

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTION to the rules relating to the use of pigmented concrete on sidewalks in specific commercial districts within the City of New York.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of the Department of Transportation by subdivision (b) of 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 adopts amendments to Chapter 2 of Title 34 of the Official Compilation of the Rules of the City of New York, the Highway Rules, by amending Section 2-09(f)(4). This rule was published in the City Record on July 16, 2010 and a public hearing was held on August 18, 2010.

Matter underlined is new; matter in [brackets] is deleted.

Section 1. Paragraphs (i), (iii), (vii) and (xvi) of Section 2-09(f)(4) of Chapter 2 of Title 34 of the Official Compilation 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. 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. 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, 4" in thickness, laid upon a foundation 6" in thickness; in driveways and corner quadrants the concrete slab shall be 7" in thickness.

(iii) The sidewalk shall be constructed of [New York City Mix Design Number B3200] concrete mix as per the Department's specifications, unless otherwise authorized. [The concrete shall be bought from a concrete plant approved by the New York State Department of Transportation or from an approved volumetric mixer. Any permittee placing 150 square feet or less of sidewalk may request approval to use a portable mixer from the Department.]

(vii) Flags shall be 5' x 5' where feasible. The following methods of scoring shall be employed unless otherwise approved by the Commissioner. The frontage of each building shall be divided by five. If it is exactly divisible, all flags shall be 5' wide; if not, the flags shall be plus or minus in an amount which will make them as near to 5' as possible. Cross flag scoring shall be at 90 degrees to the building line and curb. The flag markings along the sidewalk between the curb and property line shall be parallel with the

property line and curb and be uniformly 5' apart commencing at the [property line] curb, with the odd flag width, if any, nearest the [curb] property line.

(xvi) Distinctive Sidewalk.

(A) A sidewalk of a distinctive design or material may be permitted and shall harmonize with the architecture of the abutting building and/or area. The property owner or designated representative shall contact the Department and submit to the Department for approval: detailed design plans, applicable fee, [the] a duly executed Distinctive Sidewalk Improvement Maintenance Agreement (DSIMA) and material samples of the proposed sidewalk.

(B) The distinctive sidewalk shall be [repaired in kind or be replaced in its entirety with concrete. Changes to existing materials require a new DSIMA] approved by the Public Design Commission of the City of New York prior to installation.

(C) The distinctive sidewalk shall be [approved by the Art Commission prior to installation] repaired in kind or replaced in its entirety with concrete. If a distinctive sidewalk is replaced in its entirety with concrete, the Public Design Commission of the City of New York shall approve of such replacement prior to its replacement. Changes to existing materials shall require a new DSIMA.

STATEMENT OF BASIS AND PURPOSE OF RULE

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules relating to the construction, maintenance and repair of public streets pursuant to Section 2903(b) of the New York City Charter.

Chapter 2 of Title 34 of the Rules of the City of New York (RCNY) is being amended to reflect the type of concrete property owners in certain commercial districts will now be required to use when installing or replacing concrete sidewalks. These commercial district property owners will now be required to install pigmented concrete without having to submit this treatment to the Public Design Commission, formerly the Art Commission. This new material option should reduce the number of distinctive sidewalk applications DOT and/or the Public Design Commission review and it will allow for consistent application of aesthetically pleasing material for the sidewalks abutting these properties. Additionally, this amendment reflects the guidelines outlined in the Department's Street Design Manual, which describes the use of design elements and materials, including pigmented concrete; and updates the distinctive sidewalk review process.