

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Transportation (DOT) is proposing to clarify signage requirements for DOT permittees.

When and where is the Hearing? DOT will hold a public hearing on the proposed rule. The public hearing will take place at 2pm on **Wednesday, February 19, 2014**. The hearing will be held at **55 Water Street, BID Room A, New York, NY 10041 (the entrance is located on the south side of the building facing the Vietnam Veterans Memorial)**.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@dot.nyc.gov.
- **Mail.** You can mail written comments to Joseph P. Noto at **30-30 Thomson Avenue, 2nd Floor South, Long Island City, NY 11101**.
- **Fax.** You can fax written comments to Joseph P. Noto at **718-391-3631**.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-839-9621. You can also sign up in the hearing room before the hearing begins on **Wednesday, February 19, 2014**. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, the deadline to submit comments is **Wednesday, February 19, 2014**.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-839-9621. You must tell us by **Friday, February 14, 2014**.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4th Floor, New York, NY 10041.

What authorizes DOT to make this rule? Sections 2903(b)(1) and (5) of the City Charter authorize DOT to make this proposed rule. This proposed rule was not included in DOT's regulatory agenda for this fiscal year because it was not contemplated when DOT published the agenda.

Where can I find DOT's rules? DOT's rules are in Title 34 of the Rules of the City of New York.

What rules govern the rulemaking process? DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Effective July 1, 2013, a construction or demolition project requiring a New York City Department of Buildings permit and whose site is enclosed with a fence or contains a sidewalk shed must comply with the signage requirements of Local Law 47 for the year 2013.

The purpose of this proposed rule is to clarify existing New York City Department of Transportation (DOT) signage requirements for its permittees so that these requirements do not conflict with the new local law. The proposed rule will achieve this goal by:

- Distinguishing between two different signs currently required by DOT: (1) signage along a series of excavations or street openings, and (2) signage for any project with a projected completion time of three months or more; and
- Listing the various content requirements for each type of required sign.

DOT's authority for these rules is found in sections 2903(b)(1) and (5) of the New York City Charter.

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.

§1. It is proposed that subdivision (c) of Section 2-02 of Title 34 of the Rules of the City of New York be amended to read as follows:

(c) Display of permits and signs at work site.

(1) Unless otherwise authorized, permits shall be kept at the work site or designated field headquarters at all times and shall be made available for inspection upon request of any police officer or any authorized employee of the Departments of Environmental Protection, Buildings, Police and Transportation or any other City employees specifically authorized by the Commissioner to enforce these rules. Such permits cannot be posted on construction fences, sidewalk sheds, construction containers or any other construction equipment.

(2) Signage along series of excavations or street openings.

(i) Permittees [shall display] must post signs at [the work site or at] 100 foot intervals along a series of excavations or continuous cut, indicating the following:

(A) the name of the permittee conducting the work[.];

(B) the name of the entity for whom the work is being conducted [and, if applicable,];

(C) the name(s) of the subcontractor(s);[. Such signs shall include

(i)] (D) the permittee's telephone number for complaints;

[(ii)] (E) the contractor's telephone number, if not the permittee;

[(iii)] (F) the permit number;

[(iv)] (G) the purpose of the excavation or street opening; and

[(v)] (H) the start and scheduled completion dates of the work.

[(3) Signs shall] (ii) Such signs must be conspicuously displayed and [shall] face the nearest curb line. Such signs [shall be clear,] must be easily visible and readable [and in letters at least 1½ inches in height] by pedestrians, and [shall] must conform to the Department's specifications.

[(4)] (3) Construction Project Informational Signs. Permittees [will be required to] must post Construction Project Informational Signs for any project with a projected completion time of three months or more, or as otherwise directed by the Commissioner. [Signs shall be kept in readable, good condition.

(5) Sign size, content and graphics will conform to "Project Information Sign" specifications which is available at the Department Permit Offices and also on the Department website. Sign content shall include the following:

(i) the name of the street on which the work is being performed;

(ii) the nature of the work (i.e., major reconstruction project, sewer work, new building, water shaft, or transit work major utility installation);

(iii) a brief description of the work. For building operations, permittees must include: type of work (i.e. new building, major renovation), building use (commercial or residential), size. For street/roadway work information permittees must include: the type of work being performed (i.e. upgrade of water supply, new transit station or transit line, upgrade of existing transit station or transit line,

and upgrade of sewer system), roadway reconstruction with added amenities, and the quality of life benefits resulting from project;
(iv) the scheduled completion date of the project;
(v) project name, or if a governmental project, the project identification number;
(vi) contact information for the construction company performing the work, and a telephone number and/or a web site for more information.]

(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 available at the Department's Permit Offices and on the Department's website.

(ii) Such signs must contain the following information:

(A) the names of the entities responsible for the project, including but not limited to the contractor, developer, and property owner;

(B) the telephone number, email address, and website for such entities responsible for the project;

(C) the name of the project and the project number (if any);

(D) the address of the project;

(E) the nature of the project;

(F) a brief description of the project; and

(G) the start and scheduled completion dates of the project.

(iii) Construction Project Informational Signs are not required for any construction or demolition project requiring a New York City Department of Buildings permit and whose site is enclosed with a fence or contains a sidewalk shed. Such signs must comply with the applicable requirements of the New York City Building Code and the rules of the New York City Department of Buildings.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Signage Requirements for Permittees

REFERENCE NUMBER: DOT-18

RULEMAKING AGENCY: Department of Transportation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Ruby B. Choi
Mayor's Office of Operations

January 2, 2014
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Signage Requirements for Permittees

REFERENCE NUMBER: 2013 RG 095

RULEMAKING AGENCY: Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: January 2, 2014