

DEPARTMENT OF TRANSPORTATION

Notice of Adoption of rules relating to protected street restoration requirements.

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 2-11(f)(4)(vi). This rule was published in the City Record on December 14, 2010 and a public hearing was held on January 13, 2011.

Subparagraph (vi), paragraph (4) of subdivision (f) of Section 2-11 of Title 34 of the Rules of the City of New York is amended, to read as follows:

(vi) Where street openings cannot be confined to within 8 feet of the curb line, including the required cut back, and/ or within the sidewalk area, [full curb to curb roadway restoration shall be required] and where protected street status has been in effect for 18 months or less, the permittee shall restore the street opening or excavation pursuant to the Department's protected street restoration requirements, unless otherwise directed by the Commissioner.

STATEMENT OF BASIS AND PURPOSE OF RULE

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

Subparagraph (vi) of paragraph (4) of subdivision (f) of Section 2-11 is being revised to notify permittees that they will now have to comply with specific restoration requirements. These requirements will vary based on site-specific circumstances and will be provided to permittees upon issuance of a New York City Department of Transportation permit. The reference to these requirements and the issuance of site-specific restoration requirements are meant to make the restorations on protected streets within the five boroughs as uniform as possible.