



NYC Buildings Department
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Purpose: This document sets forth the criteria for the stalled sites program in accordance with Local Law 70 of 2009, which amended Section 28-105.9 of the administrative code of the City of New York, in relation to the safety and security of construction sites at which permitted work has not commenced or is suspended.

Related Code/Zoning Section(s): AC 28-105.9

Subject(s): Permits, expiration; permits, stalled sites

I. APPLICATION AND ADMINISTRATION

An owner of a construction site may apply for inclusion in the stalled sites program where a work permit has expired or would otherwise expire due to suspension of work or failure to commence work. To apply for entry into the stalled sites program, the owner shall submit a Safety Monitoring Plan (SMP) for Department review and approval and shall request a scheduled site meeting by the Stalled Sites Safety Unit. Upon the Department’s satisfactory site inspection and approval of the SMP, the site shall be entered into the program. In order to remain in good standing under the program, the owner shall continuously apply for renewal of permits in accordance with AC 28-105.9, maintain proper insurance, submit monthly Monitoring Reports (MR1) to the Department, make the site accessible to the Department for periodic inspection and comply with all other requirements and conditions of the program.

The SMP and MR1s shall be included in the main construction application folder (NB or AL). The SMP and MR1s shall appear in the “forms received” section of the application and shall be visible on BISWEB. Acceptance and entry of the SMP in the “forms received” section shall indicate approval and enrollment in the stalled sites program.

II. PERMIT TERMS (RENEWALS)

Upon enrollment in the program, permits already in effect shall remain in effect until the end of the term for which they were issued and may be renewed for up to two additional terms consistent with Administrative Code section 28-105.8.1 of the construction codes. Expired permits may be reinstated for one term and may thereafter be renewed for one additional term, provided these permits were in effect on July 1, 2008. After June 30, 2013, permits that were renewed under the program shall remain in effect until the end of the term for which they were

issued, unless the permit expires sooner under the construction codes' general expiration provisions. All applicable fees shall apply.

III. VESTING

The stalled sites law authorizes the Department to reinstate permits to perform work in compliance with the 1968 building code; however, these permits are not automatically vested with respect to any other applicable law including, but not limited to, regulations governing landmarks, zoning, and special flood hazard areas.

IV. REMOVAL FROM PROGRAM

The Department may, on written notice to the owner, remove a site from the program for failure to comply with the requirements and conditions of the program. The notice shall inform the owner of the reasons for the proposed removal from the program and that the owner has the right to present to the Department within 10 business days of delivery of the notice by hand or 15 calendar days of the posting of notice by mail information as to why the site should not be removed from the program. All permits shall expire by operation of law upon the removal of the site from the program.

V. SPECIFICS

1. These requirements shall apply to all permitted construction operations where a) construction work has been temporarily suspended (or slowed to a point that the construction project is not being diligently pursued), or b) construction work has not commenced after permit issuance.

2.1. The Stalled Sites Safety Unit shall be notified by the property owner of the proposed temporary suspension of construction operations or of the intention not to commence construction.

2.2. Notification shall include the date of temporary suspension of construction operations and the date of expected resumption or commencement of construction operations, if known.

2.3. The owner shall submit a detailed statement of compliance with all applicable elements of this requirements document, including a Safety Plot Plan (SPP). This detailed statement of compliance, along with the Safety Plot Plan, shall constitute the Safety Monitoring Plan (SMP).

2.4. Inspection and monitoring reports required pursuant to the Safety Monitoring Plan (SMP) shall constitute the Monitoring Reports (MR1).

2.5. For structures where construction operations have been suspended in the superstructure phase and have reached a height of greater than 75 feet above grade, the approved SMP shall be forwarded to the FDNY Bureau of Fire Prevention and Bureau of Operations. Any defects or inadequacies in required egress, standpipe, sprinkler, Siamese connection, or elevator-in-readiness shall be highlighted and addressed with FDNY.

2.6. At time of entry into the Stalled Sites Program, all main construction permits (NB or AL) shall be current, all outstanding violations with respect to the site shall be corrected, and all fines or civil penalties owed pursuant to these violations shall be paid in full.

3. General Requirements for All Stalled Construction Sites. The Commissioner may require additional measures to ensure sites are maintained safely based on site-specific conditions. Any construction site where operations have been suspended and site conditions have become hazardous may be declared an "unsafe building" pursuant to 28-216.1. When so declared, the department may seek remedies provided for under the code, including demolition and grading of lot.

3.1. Monthly (minimum) safety inspections shall be performed by the owner or his designee to ensure the construction site is safe and in continued compliance with these requirements. In addition to the minimum monthly inspection, an inspection shall be made the day of and following severe weather, such as unusually high winds or heavy rain or snow in accordance with the SMP. Reports of all inspections shall be submitted to the department once each month, with immediate notification of any unsafe condition.

3.2. Where required to remain as part of the SMP, all temporary construction permits (construction fencing, sidewalk sheds, debris chutes, safety netting, scaffolding, construction equipment, including crane, hoist, and elevator, mechanical, etc.) shall be renewed to remain in effect and be properly displayed. All permits, expired or active, shall be posted until the applications are signed off.

3.3. All utilities essential to site maintenance shall be maintained (for example, electrical service needed to power sidewalk shed lighting). Non-essential utilities shall be terminated (for example, gas service, when not required for heating purposes in structures with active wet sprinklers).

3.4. Temporary Certificates of Occupancy, if issued, shall be kept current and renewed as required. Any requirements imposed as a condition of the issuance of the Temporary Certificate of Occupancy shall continue to be met.

3.5. All construction debris shall be removed from site, along with excess vegetation.

3.6. All volatile liquids or gases (oxygen, acetylene, gasoline, etc) shall be removed from site, except those used to fuel required emergency power generation equipment. Storage shall be in accordance with FDNY Fire Code and applicable Rules and Regulations.

3.7. All construction materials shall be safely stored. All light-weight materials susceptible to becoming wind-borne shall be removed from site, tied down, or ballasted.

3.8. The construction site shall be enclosed by an 8-foot high solid, well-braced construction fence. Fences shall be properly maintained and kept free of unlawful graffiti, flyers, and posters. View panels (12"X12") shall be provided at each frontage and every 25 linear feet to facilitate site inspection. Panels shall be covered with clear Plexiglas/plastic. Perimeter security shall be maintained so as to discourage illegal dumping.

3.9 Public sidewalks shall be maintained safely in accordance with DOT regulations, free of ice, snow, grease, debris, tripping hazards, etc.

3.10. Illegal dumping on the construction site shall be promptly reported to the Department of Sanitation for enforcement action. The site shall be kept free of garbage and excess vegetation.

3.11. In areas with heavy vehicular traffic, on sites where work has stalled before foundation and at-grade floors/slabs could be completed, vehicle barriers shall be provided at the perimeter of the site to prevent out-of-control vehicles from entering site. Recommendations for placement of full or partial vehicle barriers shall be made based on traffic flow patterns around site.

3.12. All formwork and re-shores shall be removed, provided concrete has reached its design strength. If re-shores are to remain, they shall be periodically checked during monthly safety inspections to make certain they are snug. Perimeter re-shores shall be tied back as per Chapter 33 of NYC Construction Code.

3.13. All required construction signs and permits (including DOT permits) shall be maintained and posted on site. If DOT permits are not current, sidewalk and street closings are no longer valid. As such, sidewalk and streets shall be opened to public traffic, provided this can be safely done.

3.14. Where required to remain as part of the SMP, all scaffolding and debris netting, sidewalk sheds, and temporary walkways shall be maintained, including required illumination. Loose scaffold planking shall be removed or properly fastened. Scaffold tiebacks shall be maintained and inspected for signs failure.

3.15. All adjoining property protection shall be maintained (roof, mechanical equipment, skylights, and other roof outlets).

3.16. All guardrails (including cabling), vertical netting, horizontal netting, floor and shaft opening protection shall be maintained.

3.17. All required temporary or permanent egress shall be maintained clear and unobstructed.

3.18. All required temporary or permanent exit signs and exit illumination shall be maintained.

3.19. All required fire suppression (standpipe, sprinkler) and fire detection equipment (smoke, carbon monoxide, fire) shall be maintained. Siamese connection shall be illuminated and identified, as required under Chapter 33 of NYC Construction Code.

3.20. Required "elevator-in-readiness" ("hoist") for use of the fire department shall be maintained for structures in excess of 75 feet and readily accessible to fire department personnel. Any hoist, whether required as an "elevator-in-readiness" or not, shall be properly maintained and tested every month to ensure it is operational.

3.21. Any crane that is inactive for a period greater than 30 days, including but not limited to tower cranes, and that will remain onsite until a later time shall be stored and maintained in accordance with the manufacturers recommended procedures, Reference Standard 19-2 §15.5 as well as OSHA Subpart N, §1910.180 (d) (5)-(6). This shall include but not be limited to proper positioning and setup for inclement weather as well as normal inspection and maintenance of critical structural and mechanical components. In addition, the certificate of operation and certificate of on-site inspection shall be maintained in a valid and current status while the crane is on-site. Where a crane is inactive for a period greater than 30 days and where the contractor/equipment user is non-responsive, the crane's owner shall be responsible for maintaining the crane in accordance with the manufacturer's specified instructions and to keep all crane permits valid. All maintenance performed shall be documented in the crane maintenance log book. Wherever these rules and directives may be in conflict, the stricter interpretation shall apply.

3.22. Required watchmen shall be maintained at all times for proposed structures 5000 square feet or greater in lot coverage. See BC 3307.5.1 for additional watchmen required based on lot coverage. 24/7 video surveillance and other types of electronic security measures may be considered in lieu of an on-site watchman.

3.23. Rodent control plan shall be implemented.

4. Special Requirements for Operations Stalled in Excavation/Foundation Phase. Where possible, for sites stalled in the foundation phase, the SMP shall include completion of the foundation to grade along with sub-grade and at-grade floor framing/slabs completed. Where possible, sites stalled in the excavation phase shall be backfilled to grade in properly compacted lifts. Any off-site fill used shall be clean fill. After backfill, a lot-line fence complying with height regulations for zoning district in question shall be erected around the entire perimeter. However, all excavation/foundation sites shall comply at a minimum with the following for the SMP:

4.1. Un-shored earth cuts shall be sloped or benched to an effective stable angle of repose of 45 degrees or flatter and stabilized to prevent erosion. Maintenance of angles steeper than 45 degrees or adjacent to existing buildings or public ways will not be permitted without a geotechnical report by licensed professional engineer verifying stability of soil at proposed angle.

4.2. Soil shall be sloped away from adjoining structures, lots, and public sidewalk, for proper drainage.

4.3. Support of excavation shoring shall be inspected by a licensed engineer for conformance to and completeness in accordance with design. All elements of installed support of excavation (SOE) shall be completed such as tiebacks, rakers, footing blocks, walers. If work cannot be completed in areas of installed SOE, areas shall be backfilled. A licensed engineer shall provide a signed and sealed report verifying current stability of excavation and inspect periodically (minimum of once each month) to ensure sustained stability. Lagging boards shall be inspected against soil loss.

4.4. Underpinning shall be inspected by a licensed engineer for conformance to and completeness in accordance with the approved design. All excavated underpinning piers shall be concreted and load transferred to the pier. Unless underpinning is braced by rakers or tie backs, fill shall be placed against all exposed underpinning, to prevent lateral displacement. Licensed engineer shall provide a signed and sealed report verifying current stability of underpinning and of structure that was underpinned and shall inspect periodically (minimum of once each month) to ensure sustained stability.

4.5. Excavations/Foundations shall be maintained dry. Where pumping operations were employed a Licensed Engineer shall evaluate foundation uplift and waterproofing prior to authorizing cessation of pumping operations. Note: Department of Environmental Protection (DEP) permits are required for pumping into city waste water removal systems and Department of Environmental Conservation (DEC) permits are required for pumping into natural water bodies.

4.6. Immediately following rain, ramps, earth cuts, shoring, and underpinning shall be inspected. Accumulated water shall be pumped by manual or automatic systems as approved on the SMP.

4.7. All foundations and walls exposed as a result of excavation or demolition operations shall be weatherproofed.

4.8. All emergency egress shall be maintained, including ladders, scaffold stairs, graded ramps.

4.9. All heavy construction equipment and storage (trailers, shipping containers, excavators, backhoes, etc.) shall be removed from the site or relocated back from edge of excavation a distance equal to 1½ depth of excavation, unless engineer of record certifies that SOE shoring is designed for the surcharge load from equipment.

4.10. A licensed engineer shall establish a monitoring campaign to ensure integrity of SOE structural elements (shoring and underpinning). Such a campaign shall include a benchmark survey establishing current position of shoring, underpinning, and foundation, followed by periodic monitoring for movement. Licensed engineer shall establish frequency of monitoring. Reports shall be submitted to the department periodically, with immediate notification of any unsafe condition.

5. Safety Plot Plan. A Safety Plot Plan (SPP) shall accompany the submission of all SMPs (Safety Monitoring Plans). The Safety Plot Plan shall contain the following essential information. Not all items will apply to all sites. Refer to sections 1, 2, 3, and 4 above for more information.

5.1. Boundaries of lot.

5.2. Adjoining structures within zone of influence of excavation. Identify structures being monitored for movement (see items 5.21, 5.22, and 5.23).

5.3. Perimeter construction/security fencing.

5.4. Plexiglas-covered view panels (12"X12") in construction fence.

5.5. Vehicle barriers.

5.6. Sidewalk/street closings and pedestrian walkways.

5.7. Contractor signs (shall include emergency contact numbers).

5.8. Permit postings.

5.9. Construction shanties/offices.

5.10. Watchman shanty.

5.11. Video surveillance cameras.

5.12. Entrances/exits from site, including ladders, stair towers, etc.

5.13. Heavy construction equipment (trucks, earthmovers, backhoes, pile driving rigs, etc).

5.14. Foundation footprint (indicate if foundation has been backfilled and on-grade and at-grade slabs/floor framing installed).

5.15. Temporary foundation bracing.

5.16. Dewatering systems.

5.17. Sloped soil berms (including angle of repose and general soil type)

5.18. Erosion protection for berms (rip-rap, tarping, etc.)

5.19. Support of excavation shoring (show tiebacks and/or raker bracing).

5.20. Underpinning (indicate height of piers, berms, tiebacks, and/or raker bracing).

5.21. Reference points for all adjoining structures being monitored for movement.

5.22. Reference points for all foundation, underpinning, and support of excavation structures being monitored for movement.

5.23. Baseline survey of all reference points.

5.24. Waterproofing of all exposed adjoining property walls.

5.25. Roof and outlet protection for adjoining properties.

5.26. Sidewalk sheds and scaffolds.

5.27. Elevator-in-readiness.

5.28. Horizontal netting and catch platforms.

- 5.29. Cranes (mobile or tower).
- 5.30. Debris chutes outside building perimeter.
- 5.31. Fire suppression and detection equipment (fire extinguishers, hydrants, standpipes, Siamese connection, sprinklers, fire alarms, smoke detectors, etc).
- 5.32. Emergency generators.
- 5.33. Address of nearest firehouse and precinct.