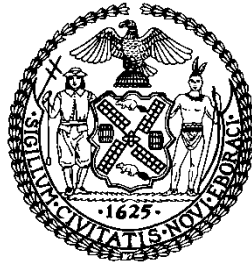


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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT
OF THE HUMAN SERVICES DIVISION
Jeffrey T. Baker, Legislative Director

COMMITTEE ON TRANSPORTATION
Hon. Ydanis Rodriguez, Chair

September 18, 2017

INT. NO. 231:

By Council Members Vacca, Gentile, Koo,
Mendez and Menchaca

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to notifying sidewalk construction permit applicants if there will be a new tree planting during the next tree planting season.

ADMINISTRATIVE CODE:

Adds new sections 18-106.1 to chapter 1 of title 18 and 19-156 to subchapter 1 of chapter 1 of title 19.

INT. NO. 623:

By Council Members Gentile, Greenfield, Williams, Koo, Lancman, Constantinides, Deutsch and Ulrich

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to the curbs adjacent to a fire hydrant or bus stop.

ADMINISTRATIVE CODE:

Adds a new section 19-175.4.

INT. NO. 955:

By Council Members Garodnick, Constantinides, Koo, Mendez, Richards, Rose and Cohen

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations

ADMINISTRATIVE CODE:

Amends paragraph 1 of subdivision b of section 19-150 of chapter 1 of title 19.

INT. NO. 1251:

By Council Members Maisel, Cohen, Richards, Gentile, Koo, Koslowitz and Chin

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to repairing of ponding defects in streets

ADMINISTRATIVE CODE:

Adds a new section 19-158 to subchapter 1 of chapter 1 of title 19.

INT. NO. 1457:

By Council Members Lancman, Salamanca, Crowley, Koslowitz, Menchaca, Grodenchik, Vallone, Levine, Gentile, Richards, Cabrera, Johnson and Ulrich

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation maintain curb heights following street construction

ADMINISTRATIVE CODE:

Amends subdivision a of section 19-147.

INTRODUCTION

On September 18, 2017, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Int. No. 231, a Local Law in relation to notifying sidewalk construction permit applicants if there will be a new tree planting during the next tree planting season; Int. No. 623, a Local Law in relation to the curbs adjacent to a fire hydrant or bus stop; Int. No. 955, a Local Law in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations; Int. No. 1251, a Local Law in relation to repairing of ponding defects in streets; and Int. No. 1457, a Local Law in relation to requiring that the department of transportation maintain curb heights following street construction. The Committee expects to hear testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

BACKGROUND

Sidewalk Trees

Pursuant to Section 19-152 of the Administrative Code (the “Code”), property owners are responsible for “installing, repairing, and maintaining sidewalks adjoining their properties.”¹ Section 7-210 of the Code makes property owners “potentially liable for personal injuries caused by their failure to maintain reasonably safe sidewalks.”² DOT performs safety inspections of sidewalks throughout the city and issues sidewalk violations when defects are observed. If the property owner fails to repair the sidewalk after being issued a notice of violation, DOT can arrange for the repair to be made at the property owner’s expense.³ Before making repairs to the

¹ N.Y.C. Dept. of Transportation, “Sidewalk Maintenance and Repair,” *available at* <http://www.nyc.gov/html/dot/html/infrastructure/sidewalkintro.shtml>

² N.Y.C. Dept. of Transportation, “Sidewalk Inspection and Violations” *available at* <http://www.nyc.gov/html/dot/html/infrastructure/sidewalk-inspection.shtml>

³ *Id.*

sidewalk, whether as a result of a violation or not, a property owner must ensure that the contractor has obtained a Sidewalk Construction Permit from DOT.⁴

The Department of Parks and Recreation is responsible for planting and maintaining trees on sidewalks throughout the city, sometimes called “street trees.” The department publishes a tentative list online of locations where it plans to plant street trees during the upcoming planting season.⁵ According to the Parks Department, “since street tree plantings occur on the public right-of-way, nearby homeowners may not reject planting at any such location.”⁶

There have been documented instances of homeowners who have had the sidewalk area adjacent to their property fixed in response to a notice of violation from DOT, only to have the Parks Department rip up the new sidewalk in order to plant a new street tree.⁷ Int. No. 231 seeks to resolve this lack of coordination by requiring the Department of Parks and Recreation to notify DOT of its upcoming street tree planting locations and in turn requiring DOT to inform sidewalk construction permit applicants (whether such applicant is fixing their sidewalk in response to a notice of violation or not) of any plans to plant a street tree on the sidewalk in question.

Parking Near Fire Hydrants and Bus Stops

New York City regulations govern where vehicles can stop, stand, and park in the City. There are three types of signage that indicate parking rules including:⁸

⁴ N.Y.C. Dept. of Transportation, “Sidewalk Repair,” *available at*

<http://www.nyc.gov/html/dot/html/infrastructure/sidewalk-repair.shtml#sidewalk-permits>

⁵ N.Y.C Parks Tree Planting Locations, *available at* <https://www.nycgovparks.org/trees/street-tree-planting/locations>

⁶ *Id.*

⁷ CBS2, *CBS2 Exclusive: DOT Tells Bronx Man To Pay For New Sidewalk, But Parks Dep’t To Rip It Up For Tree*, June 23, 2016, *available at* <http://newyork.cbslocal.com/2016/06/23/cbs2-exclusive-dot-bronx-man-to-pay-for-new-sidewalk-but-parks-dept-to-rip-it-up-for-tree/>

⁸ Rules of the City of New York, Title 34 Chapter 4 § 4-08.10.

- Parking prohibited signs, which permit temporarily picking up or dropping off passengers whether the vehicle is attended or unattended;
- Standing prohibited signs, which indicate that a vehicle cannot stop at the curb, attended or unattended, except for dropping off passengers; and
- Stopping prohibited signs, which indicate that no one can stop a vehicle for any reason.

In the case of fire hydrants, from sunrise to sunset, standing is permitted (so long as street signage indicates) as long as the driver can quickly move the vehicle, but at all other times parking, stopping, and standing within 15 feet on either side of a fire hydrant is prohibited.⁹ Many drivers are not aware of the distance they are prohibited from parking in relation to a fire hydrant.¹⁰ Further, vehicles are not permitted to park or stand at a bus stop, unless they are dropping passengers off.¹¹ If an individual were to leave a vehicle parked in these locations they could face a fine of \$115.¹² Signs on the street may identify where parking is prohibited, but these signs may not be visible at all times.

California state law permits localities to paint the curbs along “no parking” zones red to ensure that no vehicle parks in prohibited spots.¹³ In fact, California state law has several curb color designations that indicate various parking regulations.¹⁴ Int. No. 632 would require that all curbs adjacent to fire hydrants and bus stops be painted red for the distance parking is prohibited.

⁹ *Id.*

¹⁰ Durkin, Erin, City Councilman proposes painting curbs red to mark no-parking zones around fire hydrants, bus stops, N.Y Daily NEWS, February 10, 2015, available at <http://www.nydailynews.com/new-york/proposed-bill-suggests-painting-curbs-red-mark-no-parking-article-1.2109157>.

¹¹ *Id.*

¹² N.Y.C Department of Finance, “Violation Codes, Fines, Rules & Regulations, available at <http://www1.nyc.gov/site/finance/vehicles/services-violation-codes.page>.

¹³ California Vehicle Code §22500, available at https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=22500.

¹⁴ California Department of Motor Vehicles, available at <https://www.dmv.ca.gov/portal/dmv/detail/pubs/hdbk/parking>.

Street Cutting Violations

Underneath the surface of New York City's streets lies a complex network of water pipes, natural gas lines, sewers, power lines and telecommunications infrastructure, all of which require maintenance and unforeseen repairs.¹⁵ The repairs are typically done as a part of planned street reconstruction projects with funding allocated in the capital budget. These projects can range from milling and repaving to full reconstruction of the roadbed, sewer and water pipes. DOT also conducts street resurfacing projects that repair the surface of the roadway by replacing the top layer of asphalt pavement. Resurfacing includes remedies to potholes, bumps, and patches in the street.¹⁶ According to DOT, resurfacing is a less expensive short-term method of maintaining the quality of existing streets and projects typically take less than one month to complete.¹⁷ After the completion of a street reconstruction project and a resurfacing project, these streets are designated "protected." Under DOT rules, a protected street is a street segment or intersection that has been resurfaced or reconstructed within the last five years. These streets are "protected" because DOT prohibits any form of construction or "opening" of the street during this five-year period.¹⁸

In specific cases, DOT may find that emergency work must be authorized and a protected street can be opened. The request to open a protected street typically comes from a utility company or other government agency.¹⁹ Under the current law, in order to open a protected street during the five-year period, the entity requesting a permit must state the need for the work

¹⁵ Rueb, Emily, *New York 101: Why are the Streets always under construction?*, N.Y. TIMES, August 8, 2016, available at <https://www.nytimes.com/interactive/2016/08/18/nyregion/new-york-101-streets-repair-and-maintenance.html>

¹⁶ N.Y.C. Department of Transportation, Infrastructure: Protected Street Listing, available at <http://www.nyc.gov/html/dot/html/infrastructure/protectedst.shtml> (last accessed September 14, 2017).

¹⁷ *Id.*

¹⁸ Rules of the City of New York, Title 34 Chapter 2 §2-01

¹⁹ *Id.* at 2.

and a reason as to why such work was not completed during the capital reconstruction, and only then will DOT issue a permit.²⁰

Street opening projects can be invasive and expensive. In 2014, Mayor Bill de Blasio convened an ‘Underground Infrastructure Working Group’ involving seven City agencies and utility companies in order to mitigate the disruptions that underground infrastructure projects cause.²¹ The working group’s goals involved short, medium and long-term solutions to improve emergency response times for underground street infrastructure repairs, improving street opening procedures, and improving the pace and schedule for upgrading and replacing the City’s underground infrastructure. The working group recommended offering incentives for private utilities to upgrade vulnerable infrastructure, especially leak prone gas lines.²² The working group also determined that the City would work with private utility companies to develop a tracking tool to monitor the progress in reducing vulnerable infrastructure.²³ Despite these recommendations situations arise that require unforeseen street openings and in some instances, protected streets need to be opened.

Overall, in 2015, DOT issued 223,271 permits to open streets, half of them to utility companies.²⁴ DOT issued an additional 16,641 permits to open utility holes and 22,504 permits were issued for emergencies, mostly to Con Edison and for water and sewer repairs as well.²⁵ DOT keeps track of utilities and contractors to identify patterns of abuse and DOT inspectors will issue a summons if the incident was not a true emergency. In fiscal year 2015, DOT hired 34

²⁰ N.Y.C. Administrative Code §19-144

²¹ New York City Underground Infrastructure Working Group (June 2014), *available at* https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2014/infrastructure_report.pdf

²² *Id.*

²³ *Id.*

²⁴ *Id.* at 15.

²⁵ *Id.* at 15.

additional inspectors to keep up with demand, for a total of 150 inspectors.²⁶ According to the Mayor’s Management Report for fiscal year 2016, DOT surpassed its internal goal to resurface at least 1,200 lane miles as part of a \$1.6 billion investment to continue repaving roads over the next decade.²⁷

The Administrative Code imposes a variety of requirements on entities that conduct street opening projects, including requiring that the work adhere to various DOT specifications, have the proper permits, and, crucially, that the street be properly restored to its previous condition. Int. No. 955 would increase the maximum civil penalty for violations of many of those provisions.

Ponding

New York City streets are susceptible to various types of defects due to years of wear and tear. Under normal circumstances, the roadbed is constructed in an arch to allow rainwater to drain into sewers or naturally evaporate.²⁸ Ponding may occur when water pools at low points in the roadway, generally as a result of inadequate drainage or improper laying of the street and likely requires construction work to fix the problem.²⁹ DOT suggests individuals call 311, which then refers ponding complaints to the Department of Environmental Protection (“DEP”).³⁰ In recent years, DOT has increased the amount of street resurfacing projects, but may not

²⁶ *Id.*

²⁷ N.Y.C. Mayor Bill de Blasio’s Management Report, September 2016, *available at* http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/2016_mmr.pdf

²⁸ DOT Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components, *available at* <http://www.nyc.gov/html/dot/downloads/pdf/instfilingplan.pdf/>

²⁹ N.Y.C DOT, “DOT Customer Service,” *available at* <http://www.nyc.gov/html/dot/html/contact/customer-service.shtml>.

³⁰ *Id.*

immediately repair a street experiencing ponding because it may require a more extensive street reconstruction project.³¹

Ponding can also be a health hazard because it can be a breeding ground for mosquitos.³² The Department of Health and Mental Hygiene (“DOHMH”) will fine property owners if they have standing water on their property for more than 5 days during the months of April through October.³³ However, DOHMH will not accept complaints if there is ponding in the street.³⁴ According to DOT, anyone can request that a street be evaluated to be resurfaced and DOT will evaluate the street and prioritize it based upon the level of distress.³⁵ However, resurfacing also depends on planned utility work, the availability of public funding, and the schedule of capital improvements.³⁶

In 2011, the Chinatown neighborhood in Manhattan was experiencing such extensive ponding issues that New York State Senator Daniel Squadron released a report that noted the economic and environmental impact associated with ponding.³⁷ In 2012, DOT resurfaced several streets in Chinatown.³⁸

Int. No. 1251 would require DOT to repair a street where water accumulates in a depression for more than 7 days within 60 days of receiving verified notification of such

³¹ N.Y.C DOT, “Street and Roadway Construction,” *available at* <http://www.nyc.gov/html/dot/html/infrastructure/construction.shtml>.

³² N.Y.C Department of Health and Mental Hygiene, “Standing Water Complaint,” *available at* <http://www1.nyc.gov/nyc-resources/service/2510/standing-water-complaint>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id* at 30.

³⁶ *Id.*

³⁷ New York State Senator Daniel Squadron, Road-Curb Ponding: A Drain on Chinatown, (September 2011), *available at* https://www.nysenate.gov/sites/default/files/Senator%20Squadron%20Chinatown%20Ponding%20Report_0.pdf.

³⁸ Office of Senator Daniel L. Squadron, DOT Break Ground on Chinatown Ponding Repairs, *available at* <https://www.nysenate.gov/newsroom/press-releases/daniel-l-squadron/squadron-dot-break-ground-chinatown-ponding-repairs>.

ponding. DOT would have to verify such notification within two weeks of receipt of such notification.

Curb Heights

Curbs facilitate the life of the sidewalk, protect the sidewalk from vehicular traffic, channel water properly into catch basins, and prevent erosion and ponding.³⁹ While curbs are the property of the City and a part of the street, they may be replaced or repaired when a property owner repairs their sidewalk.⁴⁰ According to DOT's design specifications for permitted work, the height of newly replaced curbs should be consistent with the curbs in the neighborhood, but the report notes that the existence of a ponding issue should be taken into consideration with regard to the height of the new curb.⁴¹ There may be some instances where construction work takes place and the street is level with the curb, which can cause water to pool, creating problems for the property owner. Section 19-147 of the Administrative Code allows for DOT to serve an order upon people who improperly re-pave the street or who do not properly restore the curb (such individuals must also pay for the cost of repaving).⁴² Int. No. 1457 would require DOT to maintain curb heights following street construction.

ANALYSIS

Int. No. 231

Section one of Int. No. 231 would add new section 18-106.1 to chapter one of title 18 of the Administrative Code. New section 18-106.1 would define "tree planting season" to mean the months of March through May and October through December, or any other time period which

³⁹ N.Y.C "Curb Complaint" (last accessed September 14, 2017), available at <http://www1.nyc.gov/nyc-resources/service/1473/curb-complaint>.

⁴⁰ *Id.*

⁴¹ *Id.* at 28. See: Appendix H: How to set your curb elevations, available at <http://www.nyc.gov/html/dot/downloads/pdf/instfilingplan.pdf>.

⁴² N.Y.C Administrative Code § 19-147

the Department of Parks and Recreation designates for tree plantings. The new section would also require the Department of Parks and Recreation to inform DOT of the locations of any tree plantings planned for the immediately subsequent tree planting season not more than seven days following the selection of any such location.

Section two of Int. No. 231 would add new section 19-156 to subchapter one of chapter one of title 19 of the Administrative Code. The new section would require DOT to notify the applicant upon the filing of an application for a sidewalk construction permit if there will be a tree planting on such sidewalk during the next tree planting season, to the extent DOT has received such information.

Section three of Int. No. 231 states that the local law would take effect immediately.

Int. No. 623

Section one of Int. No. 623 would amend title 19 of the Code by adding new section 19-175.4. New section 19-175.4 would require that any curb adjacent to a fire hydrant located on a public sidewalk or a bus stop be painted red. Such curb would have to be painted the distance by which a motor vehicle is prohibited from stopping, standing or parking on either side of a fire hydrant or bus stop. In this section, the term “bus stop” would be defined to mean a location designated by signage for vehicles under the jurisdiction of the MTA to pick up passengers.

Section two of Int. No. 623 states that the local law would take effect 90 days after it becomes law.

Int. No. 955

Section one of Int. No. 955 would amend paragraph 1 of subdivision b of section 19-150 of chapter 1 of title 19 of the Administrative Code by increasing the maximum civil penalty for

the following violations of the Code relating to street construction, maintenance, repairs, obstructions, and closures:

- § 19-102, unlawful opening of street
- § 19-107, closing street without permit
- § 19-109(a), opening street without providing protection to the public
- § 19-109(c), removing signs/barriers/lights from street opening
- § 19-111, improperly laying a curb
- § 19-112, improper curb ramp installation
- § 19-113, failing to adhere to DOT specifications regarding street materials
- § 19-115, failing to adhere to DOT specifications regarding street paving
- § 19-116, failing to adhere to DOT conditions regarding street paving by abutting owners
- § 19-121(a), obstructing street without a permit
- § 19-121(b)(7), placing equipment near hydrant or bus stop
- § 19-121(b)(2), (3) & (6), failure keep clean site, clearly mark materials and equipment, and shield equipment
- § 19-122, failure to remove debris
- § 19-123, placing dumpster on street
- § 19-138, injuring or defacing streets
- § 19-139, failure to give notice before excavating by utilities
- § 19-144, failure to secure permit to open street after project
- § 19-145, pavement improperly laid
- § 19-146, disturbing street surface
- § 19-147, failure to properly restore pavement
- § 24-521, failure to give notice or protect property when doing sewer work on street

Section two of Int. No. 955 states that the local law would take effect 120 days after it becomes law.

Int. No. 1251

Section one of Int. No. 1251 would amend subchapter 1 of chapter 1 of the Administrative Code by adding new section 19-158. Subdivision a of new section 19-158 would define the term “ponding” to mean water in a depression that is removed only by percolation, evaporation, or transpiration that lasts greater than 7 days.

Subdivision b of new section 19-158 would require DOT to repair streets that exhibit ponding in order to ensure proper drainage of water within 60 days of receiving verified

notification of such ponding. Any member of the public or a DOT employee could notify DOT of a street that exhibits ponding. DOT would have to verify such notification within two weeks of receipt of such notification.

Section two of Int. No. 1251 states that the local law would take effect 90 days after it becomes law, except that the commissioner may take such measures necessary for the implementation of the local law, including the promulgation of rules, before such date.

Int. No. 1457

Section one of Int. No. 1457 would amend subdivision a of section 19-147 of the Code to require DOT to ensure that appropriate curb heights are maintained whenever the DOT takes up and restores any pavement, sidewalk, curb or gutter in any street.

Section two states that the local law would take effect 90 days after it becomes law, expect that the commissioner may take such measures as are necessary for the implementation of the local law, including the promulgation of rules, before such date.

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Int. No. 231

By Council Members Vacca, Gentile, Koo, Mendez and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to notifying sidewalk construction permit applicants if there will be a new tree planting during the next tree planting season.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-106.1 to read as follows:

§ 18-106.1 Tree planting; notification to the department of transportation. a. For the purposes of this section “tree planting season” shall mean the months of March through May and October through December, or any other time period which the department designates for tree plantings.

b. The department shall inform the department of transportation of the locations of any tree plantings planned for the immediately subsequent tree planting season not more than seven days following the selection of any such location.

§2. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-156 to read as follows:

§ 19-156 Notification of tree planting when applying for sidewalk construction permits. a. For the purposes of this section “tree planting season” shall mean the months of March through May and October through December, or any other time period which the department of parks and recreation designates for tree plantings.

b. The department shall notify the applicant upon the filing of an application for a sidewalk construction permit if there will be a tree planting on such sidewalk during the next tree planting season to the extent the department has received such information.

§3. This local law shall take effect immediately.

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LS 4630/Session 9

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Int. No. 623

By Council Members Gentile, Greenfield, Williams, Koo, Lancman, Constantinides, Deutsch and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to the curbs adjacent to a fire hydrant or bus stop.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.4 as follows:

§ 19-175.4 Curbs adjacent to fire hydrants and bus stops. a. Notwithstanding any other law, rule or regulation, any curb adjacent to a fire hydrant located on a public sidewalk or a bus stop shall be painted the color red. Such curb shall be painted the distance by which a motor vehicle is prohibited from stopping, standing or parking on either side of a fire hydrant or bus stop. For purposes of this section, the term "bus stop" shall mean a location designated by signage for vehicles under the jurisdiction of the metropolitan transit authority to pick up or discharge passengers.

§ 2. This local law shall take effect 90 days after its enactment into law.

KET 1/7/14 9:25AM
LS 3250/2014

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Int. No. 955

By Council Members Garodnick, Constantinides, Koo, Mendez, Richards, Rose and Cohen

A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision b of section 19-150 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

b. 1. Except as provided in subdivision c of this section, such civil penalty shall be determined in accordance with the following schedule:

Section of the Administrative Code (dollars)	Maximum Civil Penalty
19-102	[5,000] <u>10,000</u>
19-107	[5,000] <u>10,000</u>
19-109 [subd (a)]	[5,000] <u>10,000</u>
[19-109 subd (c)]	1,000]
19-111	[1,000] <u>5,000</u>
19-112	[1,000] <u>5,000</u>
19-113	[1,000] <u>5,000</u>
19-115	[1,000] <u>5,000</u>
19-116	[1,000] <u>5,000</u>
19-117 subd (a)	[5,000] - <u>10,000</u>
19-119	[5,000] - <u>10,000</u>
19-121 [subd (a)]	[5,000] <u>10,000</u>
[19-121 subd (b) para (5) & (7)]	5,000
19-121 subd (b) para (2), (3) & (6)	1,000]
19-122	[1,000] <u>5,000</u>
19-123	[5,000] <u>10,000</u>
19-126	[5,000] <u>10,000</u>
19-128	[1,000] <u>5,000</u>
19-133	[1,000] <u>5,000</u>
19-133.1	[5,000] <u>10,000</u>
19-135	[1,000] <u>5,000</u>
19-137	[1,000] <u>5,000</u>
19-138	[1,000] <u>5,000</u>
19-139	[5,000] <u>10,000</u>
19-141	[1,000] <u>5,000</u>
19-144	[5,000] <u>10,000</u>
19-145	[5,000] <u>10,000</u>

19-146	[1,000] <u>5,000</u>
19-147	[1,000] <u>10,000</u>
19-148	[1,000] <u>5,000</u>
24-521	[5,000] <u>10,000</u>
All other Provisions of this subchapter and rules or orders relating thereto	[500] <u>5,000</u>

Note: Reference to an administrative code provision is intended to encompass the penalties for violations of the rules or orders made or of the terms or conditions of permits issued pursuant to such code provision.

§ 2. This local law takes effect in 120 days.

KET 9/12/15 4:18PM
LS 3428/2014

Int. No. 1251

By Council Members Maisel, Cohen, Richards, Gentile, Koo, Koslowitz and Chin

A Local Law to amend the administrative code of the city of New York, in relation to repairing of ponding defects in streets

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-158 to read as follows:

§ 19-158 a. Definitions. For the purposes of this section, the following term has the following meaning:

Ponding. The term “ponding” means standing water in a depression that is removed only by percolation, evaporation or transpiration that lasts greater than 7 days.

b. The department shall repair streets that exhibit ponding in order to ensure proper drainage of water within 60 days of receiving verified notification of such ponding.

1. Any member of the public or a department employee may notify the department of a street that exhibits ponding.

2. The department shall verify such notification within two weeks of receipt of such notification.

§ 2. This local law takes effect 90 day after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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Int. No. 1457

By Council Members Lancman, Salamanca, Crowley, Koslowitz, Menchaca, Grodenchik, Vallone, Levine, Gentile, Richards, Cabrera, Johnson and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation maintain curb heights following street construction

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-147 of the administrative code of the city of New York, as amended and renumbered by local law number 104 for the year 1993, is amended to read as follows:

§ 19-147. Replacement of pavement and maintenance of street hardware.

a. General provisions. Whenever any pavement, sidewalk, curb or gutter in any street shall be taken up, the person or persons by whom or for whose benefit the same is removed shall restore such pavement, sidewalk, curb or gutter to its proper condition to the satisfaction of the commissioner of transportation. The department shall ensure that appropriate curb heights are maintained whenever the department takes up and restores any pavement, sidewalk, curb or gutter in any street.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

[adw]
LS #9221
1/17/17 11:00AM