

The New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to clarifying existing requirements in section 2-07 and establishing new requirements relating to street openings and excavations in section 2-11 of Chapter 2 of Title 34 of the Rules of the City of New York.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that the DOT hereby amends Sections 2-07 and 2-11 of Chapter 2 of Title 34 of the Rules of the City of New York.

This rule was first published on November 1, 2018 and a public hearing was held on December 4, 2018.

Statement of Basis and Purpose of Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules regarding highway operations in the City pursuant to Section 2903(b) of the City Charter. The rules that DOT amends are contained within Chapter 2 of Title 34 of the Rules of the City of New York, relating to its “Highway Rules.”

These rules make amendments to clarify existing requirements in section 2-07 and establish new requirements relating to street openings and excavations in section 2-11 of the Highway Rules. The amendments are as follows:

- Section 2-11(e)(10)(vi) is amended by clarifying requirements for skid-resistant plates.
- Section 2-11(e)(10)(vii) is amended by clarifying the requirement that all signs must be removed when work is completed.
- Section 2-11(e)(12)(iv) is amended by changing the requirement for roadway openings.
- Section 2-11(e)(12)(xiii) is amended by adding the requirement that the final completed wearing course surface must be without any defects.
- Section 2-11(f)(4)(ii) is amended by adding base installation as another phase of the work that may be inspected by DOT.

These rules also include plain language and other minor changes to section 2-07 identified during the retrospective rules review conducted by the Mayor’s Office of Operations with the City’s rulemaking agencies, the Law Department, and the Office of Management and Budget.

Based on the comments received during the hearing, the proposed amendment to section 2-11(e)(10)(v)

clarifying the height at which signs should be placed by permittees has been deleted. Currently, all permittees must comply with the most recent version of the Manual on Uniform Traffic Control Devices of Streets and Highways regarding placement of signs.

New material is underlined.

[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.

Section 1. Paragraph 3 of subdivision (a) of Section 2-07 of Chapter 2 of Title 34 of the Rules of the City of New York is amended to read as follows:

(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] the affected traffic lane opened until the traffic congestion eases. It shall be a violation of these rules to disobey such a direction.

§2. Paragraphs 1 and 4 of subdivision (b) of Section 2-07 of Chapter 2 of Title 34 of the Rules of the City of New York are amended to read as follows:

(1) The owners of covers or gratings on a street are responsible for monitoring the condition of the covers, [and] gratings and concrete pads installed around such covers or gratings and the area extending twelve inches outward from the [perimeter of the hardware] edge of the cover, grating, or concrete pad, if such pad is installed.

(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.]

§3. Items 29 and 39 of clause (A) of subparagraph (i) of paragraph 5 of subdivision (c) of Section 2-07 of Chapter 2 of Title 34 of the Rules of the City of New York are amended to read as follows:

29. 50th Street – Beekman [Street] Place to Joe DiMaggio Highway

39. 59th Street – [Miller] West Side Highway to Columbus Avenue

§4. Items 120 through 128 of clause (B) of subparagraph (iv) of paragraph 5 of subdivision (c) of Section 2-07 of Chapter 2 of Title 34 of the Rules of the City of New York are amended to read as follows:

[120. Union Turnpike – City Limits to Myrtle Avenue]

[121] 120. Union Turnpike – Myrtle Avenue to Langdale Street

- [122] 121. Utopia Parkway – 14th Avenue to 82nd Road
- [123] 122. Van Dam Street – Greenpoint Avenue to Skillman Avenue
- [124] 123. Vernon Boulevard – 21st Street to 51st Avenue
- [125] 124. West Alley Road – 230th Street to Douglaston Parkway
- [126] 125. Willets Point Boulevard – Union Street to Utopia Parkway
- [127] 126. Woodhaven Boulevard – Queens Boulevard to Liberty Avenue
- [128] 127. Yellowstone Boulevard – Woodhaven Boulevard to Queens Boulevard

§5. Items 35 through 48 of clause (B) of subparagraph (v) of paragraph 5 of subdivision (c) of Section 2-07 of Chapter 2 of Title 34 of the Rules of the City of New York are amended to read as follows:

- 35. Richmond Avenue – [Arthur Kill Road to] Forest Avenue
- [36. Richmond Avenue –] to Hylan Boulevard [to Arthur Kill Road]
- [37] 36. Richmond Hill Road – Richmond Road to Richmond Avenue
- [38] 37. Richmond Terrace – South Avenue to Morningstar Road
- [39] 38. Rockland Avenue – Richmond Road to Richmond Avenue
- [40] 39. Schmidts Lane – Manor Road to Slosson Avenue
- [41] 40. Seguine Avenue – Hylan Boulevard to Amboy Road
- [42] 41. Slosson Avenue – Westwood Avenue to Martling Avenue
- [43] 42. South Avenue – Chelsea Road to Richmond Terrace
- [44] 43. South Gannon Avenue – Victory Boulevard to Manor Road
- [45] 44. West Fingerboard Road – Hylan Boulevard to Richmond Road
- [46] 45. Western Avenue – Gulf Avenue to Richmond Terrace
- [47] 46. Willowbrook Road – Victory Boulevard to Forest Avenue
- [48] 47. Windsor Road – Little Clove Road to Slosson Avenue

§6. Subparagraph (vi) of paragraph 10 of subdivision (e) of Section 2-11 of Chapter 2 of Title 34 of the Rules of the City of New York is amended to read as follows:

(vi) All plating and decking shall have a skid-resistant surface equal to or greater than the adjacent existing street or roadway surface. The whole surface area of all plating and decking must be skid-resistant.

§7. Subparagraph (vii) of paragraph 10 of subdivision (e) of Section 2-11 of Chapter 2 of Title 34 of the Rules of the City of New York is amended to read as follows:

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

§8. Subparagraph (iv) of paragraph 12 of subdivision (e) of Section 2-11 of Chapter 2 of Title 34 of the Rules of the City of New York is amended to read as follows:

(iv) When more than one roadway opening is made against a single permit and the openings are less than [three] ten feet apart [after] before the required cutbacks, the existing wearing course between such

openings shall be restored integrally with the opening wearing course restoration, in accordance with the applicable Standard Detail Drawing # H-1042.

§9. Paragraph 12 of subdivision (e) of Section 2-11 of Chapter 2 of Title 34 of the Rules of the City of New York is amended by adding a new subparagraph (xiii) to read as follows:

(xiii) The final completed wearing course surface must be smooth and without any defects including, but not limited to, pitting, cracking, rutting and raveling throughout its guarantee period.

§10. Subparagraph (ii) of paragraph 4 of subdivision (f) of Section 2-11 of Chapter 2 of Title 34 of the Rules of the City of New York is amended to read as follows:

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