
- 77.) West 233<sup>rd</sup> Street – Broadway to Bailey Avenue
- 78.) West 234<sup>th</sup> Street – Broadway to Bailey Avenue
- 79.) West 238<sup>th</sup> Street – Broadway to Bailey Avenue
- 80.) West 239<sup>th</sup> Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
- 81.) West 246<sup>th</sup> Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
- 82.) West 252<sup>nd</sup> Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
- 83.) West 256<sup>th</sup> Street – East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
- 84.) Westchester Avenue – Third Avenue to Bruckner Expressway
- 85.) White Plains Road – East 243<sup>rd</sup> Street to Sound View Avenue
- 86.) Whitlock Avenue – Westchester Avenue to East 163<sup>rd</sup> Street
- 87.) Williamsbridge Road – White Plains Road to Westchester Avenue
- 88.) Willis Avenue – Bruckner Boulevard to 149<sup>th</sup> Street

**(iv) Queens**

**(A) Restricted Access 7:00 AM to 7:00 PM**

- 1.) Belt Parkway – Laurelton Parkway to Brooklyn County Line
- 2.) Brooklyn-Queens Expressway – Kosciusko Bridge to Grand Central Parkway
- 3.) Clearview Expressway – Cross Island parkway to Grand Central Parkway
- 4.) Cross Island Parkway – Bronx-Whitestone Bridge Approach to Southern State Parkway

- 5.) Grand Central Parkway – Triboro Plaza to Nassau County Line
- 6.) Jackie Robinson Parkway – Brooklyn County Line to Grand Central Parkway/Van Wyck Expressway Interchange
- 7.) JFK Expressway – Belt Parkway to JFK Airport
- 8.) Laurelton Parkway – Southern State Parkway to Belt Parkway
- 9.) Long Island Expressway – Brooklyn-Queens Expressway to Nassau County Line (\*Restricted Access 6:00 AM. to 8:00 PM)
- 10.) Nassau Expressway – Rockaway Boulevard to Belt Parkway
- 11.) Queens Plaza North – Northern Boulevard to Crescent Street
- 12.) Queens Plaza South – Crescent Street to Jackson Avenue
- 13.) Van Wyck Expressway – Grand Central Parkway/Whitestone Expressway to JFK Airport
- 14.) Whitestone Expressway – Cross Island Parkway to Grand Central Parkway/Van Wyck Expressway Interchange

**NOTE: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.**

- (B) Restricted Access 7:00 AM to 10:00 AM / 4:00 PM to 7:00 PM**
- 1.) 14<sup>th</sup> Avenue – College Point Boulevard to Francis Lewis Boulevard
  - 2.) 21<sup>st</sup> Street – Borden Avenue to Ditmars Boulevard
  - 3.) 27<sup>th</sup> Street – Queens Plaza South to 44<sup>th</sup> Drive
  - 4.) 31<sup>st</sup> Drive – Astoria Boulevard to Ditmars Boulevard
  - 5.) 31<sup>st</sup> Street – 39<sup>th</sup> Avenue to Ditmars Boulevard
  - 6.) 34<sup>th</sup> Avenue – Vernon Boulevard to Northern Boulevard
  - 7.) 37<sup>th</sup> Avenue – 108<sup>th</sup> Street to 114<sup>th</sup> Street
  - 8.) 37<sup>th</sup> Avenue – College Point Boulevard to Union Avenue
  - 9.) 38<sup>th</sup> Avenue – College Point Boulevard to Union Avenue
  - 10.) 39<sup>th</sup> Avenue – College Point Boulevard to Union Avenue
  - 11.) 39<sup>th</sup> Street – Northern Boulevard to Hunters Point Avenue
  - 12.) 44<sup>th</sup> Drive – Vernon Boulevard to Jackson Avenue
  - 13.) 48<sup>th</sup> Street – Greenpoint Avenue to Northern Boulevard
  - 14.) 49<sup>th</sup> Avenue – Vernon Boulevard to 21<sup>st</sup> Street
  - 15.) 50<sup>th</sup> Avenue – Vernon Boulevard to 21<sup>st</sup> Street
  - 16.) 51<sup>st</sup> Avenue – Hunters Point Avenue to 58<sup>th</sup> Street
  - 17.) 58<sup>th</sup> Street – Maspeth Avenue to Queens Boulevard
  - 18.) 69<sup>th</sup> Road – Queens Boulevard to Park Drive East
  - 19.) 69<sup>th</sup> Street – Broadway to Metropolitan Avenue
  - 20.) 73<sup>rd</sup> Avenue – Kissena Boulevard to Springfield Boulevard
  - 21.) 80<sup>th</sup> Street – Cooper Avenue to Furmanville Avenue
  - 22.) 82<sup>nd</sup> Street – Ditmars Boulevard to Roosevelt Avenue
  - 23.) 94<sup>th</sup> Street – Ditmars Boulevard to 32<sup>nd</sup> Avenue
  - 24.) 108<sup>th</sup> Street – Astoria Boulevard to Queens Boulevard
  - 25.) 114<sup>th</sup> Street – Northern Boulevard to 44<sup>th</sup> Avenue
  - 26.) 130<sup>th</sup> Avenue – 238<sup>th</sup> Street to Brookville Boulevard
  - 27.) 130<sup>th</sup> Street – South Conduit Avenue to North Conduit Avenue
  - 28.) 150<sup>th</sup> Street – Rockaway Boulevard to South Conduit Avenue
  - 29.) 164<sup>th</sup> Street – Hillside Avenue to Northern Boulevard
  - 30.) 225<sup>th</sup> Street – North Conduit Avenue to South Conduit Avenue
  - 31.) Archer Avenue – 138<sup>th</sup> Street to Merrick Boulevard
  - 32.) Astoria Boulevard – 82<sup>nd</sup> Street to Northern Boulevard

- 33.) Astoria Boulevard North – 31<sup>st</sup> Street to 82<sup>nd</sup> Street
- 34.) Astoria Boulevard South – 31<sup>st</sup> Street to 82<sup>nd</sup> Street
- 35.) Atlantic Avenue – Eldert Lane to 94<sup>th</sup> Avenue
- 36.) Beach 20<sup>th</sup> Street – Seagirt Boulevard to Mott Avenue
- 37.) Beach Channel Drive – Cronston Avenue to Horton Avenue
- 38.) Bell Boulevard – 158<sup>th</sup> Street to 86<sup>th</sup> Avenue
- 39.) Booth Memorial Avenue – College Point Boulevard to Long Island Expressway
- 40.) Borden Avenue – Vernon Boulevard to Greenpoint Avenue
- 41.) Braddock Avenue – Springfield Boulevard to Jericho Turnpike
- 42.) Broadway – Vernon Boulevard to Queens Boulevard
- 43.) Brookville Boulevard – South Conduit Avenue to Francis Lewis Boulevard
- 44.) Caldwell Avenue – 69<sup>th</sup> Street to Dry Harbor Road
- 45.) Central Avenue – Mott Avenue to Virginia Street
- 46.) College Point Boulevard – 14<sup>th</sup> Avenue to Long Island Expressway
- 47.) Commonwealth Boulevard – Littleneck Parkway to Hillside Avenue
- 48.) Continental Avenue – Metropolitan Avenue to Queens Boulevard
- 49.) Cooper Avenue – Irving Avenue to Woodhaven Boulevard
- 50.) Crescent Street – 39<sup>th</sup> Avenue to 44<sup>th</sup> Drive
- 51.) Cronston Avenue – Beach 169<sup>th</sup> Street to Beach Channel Drive
- 52.) Cross Bay Boulevard – Woodhaven Boulevard to Rockaway Beach Boulevard
- 53.) Cypress Hills Street – Fresh Pond Road to Jamaica Avenue
- 54.) Ditmars Boulevard – 21<sup>st</sup> Street to Astoria Boulevard
- 55.) Douglaston Parkway – Northern Boulevard to Winchester Boulevard
- 56.) Dry Harbor Road – Furmanville Avenue to Woodhaven Boulevard
- 57.) Edgemere Avenue – Fernside Place to Rockaway Beach Boulevard
- 58.) Eliot Avenue – Metropolitan Avenue to Queens Boulevard
- 59.) Elmhurst Avenue – 108<sup>th</sup> Street to Broadway
- 60.) Farmers Boulevard – Hollis Avenue to Rockaway Boulevard
- 61.) Flushing Avenue – Cypress Avenue to Grand Avenue
- 62.) Francis Lewis Boulevard – 15<sup>th</sup> Avenue to Hooks Creek Boulevard
- 63.) Fresh Pond Road – Maspeth Avenue to Myrtle Avenue
- 64.) Grand Avenue – 47<sup>th</sup> Street to Queens Boulevard
- 65.) Greenpoint Avenue – Review Avenue to Queens Boulevard
- 66.) Guy R. Brewer Boulevard – Jamaica Avenue to Rockaway Boulevard
- 67.) Hempstead Turnpike – Jamaica Avenue to Cross Island Parkway
- 68.) Hillside Avenue – Myrtle Avenue to Langdale Street
- 69.) Hollis Avenue – Jamaica Avenue to Springfield Boulevard
- 70.) Hollis Court Boulevard – Utopia Parkway to Francis Lewis Boulevard
- 71.) Hollis Hill Terrace – 73<sup>rd</sup> Avenue to 86<sup>th</sup> Avenue
- 72.) Home Lawn Street – Hillside Avenue to 82<sup>nd</sup> Road
- 73.) Hook Creek Boulevard – Francis Lewis Boulevard to Merrick Boulevard
- 74.) Hoyt Avenue North – 21<sup>st</sup> Avenue to 31<sup>st</sup> Street
- 75.) Hoyt Avenue South – 21<sup>st</sup> Avenue to 31<sup>st</sup> Street
- 76.) Hunters Point Avenue – 21<sup>st</sup> Street to 51<sup>st</sup> Avenue
- 77.) Jackson Avenue – 51<sup>st</sup> Avenue to Queens Boulevard
- 78.) Jamaica Avenue – Eldert Lane to Jericho Turnpike
- 79.) Jewel Avenue – 108<sup>th</sup> Street to 73<sup>rd</sup> Avenue
- 80.) Junction Boulevard – 32<sup>nd</sup> Avenue to Queens Boulevard
- 81.) Kissena Boulevard – Main Street to Parsons Boulevard

- 82.) Laurel Hill Boulevard – Review Avenue to Queens Boulevard
- 83.) Lefferts Boulevard – South Conduit Avenue to Queens Boulevard
- 84.) Liberty Avenue – 75<sup>th</sup> Street to Farmers Boulevard
- 85.) Linden Boulevard – Rockaway Boulevard to Cross Island Parkway
- 86.) Linden Place – 23<sup>rd</sup> Avenue to Northern Boulevard
- 87.) Little Neck Parkway – Jamaica Avenue to Marathon Parkway
- 88.) Main Street – Northern Boulevard to Queens Boulevard
- 89.) Marathon Parkway – Littleneck Parkway to Commonwealth Boulevard
- 90.) Maurice Avenue – Maspeth Avenue to 69<sup>th</sup> Street
- 91.) Merrick Boulevard – Hillside Avenue to Hook Creek Boulevard
- 92.) Metropolitan Avenue – Onderdonk Avenue to Jamaica Avenue
- 93.) Myrtle Avenue – Wychoff Avenue to Jamaica Avenue
- 94.) North Conduit Avenue – Sutter Avenue to Hook Creek Boulevard
- 95.) Northern Boulevard – Queens Plaza North to City Limits
- 96.) Park Drive East – Union Turnpike to 136<sup>th</sup> Street
- 97.) Parsons Avenue – Parsons Boulevard to Utopia Parkway
- 98.) Parsons Boulevard – North Drive to Jamaica Avenue
- 99.) Queens Boulevard – Jackson Avenue to Jamaica Avenue
- 100.) Queens Plaza East – Queens Boulevard to 39<sup>th</sup> Avenue
- 101.) Queens Plaza North – Crescent Street to 21<sup>st</sup> Street
- 102.) Queens Plaza South – Vernon Boulevard to Crescent Street
- 103.) Rockaway Beach Boulevard – Beach 149<sup>th</sup> Street to Beach Channel Drive
- 104.) Rockaway Boulevard – Eldert Lane to 3<sup>rd</sup> Street
- 105.) Rockaway Freeway – Beach Channel Drive to Regina Avenue
- 106.) Rockaway Point Boulevard/Rockaway Breezy Boulevard – Beach 222<sup>nd</sup> Street to Beach 193<sup>rd</sup> Street
- 107.) Roosevelt Avenue – Queens Boulevard to Northern Boulevard
- 108.) Sanford Avenue – College Point Boulevard to Northern Boulevard
- 109.) Seagirt Boulevard – Edgemere Avenue to Beach 6<sup>th</sup> Street
- 110.) Skillman Avenue – Hunters Point Avenue to Roosevelt Avenue
- 111.) South Conduit Avenue – Sutter Avenue to Hook Creek Boulevard
- 112.) South Road – Sutphin Boulevard to Liberty Avenue
- 113.) Spencer Avenue – 86<sup>th</sup> Avenue to Springfield Boulevard
- 114.) Springfield Boulevard – Northern Boulevard to 47<sup>th</sup> Avenue
- 115.) State Road – Beach 193<sup>rd</sup> Street to Beach 169<sup>th</sup> Street
- 116.) Steinway Street – Ditmars Boulevard to Northern Boulevard
- 117.) Sutphin Boulevard – Hillside Avenue to Rockaway Boulevard
- 118.) Thomson Avenue – Jackson Avenue to Van Dam Street
- 119.) Union Street – Sanford Avenue to Willets Point Boulevard
- 120.) Union Turnpike – City Limits to Myrtle Avenue
- 121.) Union Turnpike – Myrtle Avenue to Langdale Street
- 122.) Utopia Parkway – 14<sup>th</sup> Avenue to 82<sup>nd</sup> Road
- 123.) Van Dam Street – Greenpoint Avenue to Skillman Avenue
- 124.) Vernon Boulevard – 21<sup>st</sup> Street to 51<sup>st</sup> Avenue
- 125.) West Alley Road – 230<sup>th</sup> Street to Douglaston Parkway
- 126.) Willets Point Boulevard – Union Street to Utopia Parkway
- 127.) Woodhaven Boulevard – Queens Boulevard to Liberty Avenue
- 128.) Yellowstone Boulevard – Woodhaven Boulevard to Queens Boulevard

**(v) Staten Island**

**(A) Restricted Access 7:00 AM to 7:00 PM**

- 1.) Amboy Road – Richmond Road to Arden Avenue
- 2.) Arthur Kill Road – Richmond Road to Bloomingdale Road
- 3.) Bay Street – School Road to Richmond Terrace
- 4.) Forest Avenue – Victory Boulevard to Richmond Avenue
- 5.) Forest Hill Road – Richmond Avenue to Willowbrook Road
- 6.) Hylan Boulevard – Midland Avenue to Tysens Lane
- 7.) Richmond Road – Targee Street to Arthur Kill Road
- 8.) Richmond Terrace – Bay Street to Morningstar Road
- 9.) Staten Island Expressway – Verrazano Narrows Bridge to Goethals Bridge
- 10.) Todt Hill Road – Richmond Road to Westwood Avenue
- 11.) Travis Avenue – Richmond Avenue to South Avenue
- 12.) Victory Boulevard – Bay Street to West Service Road
- 13.) West Shore Expressway – Richmond Parkway to Staten Island Expressway
- 14.) Woolley Avenue – Willowbrook Road to North Gannon Avenue

**NOTE: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.**

**(B) Restricted Access 7:00 AM to 10:00 AM / 4:00 PM to 7:00 PM**

- 1.) Amboy Road – Arden Avenue to Main Street
- 2.) Arden Avenue – Hylan Boulevard to Arthur Kill Road
- 3.) Arthur Kill Road – Bloomingdale Road to Main Street
- 4.) Bloomingdale Road – Amboy Road to Arthur Kill Road
- 5.) Bradley Avenue – Brielle Avenue to Victory Boulevard
- 6.) Brielle Avenue – Manor Road to Rockland Avenue
- 7.) Castleton Avenue – Jersey Street to Port Richmond Avenue
- 8.) Clarke Avenue – Amboy Road to Arthur Kill Road
- 9.) Clove Road – Hylan Boulevard to Richmond Road
- 10.) Clove Road – Narrows Road South to Richmond Terrace
- 11.) Dr. Martin Luther King Jr. Expressway – Victory Boulevard to Bayonne Bridge
- 12.) Fahy Avenue – South Avenue to Richmond Avenue
- 13.) Fingerboard Road – Hylan Boulevard to Bay Street
- 14.) Forest Avenue – Richmond Avenue to South Avenue
- 15.) Giffords Lane – Amboy Road to Arthur Kill Road
- 16.) Goethals Road North – Richmond Avenue to Western Avenue
- 17.) Howard Avenue – Clove Road to Louis Street
- 18.) Huguenot Avenue – Hylan Boulevard to Arthur Kill Road
- 19.) Hylan Boulevard – Bay Street to Midland Avenue
- 20.) Hylan Boulevard – Tysens Lane to Arden Avenue
- 21.) Jewett Avenue – Victory Boulevard to Richmond Terrace
- 22.) Korean War Memorial Parkway/Richmond Parkway – Outerbridge Crossing to Arthur Kill Road
- 23.) Little Clove Road – Clove Road to Victory Boulevard
- 24.) Manor Road – Rockland Avenue to Forest Avenue
- 25.) Midland Avenue – Father Capodanno Boulevard to Richmond Road
- 26.) Morningstar Road – Forest Avenue to Richmond Terrace
- 27.) Narrows Road North – Fingerboard Road to Clove Road



- 28.) Narrows Road South – Clove Road to Lily Pond Avenue
- 29.) Nelson Avenue – Hylan Boulevard to Amboy Road
- 30.) New Dorp Lane – Mill Road to Richmond Road
- 31.) North Gannon Avenue – Slosson Avenue to Victory Boulevard
- 32.) Ocean Terrace – Manor Road to Milford Drive
- 33.) Page Avenue – Hylan Boulevard to South Bridge Street
- 34.) Port Richmond Avenue – Forest Avenue to Richmond Terrace
- 35.) Richmond Avenue – Arthur Kill Road to Forest Avenue
- 36.) Richmond Avenue – Hylan Boulevard to Arthur Kill Road
- 37.) Richmond Hill Road – Richmond Road to Richmond Avenue
- 38.) Richmond Terrace – South Avenue to Morningstar Road
- 39.) Rockland Avenue – Richmond Road to Richmond Avenue
- 40.) Schmidts Lane – Manor Road to Slosson Avenue
- 41.) Seguine Avenue – Hylan Boulevard to Amboy Road
- 42.) Slosson Avenue – Westwood Avenue to Martling Avenue
- 43.) South Avenue – Chelsea Road to Richmond Terrace
- 44.) South Gannon Avenue – Victory Boulevard to Manor Road
- 45.) West Fingerboard Road – Hylan Boulevard to Richmond Road
- 46.) Western Avenue – Gulf Avenue to Richmond Terrace
- 47.) Willowbrook Road – Victory Boulevard to Forest Avenue
- 48.) Windsor Road – Little Clove Road to Slosson Avenue

**(C) Restricted Access 7:00 AM to 10:00 AM**

- 1.) Father Capodanno Boulevard (northbound) – Midland Avenue to Ocean Avenue
- 2.) Lily Pond Avenue (northbound) – Ocean Avenue to Tompkins Avenue
- 3.) School Road (northbound) – Tompkins Avenue to Bay Street
- 4.) Targee Street – Richmond Road to Van Duzer Street

**(D) Restricted Access 4:00 PM to 7:00 PM**

- 1.) Ebbitts Street – Mill Road to Hylan Boulevard
- 2.) Father Capodanno Boulevard (southbound) – Ocean Avenue to Lincoln Avenue
- 3.) Lily Pond Avenue (southbound) – Tompkins Avenue to Ocean Avenue
- 4.) Lincoln Avenue – Father Capodanno Boulevard to Hylan Boulevard
- 5.) School Road (southbound) – Bay Street to Tompkins Avenue
- 6.) St. Paul's Avenue – Hyatt Street to Van Duzer Street
- 7.) Tysens Lane – Mill Road to Hylan Boulevard
- 8.) Van Duzer Street – St. Paul's Avenue to Richmond Terrace

## **Section 2-08 Newsracks**

**(a) Definitions.** For purposes of this section, the following terms shall have the following meanings:

**(1) Newsrack.** “Newsrack” shall mean any self-service or coin-operated box, container or other dispenser installed, used or maintained for the display, sale or distribution of newspapers or other written matter to the general public.

**(2) Person.** “Person” shall mean a natural person, partnership, corporation, limited liability company or other association.

**(3) Sidewalk.** “Sidewalk” shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

**(4) Crosswalk.** “Crosswalk” shall mean that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.

**(5) Crosswalk area.** “Crosswalk area” shall mean that area of the sidewalk bounded by the extension of the lines of a crosswalk onto the sidewalk up to the building or property line.

**(6) Corner area.** “Corner area” shall mean that area of a sidewalk encompassed by the extension of the building lines to the curb on each corner.

**(7) Board.** “Board” shall mean the environmental control board of the city of New York.

**(8) Multiple-vending newsrack.** A newsrack designed to hold two or more different publications.

**(9) Owner.** When applied to newsracks, “owner” shall mean a person who owns or is in control of one or more newsracks placed, installed or maintained on a sidewalk. Each newsrack shall have a single owner for purposes of complying with this section and the provisions of § 19-128.1 of the New York City Administrative Code.

**(b) Placement.**

**(1) Manner.**

(i) Newsracks shall be weighted down on all sidewalks in such a way as to insure that the newsrack cannot be tipped over.

(ii) Newsracks shall not be bolted to the sidewalk, except that multiple-vending newsracks may be bolted pursuant to a permit from the Department, except as provided in paragraph 2 of this subdivision b.

(iii) A newsrack may not be chained to property owned or maintained by the city, except that newsracks may be chained to lampposts (except for decorative lampposts). A newsrack so chained must not be in an unlawful location as specified in subdivision (c) of this section. To the extent an owner seeks to chain such newsrack to property not owned or maintained by the city, the consent of the owner of or person responsible for such property is required. In all cases where the use of chains to secure newsracks is permitted, such chains shall be made of galvanized steel with a plastic or rubber protective coating, at least 0.14 inches thick, and shall allow a distance of no more than eight (8) inches between the newsrack and the street furniture to which it is chained.

**(2) Distinctive sidewalks.** Multiple-vending newsracks may be bolted to sidewalks comprised of distinctive material, including, but not limited to, granite, terrazzo or bluestone, pursuant to a permit from the Department and provided that the written permission of the property owner or other entity that installed the distinctive sidewalk is obtained in advance of such bolting.

**(3) Sidewalk repair and restoration.** An owner shall be responsible for any damage caused or repairs necessitated by the installation, presence or maintenance of such newsrack. Such owner also shall be responsible for any damage caused or repairs necessitated by the removal of a newsrack by either such owner or by an authorized officer or employee of the Department or of any city agency who is designated by the Commissioner, or by a police officer. Such repairs shall be made promptly and in accordance with the Department's specifications.

**(4) Notification to the Department of location of newsracks.**

(i) Where a newsrack has been placed or installed on a sidewalk before September 13, 2004, the owner shall, by November 1, 2004, have notified the Department by facsimile, electronically or by other means as directed by the Commissioner and on a form approved or provided by the Commissioner, of

(A) the location of such newsrack;

(B) the name of the newspaper(s) or written matter to be offered for distribution in such newsrack; and

(C) the name, address, telephone number, and email address of the owner.

The name and address shall be identical to the name and address for mailing of process in the owner's Certificate of Incorporation or Application for Authority to do business in New York State. The owner shall represent that such newsracks comply with the provisions of this section and § 19-128.1 of the New York City Administrative Code.

(ii) Any other owner shall, at least seven (7) days prior to the installation of its first newsrack, provide to the Department the indemnification notification and insurance certification required pursuant to subdivision f of this section and the information required in clauses (B) and (C) of subparagraph (i) of this paragraph.

(iii) Subsequent to the initial notification required by subparagraphs (i) and (ii) of this paragraph, notification shall be made on an annual basis by November 1 of each year and shall include the information in clauses (A), (B), and (C) of subparagraph (i) of this paragraph.

(iv) If the number of newsracks owned or controlled by an owner increases or decreases by ten (10) percent or more of the number of newsracks that have been included in the most recent notification required to be submitted by such owner, such owner shall also be required to submit the information in clauses (A), (B), and (C) of subparagraph (i) of this paragraph within seven (7) days of such change.

(v) An owner shall advise the Department of any change in his, her or its name, address, telephone number, or email address within seven (7) days of such change including any changes to the Certificate of Incorporation or Application for Authority to do business in New York State.

**(c) Unlawful locations.** No owner shall install, use or maintain any newsrack in any of the following locations:

- (1)** within fifteen (15) feet of any fire hydrant;
- (2)** in any driveway or within five (5) feet of any driveway;
- (3)** in any curb cut designed to facilitate street access by disabled persons or within two feet of any such curb cut;
- (4)** within fifteen (15) feet of the entrance or exit of any railway station or subway station, except that a newsrack that otherwise complies with this subdivision may be placed against the rear of the station entrance or exit, but not against the sides;
- (5)** within any bus stop;
- (6)** within a crosswalk area;
- (7)** within a corner area or within five (5) feet of any corner area;
- (8)** on any surface where such installation or maintenance will cause damage to or interference with the use of any pipes, vault areas, telephone or electrical cables or other similar locations;
- (9)** on any cellar door, grating, utility maintenance cover or other similar locations;
- (10)** on, in or over any part of the roadway of any public street;
- (11)** unless eight (8) feet of sidewalk width is preserved for unobstructed pedestrian passage;
- (12)** in any park or on any sidewalk immediately contiguous to a park where such sidewalk is an integral part of the park design;
- (13)** on any area of lawn, flowers, shrubs, trees or other landscaping or in such a manner that use of the newsrack would cause damage to such landscaping;

(14) where such placement, installation or maintenance endangers the safety of persons or property;

(15) at any distance less than eighteen (18) inches or more than twenty-four (24) inches from the face of the curb, measured to the side of the newsrack closest to the curb (This paragraph shall not apply to a newsrack placed against the rear of the entrance or exit of a subway or railway as provided in paragraph 4, above.);

(16) within five (5) feet of a canopy; and

(17) within fifteen (15) feet of a sidewalk newsstand.

**(d) Size, shape and appearance.**

(1) **Dimensions.** No newsrack may be higher than fifty (50) inches, wider than twenty-four (24) inches or deeper than twenty-four (24) inches. Notwithstanding the above, no multiple-vending newsrack shall be higher than sixty (60) inches, wider than ninety (90) inches or deeper than thirty-six (36) inches.

(2) **Identifying information required.** The owner shall affix his, her or its name, address, telephone number and email address, if any, on the newsrack in a readily visible location and shall conform such information to any changes required to be reported to the department in accordance with the provisions of paragraph (4) of subdivision (b) of this section. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

(3) **Advertisements prohibited.** The surfaces of the newsrack shall not include any advertisement, whether painted, posted, or otherwise affixed thereto, or be used for promotional purposes, except for announcing the name and/or website of the newspaper or other written matter offered for distribution in such newsrack.

(4) **Electricity.** No electricity shall be run into a newsrack nor shall any connection for electrical purposes be installed in or on a newsrack.

**(e) Maintenance.** The owner shall be responsible for the following:

(1) **Certification.** The owner shall certify to the commissioner on forms prescribed by the commissioner that each newsrack has been repainted, or that best efforts have been made to remove graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions, at least once during the immediately preceding four (4) month period. Such certification shall be submitted on January 15, May 15 and September 15 of each year for the four (4) month period ending on the last day of the preceding month. A separate certification form shall be submitted for the newsracks dispensing a particular publication.

(2) **Logs and records.** Each owner shall maintain for each publication a separate log in which the measures taken to remove graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions and the dates and times when they are taken are recorded in accordance with a format

approved or set forth by the commissioner. Records shall be maintained for a period of three (3) years documenting the use of materials, employees, contractors, other resources and expenditures used for the purpose of demonstrating the repainting or best efforts to remove graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions. Such logs and records shall be made available to the department for inspection and copying during normal and regular business hours and shall be delivered to the department upon request.

**(3) Refuse.** No refuse shall accumulate in a newsrack nor shall any newsrack deteriorate into an unsanitary condition. The owner shall remove refuse within forty-eight (48) hours of receipt of a notice of correction from the Commissioner, which shall be deemed to have been received five (5) days from the date on which it was mailed by the Commissioner.

**(4) Damage.** A damaged newsrack or one in need of repair shall be repaired, replaced or removed within seven (7) business days of receipt of a notice of correction regarding such damage or need for repair, except that if such damaged newsrack poses a danger to persons or property, it shall be made safe within twenty-four (24) hours following receipt of such notice of correction, which shall be deemed to have been received five (5) days from the date on which it was mailed by the Commissioner.

**(5) Continuous use.** In no event shall the owner fail to keep such newsrack supplied with written matter for a period of more than seven (7) consecutive days without securing the door so as to prevent the deposit of refuse therein. Notwithstanding the securing of the door, in no event shall such newsrack remain empty for a total period of more than thirty (30) consecutive days. Any newsrack empty for longer than such period shall be deemed abandoned.

**(f) Indemnification and insurance.**

**(1) Indemnification.** The owner of a newsrack placed or installed on any sidewalk shall indemnify and hold the City harmless from any and all losses, costs, damages, expenses, claims, judgments or liabilities that the City may incur by reason of the placement, installation or maintenance of such newsrack, except to the extent such damage results from the negligence or intentional act of the city. In addition to the insurance certificate submitted pursuant to paragraph 3 of this subdivision f, the owner shall submit by regular mail an indemnification notification on a form provided by the Commissioner.

**(2) Insurance.** The owner shall procure and maintain, for as long as the newsrack remains on City property, a commercial general liability insurance policy from an insurer licensed to do business in the State of New York in his or her or its name, which names the City of New York, its departments, boards, officers, employees and agents as additional insureds for the specific purpose of indemnifying and holding harmless those additional insureds from and against any and losses, costs, damages, expenses, claims, judgments or liabilities that result from or arise out of the placement, installation and/or maintenance of such newsrack. The minimum limits of such insurance coverage shall be no less than \$300,000 combined single limit for bodily injury, including death, and property

damage, dedicated exclusively to the liabilities relating to such newsracks, except that any person who maintains an average of 100 or more newsracks at any one time shall maintain a minimum insurance coverage of \$1 million dedicated exclusively to such liabilities. All insurance policies shall be endorsed to provide that (a) the City shall have no obligation whatever to provide notice to the insurance company of any occurrence or claim, and that the City's notice to the insurance company of the commencement of a lawsuit against the City, if required, shall be deemed timely if received within 180 days thereof; and (b) notice by any other insured of the commencement of any lawsuit against such insured shall constitute notice on behalf of the City as well.

**(3) Insurance certificate.** An insurance certificate shall be submitted to the Commissioner by the owner within sixty (60) days after the effective date of § 19-128.1 of the New York City Administrative Code, and, thereafter, by December 31 of each year or by the expiration date of the policy, whichever is earlier, certifying that the insurance required by paragraph 2 of this subdivision f is in place for all newsracks owned by such person. When a newsrack that is not covered by such insurance is placed or installed on a sidewalk after the effective date of such § 19-128.1, the owner shall, within sixty (60) days after the effective date of § 19-128.1 of the New York City Administrative Code or within ten (10) days of the installation of such newsrack, whichever is later, provide to the Department the insurance certification required pursuant to this subdivision f. Acceptance by the Commissioner of any insurance certificate, whether or not conforming to the requirements of paragraph 2 of this subdivision f, shall not relieve the owner of his, her or its obligation to actually provide such insurance. The certificate shall provide that no cancellation, termination or alteration shall be made without thirty (30) days' advance written notice to the Department.

**(g) Violations and removal.**

Violations of the provisions of § 19-128.1 of the Administrative Code or these rules shall be enforced and the newsracks shall be removed by the Commissioner pursuant to provisions of subdivision f of such § 19-128.1 and any other applicable provisions of law. The City shall charge the owner for the cost of removal and storage. The charge for removal shall be \$50 per newsrack. The storage charge shall be \$1.40 per newsrack per day.

**(h) Notices.** All notices of violation required to be served on the owner pursuant to these rules or § 19-128.1 of the Administrative Code shall be served as required by law. Notices of correction shall be served upon the address provided pursuant to the registration provisions in these rules. In the absence of the required registration information, service shall be made on the entity identified on the newsrack or in the publication found in the newsrack.

**Section 2-09**  
**Sidewalk, Curb and Roadway Work**

**(a) Compliance with requirements.**

Owners or builders installing or repairing roadway pavement, sidewalk and curb in connection with uses other than those requiring a Certificate of Occupancy (C of O) or letter of completion from the New York City Department of Buildings shall comply with the following requirements:

The *Sidewalk, Curb & Roadway Application* (SCARA) and all appropriate forms, plans and certifications shall be submitted to the Department.

All public infrastructure work shall be designed and installed in compliance with current highway engineering practice, the latest version of this publication, and the latest versions of these other Department publications: *Standard Details of Construction, Standard Specifications, and Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components*.

**(b) Professional Self-Certification.**

(1) A property owner may install the required street infrastructure without prior review of the plan(s) by the Department under a process of professional self-certification. Plan review by the Department will not be required when a Professional Engineer, Registered Architect or Registered Landscape Architect self-certifies that the proposed infrastructure work complies strictly with the requirements of the publications listed above in paragraph 2 of subdivision a of this section and meets or exceeds the Department's standards and specifications.

(2) If a submittal is not professionally self-certified, full Department review and approval must be obtained before work can begin.

**(c) Coordination with Capital Projects - All City, State and Federal Agencies and Public Authorities.**

In some cases, the required infrastructure work may be proposed for installation by an agency or authority under a capital improvement project. It shall be the sole responsibility of every applicant to examine all capital plans to see whether any such work is planned. If so, the applicant shall coordinate the improvements with the appropriate agency or authority.

**(d) Required Submissions.**

(1) Every applicant shall submit three (3) original SCARAs (no photocopies) for each project. See *Instructions for Filing Plans & Guidelines for the Design of Sidewalk, Curbs, Roadways and Other Infrastructure Components*.

(2) Every applicant shall submit the following:



- (i) The correct Plan Type as required by SCARA.
- (ii) The correct Certification Block as required by SCARA.
- (iii) Written approval from the Landmarks Preservation Commission or the Art Commission of the City of New York, if applicable (applicant must check to see if the project is in a landmarked area or historic district).
- (iv) Material testing, if required by SCARA.
- (v) Maintenance agreement, if required by SCARA.
- (vi) Statement of Professional Certification to accompany SCARA (optional).

**(e) Waiver.**

- (1) A property owner may request a waiver of any requirement of the Department.
- (2) The request shall be prepared in writing by a professional architect, engineer or landscape architect and shall have an original seal and signature affixed.
- (3) It shall be submitted to the Department's Bureau of Permit Management & Construction Control.
- (4) Supplementary materials must be submitted to support the waiver request, such as maps, drawings, traffic reports, calculations, affidavits, etc. No consideration will be given without complete and adequate documentation.
- (5) A waiver may be granted at the discretion of the Commissioner, except where prohibited by law.

**(f) Sidewalk.**

- (1) **Property Owners' Responsibility.** Property owners shall, at their own cost, install, repave, reconstruct and maintain in good repair, at all times, the sidewalk abutting their properties, including, but not limited to the intersection quadrant for corner property, in accordance with the specifications of the Department. Upon failure of a property owner to install, repave, reconstruct or repair the sidewalk pursuant to a Notice of Violation issued by the Department after an inspection, the Department may perform the work or cause it to be performed and shall bill the property owner pursuant to § 19-152 of the New York City Administrative Code. If the property owner wishes to protest the violation, he/she may make a request at the appropriate borough office within the time specified in the notice of violation and the Department shall provide a reinspection by a different departmental inspector than the one who conducted the first inspection. The findings of the second inspection supersede the findings of the first inspection.
- (2) **Permit Required.**

- (i) A permit is required to install, repave, reconstruct or repair any sidewalk where the work involves an area of more than twenty-five square feet. Where the work involves an area of twenty-five square feet or less, a permit is only required where the purpose of the work is to remove a violation.
  - (ii) A sidewalk closing permit shall be required if a minimum of five feet cannot be maintained on the sidewalk for unobstructed pedestrian passage.
  - (iii) An applicant shall file:
    - (A) An application for a sidewalk construction permit stating the location of the sidewalk work, including driveway, if applicable, and the start and estimated completion dates. All subway gratings, utility covers and castings situated in the sidewalk area which are not at proper grade or are in a dangerous condition shall be noted in the application;
    - (B) A plan for the restoration of the sidewalk, approved by the Department of Buildings, where the existing sidewalk is the structural roof of a vault or other opening.
  - (iv) An owner of the abutting property who files an affidavit stating therein that he/she will not employ any person or persons to repair the sidewalk for him/her, shall not be required to submit a commercial general liability insurance policy or workers' compensation insurance.
- (3) Permit Requirements. All permits are subject to applicable provisions contained in § 2-02 of these rules.
- (4) General Sidewalk Requirements.
- (i) Except as otherwise authorized, all sidewalks shall be concrete. Sidewalks shall consist of a single course of concrete, 4" in thickness, laid upon a foundation 6" in thickness; in driveways and corner quadrants the concrete slab shall be 7" in thickness.
  - (ii) The foundation material shall consist of clean 3/4" broken stone, recycled concrete, gravel or clean granular materials meeting the standard specifications. The foundation material shall be tamped and compacted according to the specifications,
  - (iii) The sidewalk shall be constructed of New York City Mix Design Number B3200 concrete mix as per the specifications. The concrete shall be bought from a concrete plant approved by the New York State Department of Transportation or from an approved volumetric mixer. Any permittee placing 150 square feet or less of sidewalk may request approval to use a portable mixer from the Department.

(iv) Sidewalk Cores.

(A) Cores shall be required for all sidewalks in excess of 100 lineal feet. A core shall be required for each 500 square feet of sidewalk or fraction thereof. A minimum of 2 cores is required. Core evaluation reports by an approved laboratory shall be submitted to the Department.

(B) In the case of a one- or two- family dwelling on a corner lot and/or where the length of the sidewalk on each side is less than 100 lineal feet, the cores may be waived, provided that an affidavit of a Professional Engineer or Registered Architect who supervised the construction certifies that the work conforms with the specifications, and material delivery slips are submitted. (Delivery slips are to be signed by an authorized representative of the contractor).

(C) If the results of the cores meet the Department's requirements, the applicant shall file an affidavit from a Licensed Surveyor, Registered Architect or Professional Engineer certifying that the sidewalk, curb and roadway have been installed in conformance with the submitted SCARA plan. A final survey showing the actual grades as built shall be filed with the Department and the Topographical Bureau of the office of the applicable Borough President.

(v) Expansion joints.

Expansion joints are typically placed at 20' intervals and at the property or lot line. Expansion joints shall be placed between curb and sidewalk. Expansion joints shall be placed between concrete of different thicknesses or to match existing expansion joints. Every effort shall be made to isolate sidewalk hardware or other fixed objects in the sidewalk such as fire hydrants and electrical boxes with expansion material. Expansion joint filler material shall be placed to full depth of sidewalk.

All expansion joints shall be recessed 1/2" below finished sidewalk surface and sealed with Department specified sealer as soon as practical. The sealer should be applied carefully to avoid over-spilling onto sidewalk surface area. The joints are to be flush with the finished surface. Joints shall not be sealed during freezing temperatures.

(vi) The concrete shall be poured and finished in accordance with the specifications.

(vii) Flags shall be 5'x 5' where feasible. The following methods of scoring shall be employed unless otherwise approved by the Commissioner: The frontage of each building shall be divided by five. If it is exactly divisible, all flags shall be 5' wide; if not, the flags shall be plus

or minus in an amount which will make them as near to 5' as possible. Cross flag scoring shall be at 90 degrees to the building line and curb. The flag markings along the sidewalk between the curb and property line shall be parallel with the property line and curb and be uniformly 5' apart commencing at the property line, with the odd flag width, if any, nearest the curb.

(viii) All flags containing substantial defects shall be fully replaced. Patching of individual flags is not permitted.

(ix) When an existing concrete sidewalk is to be replaced and the foundation material meets specifications, the foundation material can be retained and graded to the required subgrade. Any foundation material not meeting specification shall be removed.

(x) Sidewalk Grades. Unless the Department grants a waiver of grade, permanent sidewalks shall be laid to the legal curb grades.

(xi) Transverse Slope. Sidewalks shall be laid to pitch from the building line toward the curb except in special cases as noted. The minimum slope, calculated on a line perpendicular to the curb, shall be 1" in 5', and the maximum shall be 3" in 5'. Minimum slopes shall be used wherever possible.

Note: The maximum transverse slope permitted for vault lights, covers, gratings and other sidewalk structures is 1 3/4" in 5'.

(xii) Longitudinal Slope. The longitudinal slope of the sidewalk shall be uniform and parallel to the curb at the curb's proper grade.

(xiii) Corner Treatment. The two slope lines meeting at the intersection of the two building lines shall drop from a common point at the building corner toward their respective curbs at a rate within the limits prescribed by these regulations. If this is not possible, the applicant shall submit sketches or drawings, in duplicate, showing the method of treatment proposed, to the Commissioner for approval.

(xiv) Pedestrian Ramps. Any person constructing, reconstructing or repairing a corner shall install pedestrian ramps in accordance with the specifications and in accordance with the latest revision of Standard Drawing H-1011.

(xv) Adjoining Existing and New Sidewalks. Junctions and transitions between new sidewalk and existing walk shall conform to the specifications.

(xvi) Distinctive Sidewalk.

(A) A sidewalk of a distinctive design or material may be permitted and shall harmonize with the architecture of the abutting building and/or area. The property owner or designated

representative shall submit to the Department for approval: detailed plans, applicable fee, the Distinctive Sidewalk Improvement Maintenance Agreement (DSIMA) and material samples of the proposed sidewalk.

(B) The distinctive sidewalk shall be repaired in kind or be replaced in its entirety with concrete. Changes to existing materials require a new DSIMA.

(C) The distinctive sidewalk shall be approved by the Art Commission prior to installation.

(xvii) Sidewalk Hardware And Structures.

(A) Cellar doors, gratings, underground street access covers or other similar items shall not be placed in the sidewalk unless they are of a type approved by the Department of Buildings.

(B) Any abandoned structures shall be removed and replaced with concrete sidewalk.

(C) Where the existing sidewalk is the structural roof of a vault or other opening, a plan approved by the Department of Buildings, along with vault plans as required by § 2-13 of these rules, shall be filed for the restoration of the sidewalk.

(D) If a sidewalk improvement is in the vicinity of subway gratings or over a subway structure, the permittee shall obtain the approval of the New York City Transit Authority prior to the commencement of any work.

(xviii) Historic Districts.

(A) In Historic Districts, property owners shall obtain written approval from the Landmarks Preservation Commission prior to the repair or replacement of sidewalks. All work shall be done in compliance with the rules of the Landmarks Preservation Commission, and in accordance with the specifications.

(B) In Historic Districts gratings, bullseyes, vault lights, iron doors and other similar structures situated in the sidewalk shall not be removed without the authority of the Landmarks Preservation Commission.

(xix) No person shall deface any sidewalk by painting, printing or writing names or advertisements, placing other inserts, attaching, in any manner, any advertisement or other printed matter, or by drawing, painting or discoloring such sidewalk, except as required by State of New York Industrial Code Rule 53 relating to Construction, Excavation and Demolition Operations at or near Underground Facilities.

- (xx) Tree Pits and Trees.
  - (A) No trees shall be planted in the sidewalk area unless a Street Opening Permit is issued by the Department. No such permit shall be issued by the Department unless the prior written consent of the Department of Parks and Recreation authorizing the tree planting is furnished. Tree pits shall be constructed in accordance with the specifications.
  - (B) The soil level in the completed tree pits, including any paved surface, shall be flush with the sidewalk area and the maximum dimensions of the tree pit shall be 5' x 5'.
  - (C) No trees within the sidewalk area shall be disturbed or removed without the permission of the Department of Parks and Recreation.
  - (D) No trees or tree pits shall be installed in Historic Districts without a report from the Landmarks Preservation Commission.
- (5) Substantial Defects. Any of the following conditions shall be considered a substantial defect.
  - (i) One or more flags missing or sidewalk never built.
  - (ii) One or more flag(s) cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed.
  - (iii) An undermined flag below which there is a visible void or a loose flag that rocks or seesaws.
  - (iv) A trip hazard where the vertical differential between adjacent flags is greater than or equal to 1/2" or where a flag contains one or more surface defects of one inch or greater in all horizontal directions and is 1/2" or more in depth.
  - (v) Improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that shall be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards.
  - (vi) Hardware defects, which shall mean (i) hardware or other appurtenances not flush within 1/2" of the sidewalk surface or (ii) cellar doors that deflect greater than 1" when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.
  - (vii) A defect involving structural integrity, which shall mean a flag that has a common joint, which is not an expansion joint, with a defective flag and has a crack that meets the common joint and one other joint.

(viii) Non-compliance with Department specifications for sidewalk construction.

(ix) Patchwork, which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) partially or wholly constructed with asphalt or other unapproved non-concrete material; except that patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to this provision unless the patchwork constitutes a substantial defect as set forth in subparagraphs (i) through (viii) of this paragraph.

**(g) Curb (Concrete, Steel Faced, Stone).**

(1) General Permit Conditions

(i) The permittee shall complete all curb construction or installation before commencing any roadway paving operation or sidewalk construction, unless otherwise permitted by the Department.

(ii) All curbs more than 20 feet in length shall be built according to specifications. A Street Opening Permit is required.

(iii) Curbs less than 20 feet in length shall be built in accordance with Standard Detail H-1054. No Street Opening Permit is required if done in conjunction with a sidewalk repair permit.

(iv) Permits for the construction or installation of drop curbs and concrete driveways shall not be issued unless authorized by a permit from the Department of Buildings.

(v) All curbs shall be built according to specifications.

(2) Recess in Vault for Curbs

Where a vault extends to the curb line, the permittee shall provide a recess for its entire length in which the curb may be set or reset. See the Standard Drawing on file with the Department.

(3) Permit Requirements

All permits are subject to applicable provisions contained in § 2-02 of these rules.

(4) No person shall deface any curb by painting, printing or writing names or advertisements, placing other inserts, attaching, in any manner, any advertisement or other printed matter, or by drawing, painting or discoloring such curb.

(5) General Provisions for Construction

Concrete curbs shall be 6 inches wide at the top, 8 inches wide at the bottom and 18 inches deep, or equal to the standards, measured on the back. All construction is to be at legal line and grade, or at any other line and grade approved by a Department engineer, and according to the specifications. Penetration of broken stone base will not be allowed unless the outside temperature is 50 degrees Fahrenheit or above.

**(h) Roadway**

(1) Roadway pavement shall be 2 inches of asphaltic concrete wearing surface on a 4-inch penetrated broken stone base or a 4-inch compacted plant mixed binder base. Where the existing roadway is asphaltic concrete wearing course on a concrete base, restoration shall consist of matching the existing thickness but in no case shall there be less than 3 inches of asphaltic concrete wearing course on a 6-inch concrete base on compacted earth. Where soil conditions require, the base shall be constructed of such materials and depth as is acceptable to the Department.

(2) The roadway shall be paved at a minimum from the curb line to 5 feet beyond the center of the legal roadway width in front and on the sides of the property of the applicant. In no case shall the width of required roadway paving be less than 20 feet. Beyond the front of the property, there shall be access over a hard surface road to the nearest completed paved street system. If this does not exist, the applicant shall provide a pavement of at least 2 inches of asphaltic concrete graded to meet the existing paved street system. The width of such paving shall be at least 20 feet.

(3) Roadway cores.

(i) Cores shall be required for all roadway pavement in excess of 100 lineal feet. A core shall be taken by the applicant for every 700 square yards of paved roadway or fraction thereof, in such manner as directed by the supervising engineer. A minimum of 2 cores is required. Core evaluation reports by an approved laboratory shall be submitted to the Department or self certified by a Professional Engineer or Registered Architect.

(ii) Where the length of roadway pavement is less than 100 lineal feet, the requirement of cores may be waived provided that an affidavit of a Professional Engineer or Registered Architect who supervised the construction certifies that the work conforms with the specifications, and material delivery slips are submitted. (Delivery slips are to be signed by an authorized representative of the contractor).

(iii) If the results of the cores meet the Department's requirements, the applicant shall file an affidavit from a Licensed Surveyor, Registered Architect or Professional Engineer certifying that the sidewalk, curb and roadway have been installed in conformance with the legally established grades as built under the terms of the permit. A final survey showing the actual grades as built shall be filed with the Department's borough office and the Topographical Bureau of the office of the applicable Borough President.



(4) The Department will issue a letter of acceptance for maintenance subject to the guarantee period of the roadway pavement, to the builder or developer if the roadway pavement meets the requirement of the permit and the specifications.

**Section 2-10  
Street Furniture**

**(a) Permit Required.**

(1) See Revocable Consent Rules, Chapter 7 of this Title 34, for street furniture other than bicycle racks, small planters and non-electrical sidewalk sockets.

(2) The Commissioner may issue permits for the placement or installation of bicycle racks, planters smaller than four square feet or two feet in diameter, as measured on a horizontal plane, non-electrical sidewalk sockets and temporary structures placed on sidewalks for security purposes.

(3) It shall be a violation of these rules to erect, place or install street furniture without a revocable consent pursuant to Chapter 7 of this Title or a permit pursuant to this section.

**(b) Permit Requirements.**

All permits are subject to applicable provisions contained in § 2-02 of these rules.

**(c) General Conditions.**

(1) Eight feet or one-half the sidewalk width, whichever is greater, shall be maintained by the permittee for unobstructed pedestrian passage.

(2) Street furniture shall not be placed at the curb directly opposite a building entrance or cellar door. Street furniture at the building line shall not be installed within three feet of a building entrance or cellar door.

(3) Unless otherwise authorized by the Commissioner in writing, street furniture shall not be installed within:

- 15 feet of Subway Entrance and Exit Stairs
- 15 feet of Bus Stop Zone
- 15 feet of Newsstand
- 15 feet of Fire Hydrant
- 10 feet of either side of the area created by extending the building line to the curb (the "corner")
- 8 feet of Bicycle Rack
- 7 feet of Driveway
- 5 feet of Cafe
- 5 feet of Bench
- 5 feet of Tree (without tree pit)
- 5 feet of Standpipe
- 4 feet of Telephone Booth/Pedestal
- 4 feet of Mailbox
- 4 feet of Street Light
- 4 feet of Parking Meter
- 4 feet of News Racks

- 4 feet of Utility Poles
- 4 feet of Other street furniture authorized by applicable law or rule
- 3 feet of Canopy
- 3 feet of Utility Hole or Transformer Vault Cover
- 3 feet of Grating
- 3 feet of Sign pole
- 3 feet of Edge of Tree Pit

- (4) Street furniture shall be placed at least eighteen inches but no more than twenty-four inches from the face of the curb.
- (5) Permittees shall be responsible for all repairs to streets damaged due to the placement, installation or removal of street furniture.
- (6) Permittees shall be responsible for all street furniture maintenance.
- (7) Placement of street furniture on distinctive sidewalks requires the written approval of the property owner.
- (8) Permits shall expire one year after date of issuance, unless revoked sooner by the Commissioner.
- (9) Permits are subject to review and approval each year prior to renewal.
- (10) All street furniture permits are subject to the requirements of the Americans With Disabilities Act.

**(d) Application.**

- (1) Applications shall be reviewed individually for each location, shall be subject to approval by the Commissioner, and shall include a sketch with the following information:
  - (i) lot and block number(s) and address(es) of the property;
  - (ii) property lines and sidewalk dimensions;
  - (iii) existing topographical conditions, including but not limited to items listed in (c)(3); and
  - (iv) existing vaults and areaways.
- (2) Written approval from the Arts Commission and/or Landmarks Preservation Commission shall be obtained where required.
- (3) Permittees shall obtain the written approval of the property owner.

**(e) Design Criteria.**

- (1) Advertisements shall not be placed on street furniture.

- (2) Street furniture finishes shall be graffiti retardant.
- (3) Street furniture design shall be such that both the body and base are not conducive to trapping debris.

**(f) Planters.**

- (1) Planters shall be no more than three feet in height and shall be spaced at intervals of four feet or more unless otherwise directed.
- (2) Planters shall not occupy an area of more than four square feet or two feet in diameter. For larger planters see Revocable Consent Rules, Chapter 7 of this title.
- (3) Planters shall be placed with the face or outer edge eighteen inches from the face of the curb or no more than three feet from the building line.
- (4) Applicants shall adhere to the New York City Department of Parks and Recreation's applicable standards for acceptable trees in planters.
- (5) Planters shall be maintained with live plants at all times and be kept free of debris.

**(g) Non-electrical Sidewalk Sockets.**

Veteran organizations of the Armed Services may, with the consent of the Commissioner and owners of the abutting property, place flagpole sockets at least five feet apart and at least eighteen inches, but no more than twenty-four inches, from the face of the curb. When the sidewalk socket does not have a flagpole in it, it shall be capped or covered and flush with the sidewalk.

**(h) Bicycle Racks.**

No person shall install a bicycle rack without a permit. All racks shall be installed in compliance with the bicycle rack clearances, which may be obtained from the Department's permit office. Based on sound engineering judgment and where pedestrian volume will allow, the minimum clearances may be waived. A site request that adheres to minimum clearances shall be denied where the bicycle rack would interfere with the safe passage of pedestrians.

**(i) Maintenance Required by the Permittee or Property Owner.**

- (1) Street furniture shall be maintained in a safe condition at all times.
- (2) Street furniture shall be graffiti and litter free at all times.
- (3) The Department may order the repair, replacement or removal of unsafe or defective street furniture.
- (4) Non-compliance shall result in permit revocation pursuant to § 2-02 of these rules.

**(j) Temporary security structures.**

(1) Notwithstanding any inconsistent provision of these or any other rules, the Commissioner may issue a permit for a period of one year for temporary structures placed on sidewalks for security purposes. Such structures shall include, but not be limited to, concrete barricades, large planters and fencing.

(2) Notwithstanding any inconsistent provision of these rules, for the purposes of this subdivision, the standards and clearances in Chapter 7 of this title shall apply. For concrete barricades the standards for planters in Chapter 7 shall apply.

(3) A permit issued pursuant to this subdivision may be revoked or modified at will by the Department.

(4) Such permit may be renewed for a maximum of two consecutive six-month periods. The approval of the New York City Art Commission shall be obtained prior to the grant of a renewal.

(5) At the expiration of the permit and any renewal, if applicable, the person or entity wishing to continue to maintain such structures shall do so only pursuant to a revocable consent obtained from the Department pursuant to the provisions of Chapter 7 of this title.

**Section 2-11**  
**Street Openings and Excavations**

**(a) Permit Required.**

(1) No excavations shall be made in any street unless a Street Opening Permit is obtained.

(i) For plumbing work requiring a street opening or excavation, a Street Opening Permit will only be issued to a licensed master plumber as defined in section 26-141 of the Administrative Code.

(A) The licensed master plumber shall be required to provide a valid New York City licensed master plumber's certificate issued by the New York City Department of Buildings. The licensed master plumber shall also present a copy of any documentation issued by the New York City Department of Environmental Protection regarding the plumbing work that is to be conducted. These items must be submitted to the Department before the Department approves the Street Opening Permit.

(B) The Commissioner may suspend review of applications for permits under this subparagraph, revoke or refuse to renew a permit, or refuse to issue a permit to any applicant, pursuant to the provisions of § 2-02 (j), 2-02 (k), or 2-02 (l) of these rules.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, for any work performed pursuant to a valid contract with a local or state governmental entity requiring a street opening or excavation, a Street Opening Permit will be only be issued to the contractor retained by the local or state governmental entity to perform the work requiring the street opening or excavation.

(2) Prior to any excavation or street opening pursuant to a franchise or revocable consent, all permits required by these rules shall be obtained.

(3) Street Construction in Historic Districts

No planned street construction, reconstruction or maintenance operation shall be undertaken in a designated historic district unless preapproved in writing by the Landmarks Preservation Commission. The provisions of subdivision (g) of this section also apply.

**(b) Permit Requirements.**

(1) All permits are subject to applicable provisions contained in § 2-02 of these rules.

(2) A Permittee shall obtain a separate permit for each 300 linear feet of a block segment and for each intersection where work is to be performed.

**(c) Conditions.**

(1) Proper Notification

Permittees and owners of underground facilities shall comply with State of New York Industrial Code Rule 53 relating to Construction, Excavation and Demolition Operations at or near Underground Facilities. Permittees shall take the precautions necessary to protect such pipes, mains, conduits, and other appurtenances at their own expense.

(2) All work shall be done in accordance with the specifications and the provisions of this § 2-11.

(3) All debris on the street shall be removed at the expiration of the permit, unless otherwise stipulated.

**(d) Application.**

(1) Applications shall include:

(i) a description of the work to be performed;

(ii) the reason for the work;

(iii) the street address including the nearest cross streets where the excavation or street opening is to be made.

(iv) a sketch indicating the size and location of the proposed opening(s) which shall include:

(A) the distance in feet from the nearest intersection and from the nearest curbline;

(B) the dimensions of the opening including length and width; and

(C) the existing parking restrictions.

(v) the start and estimated completion dates;

(vi) the type of pavement or surface to be opened;

(vii) whether the proposed work will be on a protected street (if so, the provisions of the subdivision (f) of this section apply);

(viii) the name and address of the compaction testing company or laboratory, as required; and

(ix) the name of the contracting City agency, contract number, and OCMC reference number, if applicable; and.

(x) whether the proposed work will be within 100 feet on, above or below or in either direction of any portion of a bridge, tunnel, underpass or overpass (if so, approval from the Division of Bridges shall be obtained). For purposes of this section "portion" shall include, but not be limited to, approach slabs, retaining walls, and support columns. The method of excavation and final restoration shall be determined by the Division of Bridges.

(2) No trees within the sidewalk area shall be disturbed or removed without the permission of the Department of Parks and Recreation.

(3) A permittee performing curb to curb restoration on more than fifty (50) percent of a block segment on a non-protected street shall submit a protected street determination form to the Department for approval prior to obtaining any necessary permits. Such form shall be attached to the permit application. This requirement shall not apply to permittees performing work for the Department or for the Department of Design and Construction.

**(e) Excavation and Restoration Requirements.**

(1) Proper Notice

(i) Permittees shall notify the Police Department and the Communications Centers of the Fire Department and the Department of Transportation of construction and street operations which require street closing permits at least twenty-four hours in advance of the commencement of non-emergency work.

(ii) All permittees shall comply with the provisions of subdivision (g) of § 2-02 of these rules, if applicable.

(2) Breaking Existing Pavement

Precutting of pavement wearing course and base shall be required for pavement removal. The use of a "Ram Hoe" or truck mounted pavement breaker is not permitted, unless otherwise authorized. Only hand held tools may be used for this purpose. This applies to all streets at all times. The permittee shall be responsible for keeping the construction area as clean and neat as possible during the permit life. No material shall restrict water flow in gutters. All possible arrangements for the safety of the general public shall be maintained. Every effort shall be made to keep the pavement opening dimensions to an absolute minimum.

(3) Excavation

(i) Sheeting and Bracing

The sides of every open excavation five feet or more in depth shall be securely held by adequate timber, sheeting and bracing where the earth



is not sloped to the angle of repose of the material, and where unsafe conditions are created due to composition of the soil, climatic conditions, depth of excavation or construction operations.

(ii) Tunneling or Jacking

No person shall make any installation or repair between two or more street openings by means of tunneling or jacking, without a permit.

Tunneling or jacking may be permitted for the installation or replacement of a lateral connection provided the opening does not exceed eight inches in diameter. Full trenching shall be required for all waste line repair/connections.

(4) Traffic Maintenance

(i) No more than one lane of traffic may be obstructed, except as provided by OCMC stipulations, or as otherwise authorized by the Commissioner.

(ii) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices shall be used until the leak is corrected.

(iii) Barricades, signs, lights and other approved safety devices shall be displayed in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices.

(iv) The permit may restrict street operations and construction within critical areas to nights, weekends, or off-traffic hours. (Hours other than weekdays 7 a.m. - 6 p.m. will require a noise variance granted by OCMC.)

(v) Flagpeople. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times while actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

(5) Temporary Closing of Sidewalks

A minimum of five feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for five feet of unobstructed pedestrian passageway, a temporary sidewalk closing permit is required.

(6) Work Site Maintenance

(i) All excavated material shall be either removed from the site or stockpiled at a designated curb, properly barricaded in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices and stored to keep gutters clear and unobstructed in accordance with § 2-05 of these rules.

(ii) All obstructions on the street shall be protected by barricades, fencing, or railing, with flags, lights, or signs in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices placed at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

(7) Storage of Materials

(i) A street opening permit includes permission to store construction materials in a designated area adjacent to the permitted worksite.

(ii) No separate permit shall be required for the storage of equipment, excluding cranes, in a designated area in compliance with any applicable stipulations on the permit.

(iii) The designated storage area(s) are subject to review and approval by OCMC.

(8) Backfill and Compaction

(i) Upon completion of repairs in a street, permittees shall backfill street openings and excavations in a manner in accordance with the specifications. All materials used for backfill shall be free from bricks, blocks, excavated pavement materials and/or organic material or other debris. Notwithstanding the above, asphalt millings may be used as a backfill material.

(ii) Backfill material shall be deposited in horizontal layers not exceeding twelve inches in thickness prior to compaction. A minimum of ninety five percent of Standard Proctor maximum Density will be required after compaction.

(iii) When placing fill or backfill around pipes, layers shall be deposited to progressively bury the pipe to equal depths on both sides. Backfill immediately adjacent to pipes and conduits shall not contain particles larger than three inches in diameter.

(iv) Compaction shall be attained by the use of impact rammers, plate or small drum vibrators, or pneumatic button head compaction equipment. Hand tamping shall not be permitted except in the immediate area of the underground facility, where it shall be lightly hand tamped with as many

strokes as required to achieve maximum density. The definition of the "immediate area" shall be a maximum of eighteen inches from the facility.

(v) Where sheeting has been used for the excavation it shall be pulled when the excavation has been filled or backfilled to the maximum unsupported depth allowed by the New York State Department of Labor, Industrial Code Rule 23 and Title 29, Code of Federal Regulations, Part 1926, Safety and Health Regulations for Construction. Where a difference exists between regulations, the more stringent requirements shall apply.

(vi) As a measure of maximum density achieved for restoration, the pavement surface shall not sink more than two inches from the surrounding existing surface during the life of the restoration. More than two inches of settlement shall be deemed a failure of the compaction of the backfill and cause the removal of said backfill to the subsurface facility and new fill installed and properly compacted.

(vii) The permittee shall be required to furnish the Department with copies of in-process compaction reports certified by a Professional Engineer as to the compliance with the requirement of the aforementioned backfill requirements. This certified compaction report shall be submitted along with the cutform for every tenth street opening permit issued to the permittee or as directed by the Commissioner.

(9) Temporary Asphaltic Pavement

(i) Immediately upon completion of the compaction of the backfill of any street opening, the permittee shall install a temporary pavement of an acceptable asphalt paving mixture not less than four inches in thickness after compaction, flush with the adjacent surfaces.

(ii) The permittee has the option of installing full depth pavement using an acceptable asphalt paving mixture immediately upon completion of the compaction of the backfill, excluding reconstructed protected streets and full-depth concrete roadways.

(iii) Upon the expiration of the permit, all equipment, construction materials and debris shall be removed from the site, unless otherwise stipulated.

(iv) When final restoration is to be done, the materials are to be removed with hand tools to a depth necessary to accomplish the final restoration.

(10) Plating and Decking

(i) All plating and decking installed by the permittee shall be made safe for vehicles and/or pedestrians and shall be adequate to carry the load.

(ii) The size of the plate or decking must extend a minimum of 12 inches beyond the edge of the trench, be firmly placed to prevent rocking and be sufficiently ramped, covering all edges of the steel plates to provide smooth riding and safe condition.

(iii) All plating and decking shall be fastened by splicing, spiking, pinning, countersinking or otherwise protected to prevent movement. When the plates are removed all pins and spikes must be removed and the holes must be filled with a fine asphalt concrete mix.

(iv) Where deflections are more than 3/4", heavier sections of plates or decking or intermediate supports shall be installed.

(v) All permittees who install plating and decking during the winter months shall either post signs at the site indicating "Steel Plates Ahead Raise Plow" or shall countersink said plates flush to the level of the roadway. All signs shall be of the size and type specified in the most current edition of the Federal Manual on Uniform Traffic Control Devices. These signs shall be placed on the sidewalk, adjacent to the curb, facing vehicle traffic five feet prior to the plates. On two-way streets, signs shall be placed on both sides of the street five feet prior to the plates.

(vi) All plating and decking shall have a skid-resistant surface equal to or greater than the adjacent existing street or roadway surface, but in no event less than a New York State skid resistance number of 0.36.

(11) Base

(i) Concrete and asphalt base material shall conform with Department specifications.

(ii) Concrete base shall be properly placed except where other stipulations have been granted in writing by OCMC.

(iii) Concrete for base shall be placed in a driving lane and intersections or barricaded in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices in a parking lane for a minimum of three days to permit proper cure of concrete, unless otherwise specified by the Department.

(iv) Hot asphalt binder materials may be used in place of concrete for non protected and/or resurfaced streets at a thickness ratio of one and one-half inch of asphalt for every inch of concrete.

(v) The concrete base shall be restored at the same grade as the existing base; at no time may it be brought up to the asphalt course unless authorization has been granted by the Commissioner.

(vi) At no time will asphalt other than binder be permitted as a base course, unless otherwise authorized by the Commissioner.

(vii) Conduit or pipes shall be installed at a minimum depth of 18 inches from the surface of the roadway, or below the base, whichever is greater. Where conduits and pipes cannot be installed at the required minimum depth, protective plating shall be installed over the facilities upon written request from the permittee and receipt of written approval of the Department.

(12) Wearing Course

(i) Wearing course material shall conform to the Department's Specifications.

(ii) The finished grade of the wearing course shall be flush with surrounding pavement on all sides of the cut; the restored wearing course shall extend for a distance of six inches (6") beyond the edge of the base course. In the event a permanent restoration pavement installed settles more than two inches (2") below the surrounding existing surface during the life of the guarantee period, this shall be deemed a failure of the backfill compaction, in which case, the permittee shall remove all of the failed backfill, down to the subsurface facility, and install new, properly compacted backfill.

(iii) The minimum thickness of the wearing course on full depth asphalt restoration shall be two inches (2").

(iv) When more than one roadway opening is made against a single permit and the openings are less than three feet apart after the required cutbacks, the existing wearing course between such openings shall be restored integrally with the opening wearing course restoration, in accordance with the current Standard Detail H-1042.

(v) When a street opening is twelve inches or less from the curb, the entire pavement between the opening and the curb shall be excavated and replaced in kind, in accordance with the current Standard Detail H-1042. The pavement base shall be inspected and repaired where necessary and a new wearing course shall be installed from the curb to the street opening. The areas described above shall be included in the permittee's guarantee.

(vi) Whenever any street is excavated, the permittee shall restore such street in kind as to material type, color, finish or distinctive design.

(vii) Pavements shall be restored in kind in designated historic districts and on streets constructed with cobblestones or other distinctive pavements, or as directed by the Commissioner.

((viii) The wearing course shall be properly sealed completely at the edges of the cut with liquid asphaltic cement ironed in with a heated smoothing iron or by means of infrared treatment to prevent water seepage into the pavement.

(ix) Permittees shall be required to obtain a permit for any changes to, or installation of temporary roadway pavement markings and temporary construction, parking or regulatory signs and supports, including, but not limited to, crosswalks and lane lines. Unless otherwise directed by the Commissioner, all roadway pavement markings, including but not limited to, crosswalks and lane lines, and any parking or regulatory signs or supports shall be replaced in kind to Department specifications. All construction signs and supports and pavement markings shall be removed prior to the expiration of the permit.

(x) Final (permanent) restorations shall be completed within ten (10) workingdays of the expiration of the permit. During winter months, temporary asphalt and pavement markings shall be placed at the expiration of the permit and maintained until such time as the final restoration may be completed.

(xi) For trenches on protected streets, six inches (6") of base and six inches (6") of the wearing course shall be cut back on both sides of the trench. For trenches on non-protected streets, (6) inches of the wearing course shall be cut back on both sides of the trench, provided, however, that the total cut is a minimum of eighteen inches (18") wide.

(xii) Any permittee performing work on a street pursuant to paragraph 3 of subdivision d of this section shall notify the Department within twenty-four (24) hours of the completion of the work on the same protected street determination form as submitted with the permit application pursuant to such paragraph 3 of subdivision d of this section.

(13) Concrete Pavements

(i) When street openings are made in concrete pavements, the pavements shall be saw cut full depth for the entire perimeter of the street opening.

(ii) The concrete restoration shall have the same depth, strength and finish as the original pavement.

(iii) The restoration area shall be plated and maintained until enough strength has developed to sustain traffic without deleterious effect to the roadway.

(iv) Reinforcing shall be replaced in kind and spliced as per specifications for reinforced concrete pavement.

(v) Asphalt restorations will not be permitted in concrete streets or concrete bus stop areas.

(14) Color Coding

(i) At each excavation, the permittee shall either paint temporary circles or install permanent colored markers as required in this paragraph, for the purpose of easily identifying the permittee's openings and restorations. (ii) If the work is not complete, upon leaving the site the permittee shall paint three inch (3") circles adjacent to the cut, in the area closest to the curb line, in accordance with the placement and color requirements as specified below.

(iii) Upon completion of the restoration, the permittee shall install colored markers as specified below, unless another method is approved by the Department. Permittees shall be required to maintain these markers throughout the guarantee period.

(iv) Placement of Coding and Markers.

(A) Permanent markers shall be imbedded at zero grade tolerance, or slightly below, in the new asphalt or concrete without the use of nails and shall be of one piece construction.

(B) For cuts or trenches ten feet (10') or less, one temporary painted circle or permanent colored marker shall be placed in the linear center of the cut.

(C) For cuts or trenches up to fifty feet (50'), one temporary painted circle or permanent colored marker shall be placed at each end of the excavation.

(D) For cuts or trenches over fifty feet (50'), temporary painted circles or permanent colored markers shall be placed every twenty-five linear feet maximum and one shall be placed at each end of the excavation.

v) Such markers shall be in the shape of a circle measuring between one and one-half inches (1 ½") and three-inches (3") in diameter, color-coded as specified below, and shall include only the permittee's five-digit identification number and the two-digit year, unless other information is approved by the Department. The two-digit year shall be placed in the center of the marker, and the five-digit identification number shall be placed above the two-digit year.

(vi) Specifications. Such markers shall also be UV-stable and designed not to fade significantly.

(vii) Color codes shall be assigned through Quality Control Procedure Q.P. 3 for permittees other than those listed below. Final pavement markers may be used as an alternative to color codes provided such use is approved by the Department.

- (A) Verizon -Cherry red marker.
- (B) Empire City Subway-Chrome yellow marker.
- (C) Consolidated Edison Co.- Light blue marker
- (D) Keyspan -White marker.
- (E) Plumbers (water or sewer) -Green marker.
- (F) Signals and Street Lights-Orange marker.
- (G) Long Island Power Authority -Yellow marker.
- (H) Metropolitan Transit Authority- Purple marker.
- (I) Buckeye Pipe Line-Chrome yellow marker.
- (J) Fire Department- Purple marker.
- (M) Cable T.V.-Regal blue marker.

(15) Quality Control Program Requirement for Roadways

(i) All permittees engaged in street openings, shall complete the work so as to provide smooth riding surfaces throughout the guarantee period on their respective restorations.

(ii) A documented quality history of restoration shall be maintained by the responsible permittee. This information should show that inspections are made at some optimum intervals to assure conformance to the guarantee.

(iii) Quality Control Program information shall be made available to the Bureau upon request.

(iv) The use of experimental methods or materials may be authorized under selective conditions, upon application to the Bureau for approval prior to use on the City streets.

(v) Any permittee may file a proposed Quality Control Program with the Commissioner for approval. The Commissioner may waive any of the foregoing specification requirements as part of an approved program of Quality Control. Any waiver so granted shall remain in effect as long as



the approved program is implemented in a manner satisfactory to the Commissioner or until the Commissioner's approval is rescinded.

(16) Other Requirements

(i) Street Opening Location Form (Cutforms)

(A) Permittees shall maintain a street opening location form ("cutform") at their office and shall provide this form to the department upon request. Such cutform shall include the following information:

1. a sketch showing the exact dimensions and location of the restored area, and a description of the opening or trench defined by distance in feet from the nearest intersection and from the nearest curbline;
2. the street opening permit number;
3. the date of completion of the final restoration;
4. the name of the final pavement restoration contractor; and
5. a compaction report certified by a New York State licensed professional engineer.

(B) Failure to submit a cutform upon request may jeopardize future permit requests and may subject permittees to summonses.

(ii) Guarantee Period

Permittees shall be responsible for permanent restoration and maintenance of street openings and excavations for a period of three years on unprotected streets, and up to five years on protected streets commencing on the restoration completion date. This period shall be the guarantee period.

(iii) Permittees shall comply with all applicable sections of these rules, the specifications, and all other applicable laws or rules.

**(f) Excavations And Street Openings In Protected Streets.**

No street opening activity shall be allowed, except for emergency work or as authorized by the Commissioner, in a protected street for a period of five years from the completion of the street improvement. In addition to this subdivision (f), all provisions of § 2-11 shall apply to protected streets.

(1) Permit Issuance

No permit to use or open any street, except for emergency work, shall be issued to any person within a five year period after the completion of the construction of a capital project relating to such street requiring resurfacing or reconstruction unless such person demonstrates that the need for the work could not have reasonably been anticipated prior to or during such construction. Notwithstanding the foregoing provision, the Commissioner may issue a permit to open a street within such five year period upon a finding of necessity therefor.

(2) Conditions

Permittees shall be responsible for contacting the Department of Design and Construction to determine whether a street is scheduled to be rebuilt under a street reconstruction project. Notwithstanding the foregoing provision, a permittee performing emergency work need not contact such Department.

(3) Application

(i) Permittees shall include on the application the justification for any street opening activities on protected streets.

(ii) The permittee shall attach the "Protected Street Opening Permit Application Attachment" to the Street Opening permit application prior to obtaining the permit.

(4) Restorations

(i) No backfill of any opening or excavation on a protected street shall be performed unless the permittee notifies the Department at least two hours prior to the scheduled start time for the backfill except as otherwise authorized by the Commissioner. In no case shall the permittee commence the backfill prior to the scheduled start time. For the base and wearing course, the permittee shall fax its daily paving schedule to the Department prior to commencing work. In addition, during the backfill and compaction phase of the work, permittees must provide, on site, a certified compaction tester from an approved laboratory or a licensed certified tester to test that the compaction of the backfill is in accordance with the Department's rules and specifications.

(ii) The Department may inspect any phase of the work, including but not limited to, initial excavation, backfill and compaction, performance of required cut backs, and final restoration.

(iii) A certification issued by a New York State licensed professional engineer shall be provided to the Department within thirty days of completion of work on protected streets. The certification shall state that the type of work performed was as described in the permit application, and that all phases of the restoration were performed in accordance with Department rules and specifications.

(iv) Permittees shall be responsible for the proper repair of the street opening or excavation for a period of three years from the date of

completion or for the duration of the protected street guarantee period, whichever is longer.

(v) All restorations shall conform with the latest version of Department standard details 1042A and 1042B.

(vi) Where street openings cannot be confined to within 8 feet of the curb line, including the required cut back, and/ or within the sidewalk area, full curb to curb roadway restoration shall be required where protected street status has been in effect for 18 months or less, unless otherwise directed by the Commissioner.

(vii) The permanent restoration shall be flushed with the surrounding pavement on all sides of the restoration. In the event a permanent restoration pavement installed in violation of the provisions of subparagraph (i) of this paragraph (4) settles more than two inches (2") below the surrounding existing surface during the life of the guarantee period, this shall be deemed a failure of the backfill compaction, in which case, the permittee shall remove all of the failed backfill, down to the subsurface facility, and install new, properly compacted backfill.

**(g) Emergency Street Openings and Excavations.**

(1) Permit Requirements

(i) No person shall perform emergency work without obtaining an emergency number from the Department. Permittees shall fax the Emergency Street Opening Permit request form to the Department's Emergency Authorization Unit to obtain an emergency permit number, unless otherwise directed by the Commissioner.

(ii) An emergency permit number may be requested only for emergency work performed on existing services. An emergency permit number shall not be obtained for work to be performed pursuant to a CAR.

(2) Conditions

(i) A permittee shall begin emergency work within two hours after obtaining an emergency permit number.

(ii) A permittee shall perform emergency work on an around-the-clock basis until the emergency is eliminated, unless otherwise directed by the Commissioner. Once the emergency is eliminated—on a critical roadway listed in subdivision (c) of § 2-07 of these rules, the permittee shall suspend work, restore the full width of the roadway and resume work, if necessary, during the non-restricted hours indicated in that subdivision. Such resumption of work shall only be undertaken within the 48-hour duration of the emergency permit number. A permittee working with an emergency number on a roadway other than a critical roadway may

suspend or resume work at any time within the 48-hour period covered by the emergency number.

(iii) No more than one lane of traffic may be obstructed, however, if an emergency street opening is larger than 8 feet by 10 feet, permittee may occupy up to a maximum of 12 feet on one side of the opening and a maximum of 6 feet on the other side.

(iv) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices shall be used until the leak is corrected.

(v) Barricades, signs, lights and other approved safety devices shall be displayed in accordance with the New York State or Federal Manual on Uniform Traffic Control Devices.

(vi) A minimum of five feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for five feet of unobstructed pedestrian passageway, pedestrians shall be directed by signs to the opposite sidewalk

(vii) No private vehicles shall be kept within the work area.

(viii) A permittee shall submit an application for a regular permit, and for Landmarks Preservation Commission permits if applicable, within two business days of receiving an emergency permit number.

(ix) Restorations shall be made with in-kind materials.

(x) Emergency work in the African Burial Ground and Commons Historic District areas, requires the permittee excavate with utmost caution and the permittee shall not remove any excavation or debris from the site prior to Landmarks Preservation Commission's review of the excavation.

(xi) If any emergency street opening results in a width of less than 11 feet in each direction for vehicular traffic, this shall be deemed a full roadway closure. In such case, the Police Department, the Communication Centers of the Fire Department and the Department of Transportation shall be notified simultaneously with the closing.

(xii) Emergency permit numbers shall be kept on site and shall be presented upon the request of any police officer or other City employee authorized by the Commissioner to enforce these rules. Any additional information regarding the emergency work that is requested at the site by

a Department inspector shall be provided by the permittee and/or the persons performing such work.

(xiii) Flagpeople. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times while actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

(xiv) All permittees shall comply with the provisions of subdivision (g) of § 2-02 of these rules, if applicable.

(3) Application

When applying for an emergency permit number by fax, a permittee shall submit all information required by the Department. This information includes, but is not limited to, the following:

- (i) Name of permittee
- (ii) Permittee ID #
- (iii) Location of emergency (including borough)
- (iv) Type of emergency (including interruption of service)

**Section 2-12  
Vacant Lots**

**(a) Property Owners' Responsibility.**

Whenever the Commissioner shall so order or direct, property owners shall, at their own expense:

- (1) fence any vacant lot(s);
- (2) fill any sunken lot(s) in compliance with § 2-06 or other requirements of these rules;
- (3) cut down any raised lot(s) in accordance with the specifications of the Department and § 2-02 of these rules.

**(b) Failure to Comply.**

Upon the property owner's failure to comply with the requirements of paragraph (a), above, the Department may perform the work or cause it to be performed, the cost of which, together with the administrative expenses, shall constitute a debt recoverable from the owner by lien on the property affected, pursuant to § 19-152 of the Administrative Code.

**(c) Reinspection.**

Upon request of the property owner to the appropriate borough office, the Department shall provide a reinspection by a different departmental inspector than the one who conducted the first inspection.

**(d) Permit Requirements.**

The property owner shall obtain a permit from the Department before performing any work pursuant to this section. All permits are subject to applicable provisions contained in § 2-02 of these rules.

## **Section 2-13 Vaults**

### **(a) Vault Defined.**

A vault is any opening below the surface of the street and outside the property line that is covered over.

### **(b) Exceptions.**

This § 2-13 shall not apply to:

- (1) Openings that are used exclusively as places for egress or ingress by means of steps to the cellar or basement of any building.
- (2) Openings that are used primarily for light and ventilation.
- (3) Openings constructed or maintained by utility companies, which are regulated under a separate agreement with the City.
- (4) Subways, railroads and related structures that are controlled by a public authority.

### **(c) License required.**

A license shall be obtained prior to construction of a new vault or enlargement of an existing vault. A revocable consent shall be required for any vault that extends further than the line of the sidewalk or curbstone of any street.

### **(d) Permit required.**

No vault shall be constructed, altered or repaired unless a street opening permit is obtained from the Department upon payment of the established fee.

### **(e) Applications.**

(1) All applicants for a license and/or permit to construct, maintain, alter or repair a vault shall file a written application signed by the applicant, stating the dimensions of the vault, the number of square feet required and four 8 1/2" x 14" cloth copies of a plan. For existing vault repairs, blueprints may be submitted in lieu of cloth copies of the plan at the discretion of the Commissioner. Plans shall include:

- (i) The address and the tax lot and block number of the vault property location.
- (ii) The distance from the lot property line to the nearest corner property line.
- (iii) All frontages, lot lines, and line of building abutting the street.

- (iv) All distances from the lot line to the existing curb line (existing width of sidewalk).
  - (v) The dimensions of the vault at the outer perimeter of the walls, the depth of the vault, and the composition and thickness of the vault walls (top and cross sections).
  - (vi) Location of all existing or proposed steps, gratings, open areas, coal holes/chutes/slides, entrances, cellar doors, building encroachments, and all other installations in the sidewalk area.
  - (vii) Details and location of all manhole access covers to a boiler or underground tank, to be installed in accordance with the specifications.
  - (viii) Approved Department of Buildings plan.
  - (ix) For existing vaults, verification of annual vault charge return.
  - (x) For a new vault or an enlargement of an existing vault, a copy of the license agreement filed with the Division of Franchises, Concessions and Consents of the Department.
- (2) All applicants shall comply with the requirements of § 2-02 of these rules.

**(f) Adjustments to license fee.**

When subsequent measurements indicate that more or less space has been taken for the construction of a vault than that originally paid for, an adjustment of fees shall be made pursuant to § 19-117 (e) and (f) of the Administrative Code.

**(g) Limitations.**

No vault shall extend closer than seven feet to the established curb line unless otherwise authorized by the Commissioner. Such authorization may be granted based upon:

- (1) Special conditions cited by the applicant and,
- (2) Additional construction requirements, including, but not limited to:
  - (i) A waterproofed recess in the vault roof adequate to receive a standard curb for the entire length at which the curb may be set or reset in accordance with the Department's standard sidewalk width even in cases where the existing or proposed sidewalk width does not conform to that standard width.
  - (ii) A strengthening of the vault roof to sustain live loads of six hundred pounds or more per square foot.
  - (iii) Adequate waterproofed recesses to accommodate existing or proposed street lights, hydrants, traffic signals and other street appurtenances to the Department's standard sidewalk width even in



cases where the existing or proposed curb line does not conform to that standard width.

**(h) Curb.**

No vault shall extend beyond the established line of the curb.

**(i) Arched or covered vault.**

No new vault is to be arched or covered unless the owner or applicant shall have had the vault first measured by a duly licensed surveyor who shall deliver to the Department a certificate signed by him or her specifying the area of the vault, together with a diagram showing the dimensions thereof, including its sustaining walls, the location of the vault in relation to the building, curb line, and the nearest street corner intersection, the house number, the tax lot and the block numbers of the plot and all details as to sidewalk covering; in the case of an existing vault, the person claiming the right to the use thereof shall furnish a similar certificate and diagram, except that in such case the measurement shall exclude the sustaining walls if it is impracticable for the surveyor to measure the thickness. See § 19-117(d) of the Administrative Code.

**(j) Hoistway openings.**

No opening in the sidewalk area shall be constructed for the accommodation of any elevator or lift, whether manually or power operated. Existing hoistway openings in the sidewalk may be continued but shall not be enlarged in buildings erected before July first nineteen hundred fifty-seven, provided such openings are equipped with approved type doors located flush with the sidewalk and equipped with elevators. These hoistway openings with elevators may be relocated provided the total number of sidewalk elevators serving the building is not increased. Relocated elevators may not project more than five feet from the building line into the sidewalk area.

**(k) Boiler room exit.**

An exit in the sidewalk area may be constructed and maintained above a steam boiler room. The door over such exit shall be three feet parallel to the building line and two feet at right angles thereto. The cover shall be adjacent to the building line and shall be hinged on the side nearest the curb allowing for it to be open slightly less than ninety degrees with the horizontal. An iron ladder permanently fixed in position shall be installed.

**(l) Sidewalks over vaults.**

(1) A standard specification concrete sidewalk of four inch minimum thickness shall be installed over the structural roof slab of the vault and in conjunction with the structural roof slab shall be able to sustain a minimum live load of six hundred pounds per square foot. In no case shall the new sidewalk serve as the structural roof of the vault.

(2) The licensee shall be responsible for repairing and maintaining the sidewalk covering the roof of a vault in a safe condition. The Commissioner may

order a licensee to repair defects in vault coverings, including defective sidewalk flags, in accordance with subdivision (b) of § 19-151 of the Administrative Code.

**(m) Doors and gratings.**

(1) All gratings or doors covering openings or roofs of vaults on the sidewalk shall be so constructed as to sustain a minimum live load of six hundred pounds per square foot.

(2) Doors and gratings in sidewalk are not permitted in front of any entrances, including building, store and delivery.

(3) All doors and grating and related hardware shall be flush with the sidewalk.

(4) Door and grating material and design shall be approved by the Department of Buildings.

**(n) Defective covers.**

The Commissioner may order defective vault covers, doors, gratings and adjacent areas which are broken or present a slippery surface to be made safe immediately by the owner and replaced in accordance with Department standards in accordance with subdivision (b) of § 19-151 of the Administrative Code.

**(o) Abandoned vaults.**

The Commissioner may order the vault licensee and/or the owner of the premises to fill in an abandoned vault in accordance with subdivision (b) of § 19-151 of the Administrative Code as hereinafter provided. The vault shall be filled in with clean, incombustible material, attaining proper compaction standards. Where such structures adjoin the curb, the enclosing walls shall be cut down to a depth of two feet below the curb and the roof shall be removed. Proper steps shall be taken to allow for the drainage of water through the vault floor.

**(p) Historic districts.**

All work on vaults in historic districts shall be approved by the Landmarks Preservation Commission prior to the commencement of the work.

**Section 2-14  
Miscellaneous**

**(a) Public Pay Telephones.**

(1) An application for a permit for public pay telephones and related equipment shall be made to the Department of Information Technology and Telecommunications (DOITT) pursuant to Chapter 4 of Title 23 of the Administrative Code and pursuant to Chapter 6 of Title 67 of the Rules of the City of New York.

(2) A street opening permit for installation of a public pay telephone line or stanchion shall be obtained from the Department, pursuant to § 2-02, after obtaining a permit from DOITT. Fees shall be paid pursuant to § 2-03 of these rules.

(3) A street opening permit shall be obtained for the removal of a public pay telephone stanchion and the restoration of the sidewalk. Such sidewalk restoration shall be performed in accordance with the Department's specifications.

**(b) Banners.**

(1) Permit Required

(i) The Commissioner may issue permits for the display of banners promoting cultural exhibits and events or public or historical events which foster tourism and/or enhance the image of the City. The Commissioner may issue permits to business improvement districts (BIDs), local development corporations (LDCs) or other organizations that have received Commercial Revitalization Program funds (CRP fund recipients) from the Department of Business Services within the past year for the display of banners within the BID, LDC or CRP fund recipient's area that are designed to provide information about such BID, LDC or CRP fund recipient's area to the general public.

(ii) No person shall install, place, affix or attach a banner on any property within the jurisdiction of the Department without first obtaining a permit from the Commissioner.

(iii) No person shall install, place, affix or attach a banner on any property within the jurisdiction of the Department which contains a sponsor trade name or logo without the specific prior authorization of the Commissioner.

(2) General Conditions

(i) The number of banners to be installed and the location of each banner shall be approved by the Commissioner prior to installation. All requested locations may not be approved.

- (ii) Banners shall be placed within a one block radius of the event unless otherwise authorized by the Commissioner.
  - (iii) Horizontal banners, including banners hung across a street, are not permitted.
  - (iv) Vertical banners shall be not more than 3 feet wide and not more than 8 feet in height. All such banners shall have 6 slits to allow air passage. Two banners per pole are allowed only if they collectively do not exceed 24 square feet. For existing banners only, two banners per pole not exceeding 30 square feet collectively may be allowed by the Commissioner in his/her discretion. Each such banner shall have 3 slits to allow air passage. The bottom portion of a banner shall be not less than 18 feet above the roadway.
  - (v) Banners shall contain no advertisements. The trade name(s) or logo(s) of the sponsor(s) of the event may be placed on the banner but shall occupy no more than 10% of the banner in total. Corporate sponsor's trade name(s) or logo(s) shall be located on the lower portion of the banner.
  - (vi) All applicants shall submit a final graphic of the banner prior to the issuance of a permit. It shall be a condition of each permit that the banner is in compliance with the final graphic.
  - (vii) Applications for banner permits shall be submitted no fewer than 45 days prior to the planned installation date.
  - (viii) Applicants shall be responsible for inspecting banners and poles and replacing and/or removing banners that are torn, defaced or in general disrepair, including rigging.
- (3) Installation, Maintenance and Removal
- (i) Drilling of lamppost or welding of bracket supports is not permitted. All mounting hardware must be of a corrosion resistant material.
  - (ii) Banners shall not be attached to any traffic signal posts containing an electrical traffic control device. Banners shall not be installed so as to obstruct the visibility of signs or signals which may be attached to other lampposts.
  - (iii) Banners shall not be placed on lampposts designated as landmarks by the Landmarks Preservation Commission. Banners shall not be placed on ornamental signposts without meeting specific permit stipulations.
  - (iv) Banners and any installation apparatus shall be removed immediately upon the expiration of the term of the permit, except where a permit extension has been granted by the Commissioner.

(4) Duration and Renewal of Permits

Banner permits shall remain in effect for a period of 30 days including installation and removal, and may be renewed up to two times at the discretion of the Commissioner.

(5) Duration and Renewal of Permits Granted to BIDs, LDCs or CRP Fund Recipients

Permits granted to BIDs, LDCs or CRP fund recipients may remain effective for up to 90 days and may be renewed at the discretion of the Commissioner.

(6) Revocation

Banner permits are revocable at will by the Commissioner.

**(c) Bandstands and Temporary Platforms.**

(1) No person shall erect or maintain a temporary platform or bandstand on the street unless the structure has been approved by the Department of Buildings and a permit has been issued by the Commissioner.

(2) Applicants for a permit to erect or maintain a temporary platform or bandstand shall file a commercial general liability insurance policy, as provided in § 2-02, with the Commissioner.

**(d) Helicopter Lifts.**

A street closing permit for the closing of streets along the route of a helicopter lift shall be required for contractors with licensed operators performing helicopter rigging operations on construction sites. The permit is subject to the following requirements:

(1) a permit for Aviation Operation, External Lift Operation, from the Public Transportation Safety Unit of the Fire Department and

(2) a signed and notarized Indemnification and Hold Harmless Agreement.

**(e) Temporary Festoon/Holiday Lighting and/or other Temporary Lighting.**

(1) No individuals shall be permitted to hang temporary festoon/holiday lighting and/or other temporary lighting from lampposts or poles containing electrical traffic control devices.

(2) Groups, including but not limited to, Business Improvement Districts, Block Associations and Chambers of Commerce shall be permitted to hang temporary festoon/holiday lighting and/or other temporary lighting from lampposts, provided the following conditions are met:

(i) All temporary festoon/holiday lighting and/or other temporary lighting, their attachments, accessories, installations, and methods of

attachment shall be in compliance with the applicable requirements of these rules, the New York City Electrical Code (Chapter 3 of Title 27 of the Administrative Code) and the rules of the New York City Department of Buildings.

(ii) A letter requesting permission to hang temporary festoon/holiday lighting and/or other temporary lighting shall be sent to the Department's Street Lighting Unit each year, 60 days before the holiday or event by the sponsoring group. Such letter shall state the anticipated installation and removal dates of the lighting, the proposed location(s) where the lights shall be installed including the number of block faces of streets to be used, and the number of lampposts to be affected, including those from which power is to be drawn and those that are to be used only as an attachment for the temporary lighting.

(iii) The Street Lighting Unit shall provide a disposition in writing. If approved, the sponsoring group or its electrical contractor shall submit such disposition from the Street Lighting Unit to the Department of Buildings when applying for a Certificate of Electrical Inspection.

(iv) The sponsoring group shall hire an electrical contractor licensed by the City to furnish and install a Ground Fault Circuit Interrupter (GFCI) weatherproof receptacle and install the lighting fixtures and supporting equipment. The GFCI shall be installed near the top of the shaft of the lamppost from which the power is to be drawn.

(v) The sponsoring group or its electrical contractor shall be responsible for the maintenance and replacement, as necessary, of the weatherproof receptacles.

(vi) The sponsoring group or its electrical contractor shall obtain a Certificate of Electrical Inspection from the Department of Buildings prior to applying for a permit from the Department.

(vii) The sponsoring group shall make arrangements with the appropriate electric utility company to pay for the electricity that will be used to illuminate the temporary festoon/holiday lighting and/or other temporary lighting.

(viii) The sponsoring group shall obtain and maintain in force an insurance policy as provided in section 2-02 of these rules and shall indemnify and hold the City harmless from any and all claims for personal injury or property damage arising from the installation, maintenance, operation and eventual removal of the temporary festoon/holiday lighting and/or other temporary lighting.

(ix) A permit to hang temporary festoon/holiday lighting and/or other temporary lighting shall be obtained from the Department of Transportation, prior to commencing work, upon the showing of the letter of consent from the Street Lighting Unit and the Certificate of Electrical

Inspection from the Department of Buildings pursuant to subparagraphs (iii) and (vi) of this paragraph.

(x) Temporary festoon/holiday lighting and/or other temporary lighting with necessary feed wires and supports may be permitted over sidewalks for a period not to exceed 90 days, provided they do not interfere with the free use of fire escapes and drop ladders. All such electrical construction shall be removed within the time stated on the permit, excluding the authorized GFCI weatherproof receptacle. The receptacle shall be permitted to remain provided that it is properly maintained. Any receptacle(s) not properly maintained shall be removed, within one (1) to ten (10) days of notice from the Department, as directed by the Department, by the sponsoring group at its sole cost and expense. In the event that the sponsoring group fails to remove the receptacle(s) or in the case of an emergency, the Department may remove such receptacle(s) and charge the cost of removal to the sponsoring group.

(xi) Prior to commencing any work, the electrical contractor shall test each pole for stray voltage. If a pole tests positive, the electrical contractor shall contact the Department and Con Edison immediately and shall report such test result and the location of the pole. The electrical contractor shall wait for clearance from the Department and Con Edison prior to the commencement of work.

(xii) After completing the installation of the temporary festoon/holiday lighting and/or other temporary lighting, the electrical contractor shall retest each pole for stray voltage. If a pole tests positive, the electrical contractor shall contact the Department and Con Edison immediately and shall report such test result and the location of the pole.

(xiii) The electrical service shall not exceed 120 volts and shall not be fused larger than fifteen (15) amperes.

(xiv) The installation of temporary festoon/holiday lighting and/or other temporary lighting shall comply with the minimum height clearances below:

Nature of Crossing	Conductors Guys, Spans, Messengers			
	Under 300 Volts	300 Volts to 750 Volts	750 Volts to 15,000 Volts	15,000 Volts to 33,000 Volts
Above track rails of freight railroads.	27 feet	27 feet	28 feet	30 feet
Above track rails of elevated railways.	25 feet	25 feet	25 feet	25 feet
Above track rails of surface railways.	22 feet	22 feet	25 feet	25 feet

Above roadways of streets, etc.	18 feet	18 feet	20 feet	22 feet
Above spaces or ways accessible to pedestrians only, i.e., sidewalks and alleyways.	14 feet* *For guys, 8 feet shall be sufficient for anchor guys not crossing pathways.	18 feet	20 feet	22 feet

(xv) Temporary festoon/holiday lighting and/or other temporary lighting, strings or messengers shall not be supported by or secured to any fire escape or drainpipe. They shall be insulated from their supports by strain insulators.

(xvi) Streamers, messengers or supports shall not be attached to or supported from electric, light, telephone, communications or trolley poles or lines without permission from the owners.

(xvii) Any sponsoring group and/or electrical contractor who fails to comply with the requirements of this subdivision shall be excluded from the permit process for temporary festoon/holiday lighting and/or other temporary lighting for the following year or seasonal cycle, or other period of time as determined by the Department.

(xviii) Requests to make adjustments to the work performed shall be approved by the Department.

(xix) The Department may mandate that changes be made to the work performed.

(xx) The electrical contractor shall test each pole for stray voltage after removing the temporary festoon/holiday lighting and/or other temporary lighting equipment in compliance with the permit limits. If a pole tests positive, the electrical contractor shall contact the Department and Con Edison immediately and shall report such test result and the location of the pole.

(xxi) At the completion of the work, a letter shall be sent to the Department certifying that the work was conducted in accordance with all rules and regulations.

**(f) Commercial Refuse Containers.**

Commercial refuse containers are containers to be placed on the public roadways temporarily, the use of which is not related or connected to any use or activity for which a construction activity permit shall be obtained from the Department. Commercial refuse containers shall not be used for the storage of putrescible waste.



- (1) No commercial refuse container shall be placed on the street unless the owner has registered the container and obtained a permit from the Department.
- (2) Upon registration, the Department shall issue a permit to the owner of the container company which lists identification numbers for each registered container. The identification numbers shall be printed on stickers which shall be obtained by container company owners, validated at the nearest Department borough permit office and shall be placed conspicuously on two sides of the containers. Specifications for the stickers shall be available at the permit offices.
- (3) Permits to place commercial refuse containers on the street temporarily shall be valid for one year. Information regarding the number of containers owned by each company shall be updated as necessary and the permit shall be updated containing the new registration numbers for any additional containers.
- (4) Commercial refuse containers shall not be stored or placed within:
  - (i) any "No Stopping," "No Standing" or "No Parking Anytime" areas;
  - (ii) fifteen feet of hydrants;
  - (iii) the area created by extending the building line to the curb (the "corner") or the area from ten feet from either side of the corner (the "corner quadrant");
  - (iv) four feet of lamp posts;
  - (v) five feet of railroad tracks.

In exceptional circumstances, the Commissioner may grant permission to store or place containers in the areas specified in items (i) through (v), above. An application for such permission shall be made to OCMC indicating the need for such placement.

- (5) Storage of commercial refuse containers shall not interfere in any way with subway facilities, hydrants, fire alarms, traffic signals, street signs, bus stops or shelters, trees, parking meters, emergency telephones, water main valves or gas shut-off valves, unless permission is obtained from the appropriate City Department.
- (6) The name, address and telephone number of the owner shall be printed on two sides of each container.
- (7) Each container shall be stored flush with the curb and extend no more than eight feet.
- (8) The street under all containers shall be shielded by roadway protection to prevent damage to streets.

(9) All containers shall be clearly marked on all four sides with high intensity reflective paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination at a distance of three hundred feet.

(10) No container shall be left in one location for more than seventy-two continuous hours.

(11) Sidewalks, gutters, crosswalks and driveways shall at all times be kept clear and unobstructed and all dirt, debris and rubbish shall be promptly removed therefrom.

**(g) Storage Boxes.**

No person shall place on any street a box for the purpose of storing written matter or any other type of material or attach such box to any item of street furniture or to the pavement in any way.

**Section 2-15**  
**Removal of Unauthorized Encroachments**

**(a)** The Commissioner may serve an order upon a property owner to remove or alter any unauthorized projection, encroachment or encumbrance on or in front of his premises within a period to be specified in such order; such order shall be served personally, or by leaving it at the house or place of business of the owner, occupant or person having charge of the house or lot in front of which the projection, encroachment or encumbrance may be, or by posting such order thereon.

**(b)** Where a property owner fails to alter or remove the encroachment, encumbrance or projection within the time specified in the order, the Commissioner may remove or alter or cause such encroachment, encumbrance or projection to be removed or altered at the expense of the owner or constructor thereof, who shall be liable to the City for all expenses that it may incur by such removal or alteration, together with the penalties prescribed by §19-150 of the Administrative Code, to be recovered with costs of suit.

(1) In addition to any other remedies or penalties, whenever such removal, alteration, repair and restoration is undertaken by the Commissioner he or she may certify separately the cost and expense of such removal, alteration, repair and restoration to the Commissioner of Finance, who shall charge the amount of such costs and expenses against the property upon and with respect to which the work was performed. Each such charge shall be a lien upon the property or premises in respect to which the same shall have been made, which lien shall have priority over all other liens and encumbrances except taxes and assessments for other public or local improvements, sewer rents, water rents and interest or penalty thereon levied or charged pursuant to law.

(2) As an alternative to the remedies prescribed above, the Commissioner may in his or her discretion institute through the Corporation Counsel any appropriate action or proceeding at law against such owner for the recovery of the costs and expenses of such removal, alteration, repair and restoration undertaken by the Commissioner, as provided in §19-133 of the Administrative Code.

**(c)** In addition, failure to comply with an order issued by the Commissioner may result in criminal or civil penalties in accordance with sections 19-149 or 19-150 of the Administrative Code.

**Section 2-16**  
**Street closings lasting more than 180 days**

**(a)** Prior to the issuance of a permit that will result in a publicly mapped street being fully closed for more than 180 consecutive calendar days an applicant shall submit a **Community Reassessment, Impact and Amelioration** (CRIA) statement to the Department for its approval. Without such approval by the Department, the Department may refuse to issue a permit. This provision shall apply to single permits or to a combination of permits that would result in such full street closure for a total of more than 180 consecutive calendar days.

**(b)** Any individual or entity that effectuates the closure of a street for more than 180 consecutive calendar days for which a permit from the Department is not required, with the exception of such street closures initiated by a local law enforcement agency, shall comply with all provisions of this section.

**(c)** The CRIA statement shall contain the following:

(1) the objectives of the closure and the reasons why the continued street closure is necessary to attain those objectives;

(2) identification of the least expensive alternative means of attaining those objectives and the costs of such alternatives, or a statement and explanation as to the unavailability of such alternatives;

(3) how the continued street closure will impact access and traffic flow to and within the surrounding community, including but not limited to, access to emergency vehicles, residences, businesses, facilities, paratransit **transportation** and school bus services; and

(4) any recommendations to mitigate adverse impact and increase access to and within the area.

**(d)** The requirement for the issuance of a CRIA statement as described in this subdivision may be satisfied by delivery of an environmental assessment statement or environmental impact statement conducted pursuant to CEQR rules, that has been approved by the Department.

**(e)** The individual or entity requesting a street closure as provided for in this section shall attend and assist the Department at the public forum held pursuant to the requirements of § 19-107(b) of the Administrative Code of the City of New York and any other public forum resulting from the street closure upon request from the Department, and shall assist the Department in producing responses to any and all issues raised pursuant to such public forum(s).

**(f)** The Department may require the individual or entity requesting such street closure to issue the Department approved CRIA, environmental assessment statement or environmental impact statement to the community board and the council member in whose district the street is located.

## **Section 2-17 Adjudications**

New York City Department of Transportation adjudications regarding the fitness and discipline of agency employees will be conducted by the Office of Administration Trials and Hearings. After conducting an adjudication and analyzing all testimony and other evidence, the hearing officer shall make written proposed findings of fact and recommend decisions, which shall be reviewed and finally determined by the Commissioner.

**Section 2-18**  
**Newsstands**

Incorporation by reference of rules promulgated by the New York City Department of Consumer Affairs. The rules related to newsstands promulgated by the Department of Consumer Affairs in subchapter G of chapter 2 of Title 6 of the Rules of the City of New York are hereby incorporated by reference into this chapter as rules of the Department of Transportation.

**Section 2-19**  
**Bicycle Access in Office Buildings**

**(a) Definitions.** For purposes of this section, the following terms shall have the following meanings:

**(1) Accessible Level.** “Accessible level” shall mean one that facilitates the approach, entry or use for bicyclists on whose behalf the tenant or subtenant has requested bicycle access.

**(2) Available.** “Available” shall mean accessible for use by bicyclists on whose behalf the tenant or subtenant has requested bicycle access.

**(3) Control.** “Control” shall mean to exercise legal authority over through deed, permit, lease, contract or otherwise.

**(4) Covered.** “Covered” shall mean enveloped by a roof or functional equivalent. For purposes of this definition, “roof” shall mean the outer cover and its supporting structures on the top of a building.

**(5) Indoor.** “Indoor” shall mean situated in the interior of or within a building that is within three blocks or seven hundred fifty feet, whichever is less, of the building for which a bicycle access plan is requested.

**(6) Off-street.** “Off-street” shall mean located in an area other than the roadway or the public sidewalk within three blocks or seven hundred fifty feet, whichever is less, of the building for which a bicycle access plan is requested.

**(7) Secure.** “Secure” shall mean that (i) the entry to or exit from the alternate bicycle parking is locked or supervised by building personnel and permitted only to (A) the owner, lessee, manager or such other person who controls such building and their agents, and (B) bicycle owners on whose behalf the tenant or subtenant has requested bicycle access, and (ii) a bicycle owner can lock a bicycle to a fixed object (including, but not limited to, a bicycle rack) such that the bicycle is protected from damage or theft.

**(b) Bicycle Access Plan.**

(1) Request for Bicycle Access.

(i) The tenant or subtenant of an office building, as defined in Administrative Code §28-504.1, may submit a request for bicycle access, in writing on a form provided by the Department, to the owner, lessee, manager or other person who controls such office building. Such request shall be submitted by certified mail, return receipt requested.

(ii) The tenant or subtenant shall file a copy of any request for bicycle access with the Department. Such request may be filed electronically by submitting it through the Department’s website ([www.nyc.gov/bikesinbuildings](http://www.nyc.gov/bikesinbuildings)) or by submitting such request by regular

mail to the Department of Transportation, 55 Water Street, 6<sup>th</sup> Floor, New York, NY 10041, Attention: Bikes in Buildings Program.

(iii) The owner, lessee, manager, or other person who controls such office building shall complete and implement a bicycle access plan for such building within thirty (30) days after receipt of a written request from such tenant or subtenant of such building.

(iv) The owner, lessee, manager or other person in control of the building may request an exception to the requirements of Administrative Code §28-504.3 in accordance with subdivision (d) of this section.

(2) Contents of Bicycle Access Plan.

(i) Requirements. The bicycle access plan prepared by the owner, lessee, manager or other person who controls a building shall, for bicyclists on whose behalf the tenant or subtenant has requested bicycle access, include but not be limited to:

- A. the location of entrances within or to the building;
- B. the route to elevator(s) that accommodate bicycle access;
- C. the regular hours of operation of the elevator(s);
- D. such other information as is deemed to be appropriate by and for the particular building; and

(ii) For purposes of these rules it shall be presumed that if a freight elevator in the building is available for carrying freight, it is available for carrying a bicycle for purposes of providing bicycle access.

(iii) Bicycle access shall be available, at minimum, during the regular operating hours of the freight elevator in the event that such elevator is used for bicycle access.

(iv) Upon receiving and reviewing its copy of a request for a bicycle access plan that has been filed in accordance with subparagraph (ii) of paragraph one of subdivision (b) of this section, the Department may require that additional information be included in the plan because it has determined that such information is appropriate for the particular building in question.

**(c) Amendments to plan.** The owner, lessee, manager, or other person who controls a building shall either create a new plan or amend a plan as needed (1) to address changed circumstances which warrant a revision in a particular tenant's or subtenant's plan, or in a plan that is applicable to all tenants; or (2) to accommodate new requests from other tenants or subtenants requesting bicycle access. Should such owner, lessee, manager, or other such person who controls a building elect to amend a bicycle access plan pursuant to this section, such plan shall be amended within thirty (30) days of receiving a request for bicycle access. Any amendments that may materially affect the bicycle access



plan shall be completed and implemented within thirty (30) days of the changed circumstances or to accommodate new requests from other tenants or subtenants requesting bicycle access, and do not preclude the requirement to comply with the provisions of this section. All amendments shall be filed with the Department pursuant to the provisions of subdivision (h) of this section.

**(d) Exceptions.**

(1) Bicycle access need not be provided if an owner, lessee, manager or other person who controls a building applies to the Commissioner for, and is granted, a letter of exception as set forth below. Such request shall be sent by certified mail, return receipt requested within fifteen (15) days of receipt of a request for a bicycle access plan to the Department of Transportation, 55 Water Street, 6th Floor, New York, NY 10041, Attention: Bikes in Buildings Program, and certifies the following:

(i) the building's freight elevator is not available because unique circumstances exist involving substantial safety risks directly related to the use of such elevator pursuant to Administrative Code § 28.504.4(1) ("Exception 1"); or

(ii) there is sufficient secure alternate covered off-street no-cost bicycle parking within three blocks or seven hundred fifty (750) feet, whichever is less; or there is sufficient secure alternate indoor no-cost bicycle parking available on the premises or within three blocks or seven hundred fifty (750) feet, whichever is less, of such building to accommodate all tenants or subtenants of such building requesting bicycle access pursuant to Administrative Code § 28.504.4(2) ("Exception 2"). The number of bicycle parking spaces available shall be at least equal to the number of bicycles contained in the bicycle access tenant requests.

(2) A request for Exception 1 shall include the basis for requesting such an exception and shall also include but not be limited to the following supporting documentation:

(i) A certification from a professional engineer who is licensed and registered in New York State. Such certification shall include but not be limited to the following facts:

- (A) The date the building was constructed;
- (B) The date the elevator was installed;
- (C) The method of elevator door closing;
- (D) Whether the elevator is self-service or there is an operator;
- (E) Whether there is a car top;
- (F) Whether there is a car gate or door; and
- (G) The professional engineer's license number.

(ii) Upon receiving and reviewing a request based on Exception 1, the Department may require that additional information be submitted in

support of the request because it has determined that such information is appropriate for the particular building in question.

(3) A request for Exception 2 shall include the basis for requesting such an exception and shall also include but not be limited to the following supporting documentation:

(i) Proof that secure alternate covered off-street no-cost bicycle parking or secure alternate indoor no-cost bicycle parking is available to or under the control of the owner, lessee, manager or other person who controls the building. Such proof may include but not be limited to a copy of a deed, lease, title, permit or contract evidencing such control.

(ii) The route to the secure alternate covered off-street no-cost bicycle parking that is within three blocks or seven hundred fifty (750) feet, whichever is less; or the route to the secure alternate indoor no-cost bicycle parking available on the premises or is within three blocks or seven hundred fifty (750) feet, whichever is less, of such building.

(iii) Upon receiving and reviewing a request based on Exception 2, the Department may require that additional information be submitted in support of the request because it has determined that such information is appropriate for the particular building in question.

(4) Pending the Department's inspection, review and determination of a request for a letter of exception, an owner, lessee, manager or other person who controls a building shall be exempt from complying with the requirements of this section.

**(e) Inspection and Determination.**

(1) If Exception 1 is sought: After conducting an inspection of the building and freight elevator, the Commissioner of the Department of Buildings shall thereafter issue a final determination to the Department as to whether to grant Exception 1. Such final determination shall be included in the Department's letter of exception or denial sent to the owner, lessee, manager, or other person who controls the building.

(2) If Exception 2 is sought: After conducting an inspection in consultation with the Department of Buildings of the secure alternate covered off-street no-cost bicycle parking or the secure alternate indoor no-cost bicycle parking, the Commissioner shall thereafter issue a final determination as to whether to grant Exception 2.

(3) A letter of exception or denial shall be sent by the Department by certified mail, return receipt requested, to the owner, lessee, manager, or other person who controls the building.

(4) If a letter of denial is sent, a bicycle access plan shall be posted within twenty (20) days of receipt of such letter.

**(f) Posting.**

(1) Every owner, lessee, manager or other person who controls a building for which a bicycle access plan has been adopted shall post in such building either a current bicycle access plan or a notice in the building lobby indicating that the plan is available in the building manager's office upon request. The posting of such plan or notice shall be made within five (5) days of implementation of such plan.

(2) Every owner, lessee, manager or other person who controls a building for which an exception to the bicycle access plan requirement has been granted shall post in such a building the letter of exception provided by the Commissioner pursuant to subdivision (d) of this section, or a notice in the building lobby indicating that such letter of exception is available in the building manager's office upon request. The posting of such letter or notice shall be made within five (5) days of receipt of such letter of exception.

(3) Bicycle access plans, letters of exception and notices of availability of either such documents shall be made available to the Department, the Department of Buildings or authorized representatives of any other City agency upon request.

**(g) Filing of bicycle access plan and subsequent amendments with the Department.** A bicycle access plan shall be filed with the Department by electronic submission through the Department's website ([www.nyc.gov/bikesinbuildings](http://www.nyc.gov/bikesinbuildings)) or by regular mail to the Department of Transportation 55 Water Street, 6<sup>th</sup> Floor, New York, NY 10041, Attention: Bikes in Buildings Program, within ten (10) days of implementation of such plan. Should the owner, lessee, manager or other person who controls a building amend their bicycle access plan pursuant to subdivision (c) of this section, such amendment shall be filed with the Department as outlined above within ten (10) business days of completion and implementation of such amendment.