Notice of Adoption of rules relating to confirmation numbers for street opening permits on protected streets.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Transportation by Section 1043 of the New York City Charter, subdivision (b) of Section 2903 of the New York City Charter, Title 19 of the Administrative Code of the City of New York, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby adopts the amendments to Section 2-11 of Chapter 2 of Title 34 of the Official Compilation of the Rules of the City of New York, the Highway Rules.

This rule was first published on March 21, 2013, and a public hearing was held on April 23, 2013. This rule shall take effect 30 days from the date hereof.

New material is indicated by underlining; deleted material is in brackets [ ].

STATEMENT OF BASIS AND PURPOSE

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules regarding parking and traffic operations in the City pursuant to Section 2903(b) of the New York City Charter.

The purpose of the rule is to clarify the requirement that a permittee who has obtained a street opening permit on a protected street must also obtain a confirmation number prior to the expiration of such permit, and provide guidance on the process for obtaining the confirmation number. This process will provide the permittee with an opportunity to update the Department regarding the status of any work on a protected street.

The rule will achieve this goal by:

- Requiring all permittees who have obtained a street opening permit on a protected street to also obtain a confirmation number,
- Updating the information of how to obtain a confirmation number, and
- Providing guidance on when permittees should obtain a confirmation number, specifically permittees planning to engage in restoration work on a protected street.

Background

In 2011, an amendment to Section 2-11(f)(4) of Title 34 of the Rules of the City of New York was adopted. The amendment requires every permittee who obtains a protected street opening permit to also obtain a confirmation number from the Department. In an effort to clarify this requirement, the Department is amending Sections 2-11(f)(2) and 2-11(f)(4)(i) of Title 34 of the Rules of the City of New York. With this amendment the Department is seeking to explain the conditions associated with protected street opening permits and make clear that a confirmation number is required for each protected street permit obtained.

New text is underlined, and deleted material is in [brackets].
“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise.

§1. Section 2-11(f)(2) of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) Conditions.
   (i) 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.
   (ii) A permittee who has obtained a street opening permit on a protected street must also obtain a confirmation number for each such permit, prior to the expiration of the permit. The permittee must request and obtain such confirmation number through the Department’s website (www.nyc.gov/dot) or other Department-approved method. A permittee commencing restoration work on a protected street must also request and obtain such confirmation number subject to the additional requirements contained in §2-11(f)(4)(i) of these rules.

§2. Section 2-11(f)(4)(i) of Title 34 of the Rules of the City of New York is amended to read as follows:

(4) Restorations.
   (i) No backfill of any opening or excavation on a protected street shall be performed unless the permittee notifies who has obtained a street opening permit also obtains a confirmation number notifying the Department of such restoration work. The permittee must obtain such confirmation number at least two hours prior to the scheduled start time for the backfill except as otherwise authorized by the Commissioner. [All notifications for any restoration phase on protected streets must be made through the Department's web site (www.nyc.gov/dot). Such notifications will result in the generation of a confirmation number, which is required for every protected street opening permit obtained.] The permittee must request and obtain such confirmation number pursuant to §2-11(f)(2)(ii) of these rules. 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] In addition, during the backfill and compaction phase of the work, the permittee must provide, on site, a certified compaction technician from an approved laboratory to test that the compaction of the backfill is in accordance with the Department's rules and specifications. No base or wearing course of any opening or excavation on a protected street shall be performed unless the permittee obtains a separate and additional confirmation number pursuant to §2-11(f)(2)(ii) of these rules or faxes 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.]