

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 3301-01 to Chapter 3300 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding construction site signs.

This rule was first published on October 9, 2013 and a public hearing thereon was held on November 14, 2013.

Dated: Dec 10, 2013
New York, New York



Robert D. LiMandri
Commissioner

Statement of Basis and Purpose of Rule

The following rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043 of the New York City Charter and Section 3301.9 of the New York City Building Code ("BC").

The Building Code today requires that numerous signs and permits be posted along a construction site fence in order to provide project and safety contact information for the public. Local Law 47 of 2013, which was signed by Mayor Bloomberg on July 1, 2013, simplifies these requirements by consolidating various signs into one uniform sign to minimize the visual impact of construction sites on the urban landscape.

Local Law 47 of 2013 also authorizes the Department to modify by rule the Section 3301.9 specifications for project information panels, where those panels are located at government-owned sites or sites with government funding. In accordance with this authorization, this rule modifies some specifications for project information panels located at government-owned sites and at sites with government funding.

In accordance with the authorization provided in BC section 3301.9.2.7, this rule establishes standards for department acceptance of a program that ensures best construction site management practices are employed to minimize construction impact on the surrounding communities and to promote community relations. This program will be developed and administered by a party that is independent of the contractor and is in addition to the contractor and owner's responsibility to comply with all health and safety requirements in the building code. The program will be designed to monitor certain activities at construction sites and to work with the community. The rule also sets forth the basis and process for removal of the department's acceptance logo and for the removal of the program's name or logo from the sidewalk shed parapet panel located at a particular site or sites.

Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding new Section 3301-01, to read as follows:

§ 3301-01 Construction site signs.

- (a) **References.** See Sections 3307 and 3301.9 of the New York City Building Code (BC).
- (b) **Definitions.** For the purposes of this section, the following terms have the following meanings:
- (1) **Best construction site management program.** A plan designed to help reduce construction impact on the surrounding community by monitoring certain activities at construction sites. This program shall be developed and implemented at one or more sites by a party who is independent of the contractor.
 - (2) **Contractor.** A general contractor or, for a demolition site, the demolition contractor.
 - (3) **Department's acceptance logo.** A logo provided by the Department that indicates the Department has accepted the best construction site management program and that may be displayed on the sidewalk shed parapet panel along with the program name or logo at a site utilizing an accepted best construction site management program.
 - (4) **Designated responsible party.** The person in charge of implementing the best construction site management program and authorized to receive notices from the Department. This party shall be designated by the person, corporation or other legal entity operating the program.
 - (5) **Project information panel.** A project information panel required to be posted on a construction fence as set forth in BC Section 3301.9.1.
 - (6) **Sidewalk shed parapet panel.** A sidewalk shed parapet panel required to be posted on a sidewalk shed as set forth in BC Section 3301.9.2.
 - (7) **Site.** A construction or demolition site.
- (c) **Project information panels at government-owned sites and at sites with government funding.** Project information panels at government-owned sites and at sites with government funding must conform to all requirements set forth in BC Section 3301.9 except as provided in this section.

(1) Content of project information panels at government-owned sites and at sites with government funding. Project information panels at government-owned sites and at sites with government funding must include the following information (see Figures 1, 2, and 3):

(i) A rendering, elevation drawing, site plan, or zoning diagram of the building exterior that does not contain logos or commercially recognizable symbols;

Exception: A rendering, elevation drawing, site plan or zoning diagram of the building exterior is not required for demolition projects.

(ii) A title line stating "Work in Progress:" and specifying the nature of the project;

(iii) Anticipated project completion date;

(iv) The name of the government entity owning the site and/or funding the project;

(v) Website address to contact for project information;

(vi) The corporate name and telephone number of the contractor;

(vii) The statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311"; and

(viii) A copy of the primary project permit, with accompanying text "To see other permits issued on this property, visit: www.nyc.gov/buildings." The permit shall be laminated or encased in a plastic covering to protect it from the elements or shall be printed directly onto the project information panel.

In addition to the above requirements, the name(s) of government official(s) may be incorporated into the panel in accordance with Figures 1, 2 and 3.

(2) Specifications for project information panels at government-owned sites and at sites with government funding. Project information panels shall be 6 feet (1829 mm) wide and 4 feet (1219 mm) high, with the content required by paragraph (1) of this subdivision arranged in accordance with Figures 1, 2 and 3, as applicable. The content required by subparagraphs (ii) through (vii) of paragraph (1) of this subdivision shall be written in the Calibri font or similar sans serif font style, with letters a

minimum of 1 inch (25 mm) high, as measured by the upper case character. Such letters shall be white, on a blue background, with such blue color of a shade matching Pantone 296, or RGB 15, 43, 84, or CMYK 100, 88, 38, 35.

Exceptions:

- (i) The dimensions for a project information panel posted in conjunction with a demolition project shall be 2 feet 4 inches (711 mm) wide and 4 feet (1219 mm) high, in accordance with Figure 1.
- (ii) For construction sites with a street frontage less than 60 feet (18 288 mm), the dimensions for a project information panel, other than that posted in conjunction with a demolition project, shall be 55 inches (1397 mm) wide and 36.5 inches (927 mm) high, in accordance with Figure 3.

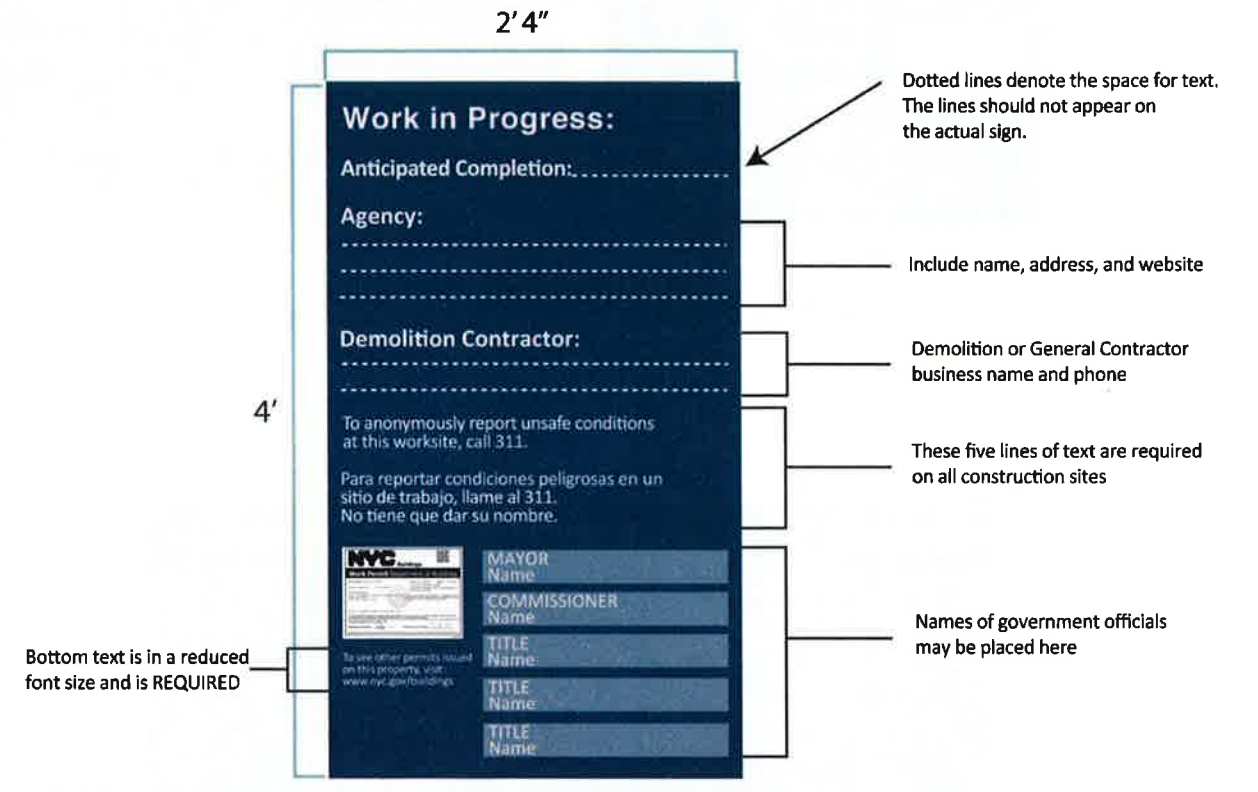


FIGURE 1
FENCE PROJECT INFORMATION PANEL TEXT DETAIL



FIGURE 2
FENCE PROJECT INFORMATION PANEL LAYOUT



FIGURE 3
FENCE PROJECT INFORMATION PANEL LAYOUT FOR SMALL LOTS

(d) Best construction site management program.

(1) Scope. This section outlines the requirements for Department-accepted best construction site management programs and the duties of the designated responsible party. Unless otherwise authorized under the Administrative Code or Department rules, only Department-accepted best construction site management programs may be identified on a sidewalk shed parapet panel.

(2) Department authority. The Department may accept one or more best construction site management programs pursuant to the authorization set forth in BC 3301.9.2.7.

(3) Application and acceptance.

(i) Application for acceptance shall be made on forms to be furnished by the Department and shall contain such information as the Department shall prescribe, including, but not limited to, the name, address and contact information of the person, corporation or other legal entity operating the program and the name, address and contact information for the designated responsible party.

(ii) The Department may accept a best construction site management program if the Department receives a completed application that includes a detailed plan that demonstrates to the Department's satisfaction that the program is designed to ensure that its participating work sites are well-managed, clean and responsive to community concerns. The plan must include, at a minimum, the duties listed in paragraph (4) of this subdivision.

(iii) Applications must include a certification by the program's designated responsible party that such plan will be implemented at all times at each of the program's participating sites.

(4) Duties of the designated responsible party.

(i) The designated responsible party will monitor the contractor and the site to ensure the maintenance of publicly accessible areas within or surrounding the site and site operations, including, but not limited to, the following:

- (A) Maintain free of any construction debris, or rubbish, materials and equipment;
 - (B) Maintain all areas and surfaces such that they are neat, clean and free of damage, illegal signage, graffiti and sharp objects;
 - (C) Maintain free of snow and ice on sidewalks and snow and ice that poses potential danger to the public.
- (ii) The designated responsible party will monitor the contractor and the site to ensure that the community impact is minimized, which includes, but is not limited to, the following areas:
- (A) Installation of enhanced netting systems and sidewalk protections.
 - (B) Reduction or shielding the public from noise, vibration, dust and noxious substances;
 - (C) Protection of street trees, plants, sidewalk amenities and furniture; and
 - (D) Mitigation of nuisance and environmental complaints.
- (iii) The designated responsible party will promote community relations, including, but not limited to, the following:
- (A) Establish a method to receive and provide responses to complaints or questions and to provide timely updates about on-going construction operations, including project scope and expected duration of the project;
 - (B) Provide notification to the respective Community Board prior to affixing the best construction site management program name or logo on a sidewalk shed parapet panel at a participating site; and
 - (C) For new buildings, alterations or demolitions of major buildings, as that term is defined in Chapter 33 of the New York city building code, provide live project updates to the respective community board within thirty (30) days of a site joining a best construction site management program and every six months thereafter.

- (iv) The designated responsible party will conduct periodic reviews of its participating sites to verify program compliance. Such reviews must be conducted more frequently if so directed by the Department.
- (v) The designated responsible party will maintain the following records until construction is complete and make them available to the Department upon request:
 - (A) Current list of the participating site addresses, contractor name, address and contact number and the owner name and address;
 - (B) Details of each review with respect to any program requirements set forth in paragraph (4) of this subdivision and any actions resulting therefrom; and
 - (C) Details of complaint resolution for each complaint, including mitigation strategies.
- (vi) The designated responsible party will develop a process for:
 - (A) Notifying the Department of any changes to the best construction site management program, plan or the designated responsible party within ten days of such change; and
 - (B) Notifying the contractor and owner if the best construction site management program is no longer accepted by the Department or if an order has been issued by the Commissioner instructing that the program's name or logo and the Department's acceptance logo must be immediately removed from the sign.

(e) Revocation.

- (1) Failure to comply with duties.** Following notice and an opportunity to be heard, the Department may revoke acceptance of a best construction site management program and order removal of the program's name or logo and Department acceptance logo from the sidewalk shed parapet panel at a particular site or at all the program's sites for failure to comply with the duties set forth in paragraph (4) of subdivision (d) of this section and the plan described in the accepted best construction site management program application.

- (2) Failure to ensure compliance with plan.** Following notice and an opportunity to be heard, the Department may order removal of the program's name or logo and Department acceptance logo from the sidewalk shed parapet panel at a particular site where the best construction site management program fails to ensure that the participating work site is well-managed, clean and responsive to community concerns.
- (3) Removal of logos.** If the program's name or logo and the Department's acceptance logo are not removed from the sidewalk shed parapet panel within 10 days of the order, the Department may cover the program's name or logo and the Department acceptance logo, at the owner's expense.
- (4) Continuation of program without logos.** Revocation of the Department's program acceptance or order to remove the program name or logo and the Department's acceptance logo at a particular site, shall not affect the ability of the best construction site management program to continue its mission without inclusion of its name or logo on the sidewalk shed parapet panel and without reference to Department program acceptance.