

New York City Department of Transportation

Notice of Adoption

Notice of Adoption of rules updating the following provisions of the Highway Rules: sections 2-01 through 2-09, 2-11 through 2-14, and 2-20.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Transportation by Section 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby amends 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 28, 2016, and a public hearing was held on April 28, 2016. This rule shall take effect 30 days from the date hereof.

Statement of Basis and Purpose of Rule

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

The purpose of the rule is to provide clearer, more concise language, and to update the following provisions of the Highway Rules: sections 2-01 through 2-09, 2-11 through 2-14, and 2-20.

More specifically, sections 2-01, 2-02(c), 2-04(c), 2-04(g), 2-06(b), 2-06(d), 2-08(b), 2-09, 2-11(c), 2-11(e), 2-11(f), 2-12(a), 2-13(g), 2-13(l), 2-13(n), 2-13(o), 2-14(a), and 2-20(a) are amended to distinguish between two documents referenced in the Highway Rules: 1) the Standard Highway Specifications (“Standard Specifications”), and 2) the Standard Details of Construction (“Standard Detail Drawings”), both of which are drafted and issued by the New York City Department of Design and Construction. The Standard Specifications contain detailed information on the specifications for standard materials. The Standard Detail Drawings provide typical construction details.

Sections 2-02(a)(1), (2) and (4) are amended to accurately reflect current DOT practice regarding permit applications and bonds.

Section 2-02(b) is amended to delete the obsolete reference to commercial refuse containers with respect to permit reviews, since these permits are now available online.

Section 2-02(d) is amended to clarify that if a timely Corrective Action Request (CAR) protest is granted, the CAR fee will be waived. A CAR is a formal notice by DOT that work performed, and/or a condition created or maintained on a street, is in violation of the Highway Rules or applicable law, and a request that the permittee take action to correct the work and/or condition. Permittees may protest the issuance of a CAR. This change will promote timely submissions of CAR protests.

Section 2-02 (m) is amended to refer to section 2-07, which is being amended to make clear that a permittee must obtain an emergency number from DOT during a DOT embargo period for emergency work involving an underground street access cover (also known as utility access covers or “manholes”).

Section 2-03 is amended to delete the fee for obtaining permits to install bicycle racks or decorative planters because DOT no longer issues these permits, which are now covered under a revocable consent pursuant to Section 7-04 of Title 34 of the Rules of the City of New York.

Sections 2-05(c)(2), (d)(11), (d)(15), and (j)(5) and Sections 2-11(e)(4), (e)(6), (e)(10), (e)(11), and (g)(2) are amended to replace references to Section 2-01.1 with Section 2-02(h) and clarify that permittees are required to keep their work sites safe.

Sections 2-05(d)(2) and (19) are amended to clarify that any protective covering placed on the street must be placed beneath all construction material or equipment when delivered by the managing agent, distributor, or owner of the container, and must be maintained by the permittee while the material or equipment occupies the street.

Section 2-07 (a) is amended to require a permittee to obtain an emergency number from DOT during a DOT embargo period for emergency work involving an underground street access cover (also known as utility access covers or “manholes”).

Sections 2-07(a)(8), 2-11(e)(4)(v), and 2-11(g)(2)(xiii) are amended to clarify when flagpeople are expected to be placed at a job site.

Section 2-07(b)(2) is amended to require a permit to maintain a steel plate that is covering either a defective maintenance cover or grating (also known as hardware) or any street condition found within an area extending 12 inches outward from the perimeter of the defective hardware or street condition, even where no excavation has been made. There are a number of defective hardware conditions on city streets that require a steel plate cover to maintain public safety until the condition is repaired. This often results in steel plates on the streets with no clear indication of whether they are covering an open excavation or defective hardware, and may on occasion result in unnecessary summonses issued for failure to obtain a permit for an open excavation. This amendment is designed to eliminate the confusion by providing DOT with information on the location of such steel plates, as well as the name of the plate owner.

Section 2-11(e)(2) is amended to allow for the use of the rock wheel or other DOT-approved tools when pre-cutting pavement. Typically, handheld tools must be utilized to pre-cut pavement. However, DOT has on occasion authorized the use of the rock wheel to pre-cut pavement. This change will allow DOT the flexibility to determine which tools are sufficient when pre-cutting pavement. Section 2-11(e)(2) is also amended to add a reference to new Standard Detail Drawing #H-1042.

Section 2-11(e)(10) is amended by adding and clarifying several requirements regarding plating and decking, including identifying the owner, and lessee if applicable, of the plating and decking.

Section 2-11(e)(11)(iv) is amended to prohibit substituting asphalt for concrete, and to require all concrete-base roadway restorations to be the same depth and greater than or equal to the existing

strength as the original base. The consistency and stability of asphaltic material is not the same as concrete. This change will better protect the integrity of city streets.

Section 2-11(e)(11)(vii) is amended by deleting an administrative requirement regarding the plating of shallow conduits and pipes.

Section 2-11(e)(12)(viii) is amended to include and clarify the requirement that sealant must be properly maintained throughout the life of the guarantee period. Currently, the rules require the wearing course to be properly sealed at the edges; however, it does not specifically state that such sealant must be properly maintained throughout the life of the guarantee period.

Section 2-11(e)(12)(xi) is deleted and replaced with the requirement that all trenches must have a minimum opening width of 18 inches in accordance with updated Standard Detail Drawing #H-1042.

Section 2-11(f)(4)(i) is amended by adding that the paving schedule must conform to DOT's requirements, including but not limited to the permittee name, location of work (on, to and from street), and proposed start time. Additionally, the change allows for the transmission of the paving schedule via e-mail or other department-approved method.

Rule

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

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

§1. Section 2-01 of Title 34 of the Rules of the City of New York is amended to read as follows:

Standard Specifications. The term “[specifications] Standard Specifications” means the most recent version of the standard highway specifications available from the Department and the New York City Department of Design and Construction indicating required construction materials.

[Standards] Standard Detail Drawings. The term “[standards] Standard Detail Drawings” means the most recent version of the standard details of construction, available from the Department and the New York City Department of Design and Construction, which contains drawings showing required dimensions of items to be constructed.

§2. Paragraphs (1) and (2) of subdivision (a) of Section 2-02 of Title 34 of the Rules of the City of New York are amended to read as follows:

(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, limited liability corporation, limited liability partnership or other entity registered with the New York Secretary of State:

- (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 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) e-mail 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) e-mail address, if any[.];
- (vi) 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.

§3. Paragraph (4) of subdivision (a) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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 §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] \$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. 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.

(iii) Bonds shall be valid through the permit's guarantee period as set forth in these rules.

(iv) The issuer of the bond shall give the Department at least 30 days written notice prior to expiration or cancellation of such bond.

(v) A receipt demonstrating full payment of the bond shall be filed with the Department.

(vi) A separate bond need not be filed for each location, provided such coverage is in force for all operations in the entire borough, City or state.

(vii) A notice of continuation of certificate shall be received every calendar year for the continuation of an existing bond.

[(viii) 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.

(ix)] (viii) For permits with the exception of those set forth in subparagraph (ii) above and sidewalk construction permits issued pursuant to §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.

§4. Paragraph (1) of subdivision (b) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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.

§5. Subparagraph (ii) of paragraph (2) of subdivision (c) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

(ii) Such signs must be conspicuously displayed and face the nearest curb line. Such signs must be easily visible and readable by pedestrians, and must conform to the Department's [specifications] requirements.

§6. Subparagraph (i) of paragraph 3 of subdivision (c) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

(i) At least one Construction Project Informational Sign must be posted on each block segment where the project is located, and must be easily visible and readable by pedestrians, unless otherwise directed by the Commissioner. The sign(s) must be kept in good condition, and must conform with the Construction Project Informational Sign [specifications which are] requirements available at the Department’s Permit Offices and on the Department’s website.

§7. Paragraph (3) of subdivision (d) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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. If a protest is timely submitted and granted by the Department, the CAR fee will be waived.

§8. Paragraph (1) of subdivision (m) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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 §2-07 and §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.

§9. Section 2-03 of Title 34 of the Rules of the City of New York is amended to read as follows:

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
[Install decorative planters on street]	[\$50.00]		[1 year]		
[Install bicycle rack]	[\$50.00]		[1 year]		

§10. Paragraph (3) of subdivision (c) of Section 2-04 of Title 34 of the Rules of the City of New York is amended to read as follows:

(3) Canopy design and construction shall be in accordance with [the Department's standard details of construction] Standard Detail Drawing #H-1029.

§11. Paragraph (2) of subdivision (g) of Section 2-04 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) [Canopy design and construction shall conform to Standard Details of Construction H1029.] Canopy shall be fully roofed.

§12. Paragraph (2) of subdivision (c) of Section 2-05 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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 pursuant to [§2-01.1] §2-02(h) of these rules. During twilight hours the flags shall be replaced with amber lights.

§13. Paragraphs (2), (11), and (15) of subdivision (d) of Section 2-05 of Title 34 of the Rules of the City of New York are amended to read as follows:

(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 1½" to a maximum of 3" thick. Overall size must be a minimum of 12"×12" 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] performed and completed upon delivery by the managing agent, distributor, or owner of the container.

(11) The storage area shall be clearly delineated on all sides with barricades, fencing, railing or other safety devices reflectorized and/or illuminated pursuant to [§2-01.1] §2-02(h) of these rules.

(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 pursuant to [§2-01.1] §2-02(h) of these rules and shall provide adequate lighting and a minimum of five feet of clear pedestrian passage. A temporary partial sidewalk closing permit shall be required.

§14. A new paragraph (19) is added to subdivision (d) of Section 2-05 of Title 34 of the Rules of the City of New York to read as follows:

(19) The permittee must maintain any protective covering placed on the street while construction materials or equipment is on the street.

§15. Clause (B) of subparagraph (i) of paragraph (5) of subdivision (j) of Section 2-05 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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 pursuant to [§2-01.1] §2-02(h) of these rules to prevent pedestrian traffic or an adequate covered pedestrian walkway is provided.

§16. Paragraph (4) of subdivision (b) of Section 2-06 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] Standard 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.

§17. Paragraph (3) of subdivision (d) of Section 2-06 of Title 34 of the Rules of the City of New York is amended to read as follows:

(3) Applicants shall submit a plan at a minimum scale of 1in.=50ft. 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] Standard Specifications. The plans shall show the following:

§18. Subdivision (a) of Section 2-07 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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) A permittee must obtain an emergency number from the Department if they are opening an underground street access cover to perform emergency work during an embargo period.

(3) 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)] (4) 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)] (5) 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)] (6) 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 or roadway shall obstruct any hydrant, water sampling station, 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)] (7) 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)] (8) Flagpeople. [Permittees] Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane[, which] and requires traffic to be temporarily diverted to [another] a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

§19. Paragraph (2) of subdivision (b) of Section 2-07 of Title 34 of the Rules of the City of New York is amended to read as follows:

(b) Maintenance requirements.

(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. Such owner must obtain a permit to maintain a steel plate that is covering such cover or grating or such street condition.

§20. Paragraph (3) of subdivision (b) of Section 2-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] Standard Specifications, Standard Detail Drawings, and Instructions for Filing Plans and Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components, or as otherwise directed by the Commissioner.

§21. Paragraph (2) of subdivision (a) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) 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, Standard Detail Drawings, and Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components.

§22. Paragraph (1) of subdivision (b) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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].

§23. Paragraph (1) of subdivision (f) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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 requirements. 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.

§24. Subparagraphs (i), (ii), (iii), (iv), (vi), (ix), (xiv), and (xv) and clause (A) of subparagraph (xviii) of paragraph (4) of subdivision (f) of Section 2-09 of Title 34 of the Rules of the City of New York are amended to read as follows:

(4) General sidewalk requirements.

(i) Except as otherwise authorized, all sidewalks not in C4-4 through C4-7, C5 or C6 commercial districts, as defined in the Zoning Resolution of the City of New York, shall be of untinted concrete. However, all sidewalks in C4-4 through C4-7, C5 and C6 commercial districts shall be of pigmented concrete with saw-cut type joints as set forth in [section 4.13 C of the Department's specifications] the Standard Specifications. In such commercial districts, any sidewalk installation or replacement constituting 50 percent or more of the total square footage of sidewalk abutting a property shall be of pigmented concrete in conformance with the [aforementioned section of the Department's specifications] Standard Specifications. For the purposes of these rules and unless otherwise stated, the word "concrete" shall mean untinted and pigmented concrete, as applicable. Sidewalks shall consist of a single course of concrete, 4in. in thickness, laid upon a foundation 6in. in thickness; in driveways and corner quadrants the concrete slab shall be 7in. in thickness.

(ii) The foundation material shall consist of clean 3/4in. broken stone, recycled concrete, gravel or clean granular materials meeting the [standard specifications] Standard Specifications and Standard Detail Drawings. The foundation material shall be tamped and compacted according to the [specifications] Standard Specifications.

(iii) The sidewalk shall be constructed of concrete mix as per the [Department's specifications] Standard Specifications and Standard Detail Drawings, unless otherwise authorized.

(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] to the [specifications] Standard 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.

(vi) The concrete shall be poured and finished in accordance with the [specifications] Standard Specifications and Standard Detail Drawings.

(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] the Standard Specifications and Standard Detail Drawings shall be removed.

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

(xv) Adjoining existing and new sidewalks: Junctions and transitions between new sidewalk and existing [walk] sidewalk shall conform to the [specifications] Standard Specifications and Standard Detail Drawings.

(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] Standard Specifications, Standard Detail Drawings, and Department requirements.

§25. Subdivision (g) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] the Standard Specifications and Standard Detail Drawings. A Street Opening Permit is required.

(iii) Curbs less than 20 feet in length shall be built in accordance with [Standard Detail H-1054] the Standard Specifications and Standard Detail Drawings. 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] in accordance with the Standard Specifications and Standard [Drawing on file with the Department] Detail Drawings.

(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] Standard Specifications and Standard Detail Drawings. Penetration of broken stone base will not be allowed unless the outside temperature is 50 degrees Fahrenheit or above.

§26. Paragraphs (3) and (4) of subdivision (h) of Section 2-09 of Title 34 of the Rules of the City of New York are amended to read as follows:

(h) Roadway.

(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] to the [specifications] Standard 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] Standard Specifications.

§27. Paragraph 2 of subdivision (c) of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) All work shall be done in accordance with the [specifications] Standard Specifications, Standard Detail Drawings, and the provisions of this § 2-11.

§28. Paragraph 2 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) Breaking Existing Pavement. (i) Precutting of pavement wearing course and base shall be required for pavement removal. (ii) [The use of a "Ram Hoe" or truck mounted pavement breaker is not permitted, unless otherwise authorized.] Only hand held tools, rockwheels, or other tools approved by the Department may be used for this purpose. This applies to all streets at all times. (iii) The permittee shall be responsible for keeping the construction area as clean and neat as possible during the [permit] life of the permit. (iv) No material shall restrict water flow in gutters. (v) 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.] (vi) The wearing course on non-protected streets must be cut and restored in accordance with Standard Detail Drawing #H-1042.

§29. Subparagraphs (ii), (iii), and (v) of paragraph 4 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

(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 pursuant to [§2-01.1] §2-02(h) of these rules shall be used until the leak is corrected.

(iii) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to [§2-01.1] §2-02(h) of these rules.

(v) Flagpeople. [Permittees] Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane[, which] and requires traffic to be temporarily diverted to [another] a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

§30. Paragraph 6 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

(6) Work Site Maintenance.

(i) All excavated material shall be either removed from the site or stockpiled at a designated curb, properly barricaded pursuant to [§2-01.1] §2-02(h) of these rules

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 placed pursuant to [§2-01.1] §2-02(h) of these rules at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

§31. Subparagraph (i) of paragraph 8 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] Standard Specifications and Standard Detail Drawings. 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.

§32. Subparagraphs (v) and (vii) of paragraph 10 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended, and a new subparagraph (viii) is added, to read as follows:

(v) All permittees who install plating and decking during the winter moratorium, as determined by the Department, shall post signs at the site indicating "Steel Plates Ahead" or "Raise Plow" and countersink said plates flush to the level of the roadway. All signs shall comply with all applicable requirements pursuant to [§2-01.1] §2-02(h) of these rules. 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.

(vii) All plating and decking, including the ramping material, must be removed from the roadway and/or sidewalk after completion of the final restoration or prior to the expiration of the permit.

(viii) All plating and decking must identify the name of the owner of such plating or decking. Identification must be made by welding or stamping the name of the owner onto the plating or decking. In addition to the name of the owner, the name of the permittee must be welded, stamped or painted onto plating or decking not owned by the permittee.

§33. Subparagraphs (i), (iii), (iv), and (vii) of paragraph 11 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

(i) Concrete and asphalt base material and base restorations shall conform [with Department specifications] to the Standard Specifications and Standard Detail Drawings.

(iii) Concrete for base shall be placed in a driving lane and intersections or barricaded pursuant to [§2-01.1] §2-02(h) of these rules 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 not 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]. All concrete-base roadways must be restored with concrete of the same depth and at least the same strength as the original base concrete.

(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].

§34. Subparagraphs (i), (ii), (iv), (v), (viii), (ix), and (xi) of paragraph 12 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

(i) Wearing course material shall conform to the [Department's specifications] Standard Specifications and Standard Detail Drawings.

(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]. The final wearing course shall conform to the Standard Specifications and Standard Detail Drawings. In the event a permanent restoration pavement installed settles more than two inches (2in) 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.

(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] applicable Standard Detail Drawing # 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] applicable Standard Detail Drawing # 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.

(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. The sealant applied to the wearing course must be properly maintained throughout the life of the guarantee period.

(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] in accordance with the Standard Specifications. All construction signs and supports and pavement markings shall be removed prior to the expiration of the permit.

(xi) [For trenches on protected streets, six inches (6in.) of base and six inches (6in.) of the wearing course shall be cut back on both sides of the trench. For trenches on non-protected streets, six (6in.) inches of the wearing course shall be cut back on all sides of the trench, provided, however, the total cut must be a minimum of eighteen inches (18in.) wide.] All trenches must have a minimum opening width of eighteen inches (18"). The trench must be restored in accordance with Standard Detail Drawing # H-1042.

§35. Subparagraphs (iv) and (vi) of paragraph 13 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

(iv) Reinforcing shall be replaced in kind and spliced [as per specifications for reinforced concrete pavement] in compliance with the Standard Specifications and Standard Detail Drawing #H-1042.

(vi) All restorations shall conform [with the latest version of Department standard details 1042A, 1042B or 1042C,] to the applicable Standard Detail Drawing # H-1042 or to a standard as determined by the Department.

§36. Subparagraph (vi) of paragraph 14 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

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

§37. Subparagraph (v) of paragraph 15 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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.

§38. Subparagraph (iii) of paragraph 16 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

(iii) Permittees shall comply with all applicable sections of these rules, the [specifications] Standard Specifications, the Standard Detail Drawings, and all other applicable laws or rules.

§39. Subparagraphs (i), (iii), and (v) of paragraph (4) of subdivision (f) of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

(i) No backfill of any opening or excavation on a protected street shall be performed unless the permittee 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. 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. 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] Standard 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] submits its daily paving schedule to the Department via e-mail or other Department-approved method prior to commencing work. The daily paving schedule must conform to the Department's requirements and must include but not be limited to the permittee name, location of the work (on, to and from street), permit number(s), and proposed start time.

(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, Standard Specifications and [specifications] Standard Detail Drawings. Upon demand by the Department or as directed by the Commissioner, the permittee shall furnish copies of in-process compaction reports certified by a Professional Engineer as to the compliance with the backfill requirements set forth within this section. All records must be kept by the permittee and made available to the Department for the duration of the guarantee period.

(v) All restorations shall conform [with the latest version of Department standard details 1042A, 1042B or 1042C,] to applicable Standard Detail Drawing # H-1042 or to a standard as determined by the Department.

§40. Subparagraphs (iv), (v), and (xiii) of paragraph (2) of subdivision (g) of Section 2-11 of Title 43 of the Rules of the City of New York are amended to read as follows:

(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 shall be used pursuant to [§2-01.1] §2-02(h) of these rules until the leak is corrected.

(v) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to [§2-01.1] §2-02(h) of these rules.

(xiii) Flagpeople. [Permittees] Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane[, which] and requires traffic to be temporarily diverted to [another] a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

§41. Subdivision (a) of Section 2-12 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] Standard Specifications and § 2-02 of these rules.

§42. Subparagraph (i) of paragraph (2) of subdivision (g) of Section 2-13 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] Standard Specifications and Standard Detail Drawings relating to sidewalk width even in cases where the existing or proposed sidewalk width does not conform to that standard width.

§43. Paragraph (1) of subdivision (l) of Section 2-13 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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 accordance with the Standard Specifications and Standard Detail Drawings. In no case shall the new sidewalk serve as the structural roof of the vault.

§44. Subdivisions (n) and (o) of Section 2-13 of Title 34 of the Rules of the City of New York are amended to read as follows:

(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] the Standard Specifications, Standard Detail Drawings and subdivision (b) of § 19-151 of the New York City 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 New York City Administrative Code as hereinafter provided. The vault shall be filled in with clean, incombustible material, attaining proper compaction [standards] pursuant to the Standard Specifications and Standard Detail Drawings. 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.

§45. Paragraph (3) of subdivision (a) of Section 2-14 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] Standard Specifications and Standard Detail Drawings.

§46. Paragraph (4) of subdivision (a) of Section 2-20 of Title 34 of the Rules of the City of New York is amended to read as follows:

(4) All public infrastructure work, including work in streets, bridges, parks and public places, shall be designed and installed in compliance with these rules; standard electrical engineering practice; the National Electric Code (NEC) or, in the case of Public Utilities, the National Electrical Safety Code (NESC); the [Department's Standard Details of Construction] Standard Detail Drawings; the [Department's] Standard Specifications; [and] the Department's Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and other Infrastructure Components; the Department's Bureau of Traffic, Division of Street Lighting Standard Drawings; and all other applicable laws and rules.

