



CONSTRUCTION CODES UPDATE PAGES

Attached are Construction Codes Update Pages. These pages reflect local laws enacted and ministerial administrative corrections made after July 1, 2008. Please note that the source of a particular update, the local law number, and year is indicated on each page. Please visit our [webpage](#) to ensure that your codes are complete and up to date as the City Council may periodically pass Local Laws that affect the Construction Codes.

Instructions:

Please place each page, according to its page number found on the bottom right hand corner, into your Construction Codes books. The pages contain letters after the page number and should be placed in alphabetical order following the number, i.e. 5, 6, 6a, 6b, etc.

- Place Title Pages in the front of your Code books for easy reference.
- Note: If you have all four Construction Codes (Building, Mechanical, Plumbing & Fuel Gas), please make sure to insert updates made to the Administrative Provisions into each of the four Code books.

CONSTRUCTION CODES UPDATE PAGES

UPDATE # 22

Source: Local Law 52 of 2009, effective December 11, 2009.

This update includes the following pages:

GENERAL ADMINISTRATIVE PROVISIONS (PRECEDING THE BUILDING, FUEL GAS, MECHANICAL AND PLUMBING CODES)	
<u>Article</u>	<u>Page Number</u>
Article 504	A-82a - c

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Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.

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GENERAL ADMINISTRATIVE PROVISIONS

Insert between pages A-82 and 1 of your bound volumes of the NYC Building Code, NYC Plumbing Code, NYC Mechanical Code and NYC Fuel Gas Code.

Add the following new article 504:

ARTICLE 504 **BICYCLE ACCESS TO OFFICE BUILDINGS**

§28-504.1 Applicability. This article shall apply to buildings, the main occupancy of which is offices, that (i) are in existence on the effective date of this article, or for which a permit has been issued but which have not yet been completed, and (ii) have a freight elevator that either complies with ASME 17.1 with regard to the carrying of passengers on freight elevators, as referenced in chapter 35 of the New York city building code, or is operated by a freight elevator operator, and (iii) are not subject to the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution. It shall be presumed that if a freight elevator is available for carrying freight, it is available for carrying bicycles.

§28-504.2 Request for bicycle access. The tenant or subtenant of a building to which this article is applicable may request in writing, on a form provided by the department of transportation, that the owner, lessee, manager or other person who controls such building complete a bicycle access plan in accordance with section 28-504.3. Such request shall be sent to the owner, lessee, manager or other person who controls such building by certified mail, return receipt requested, and a copy of the request shall be filed with the department of transportation.

§28-504.3 Bicycle access plan.

1. Where a request for a bicycle access plan has been submitted pursuant to this article, the owner, lessee, manager or other person in control of the building shall within 30 days after receipt of such request complete and implement a bicycle access plan or provide to the tenant or subtenant a copy of the request for an exception that has been filed with the department of transportation in accordance with section 28-504.4.
2. A plan shall be completed on a form provided by the department of transportation and shall include, at a minimum: the location of entrances; route to freight elevators that accommodate bicycle access; the route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available; and such other information as the department may require. The plan shall provide that bicycle access is available, at a minimum, during the regular operating hours of the freight elevator, if such freight elevator is used for bicycle access in such

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building. Bicycle access shall be granted to the requesting tenant or subtenant and its employees in accordance with such plan.

3. The plan may be amended from time to time to accommodate requests from other tenants or subtenants to provide bicycle access pursuant to this article.

§28-504.4 Exceptions. Bicycle access need not be provided pursuant to this article if an owner, lessee, manager or other person who controls a building applies to the commissioner of transportation for an exception, on a form provided by the department of transportation and sent to the department of transportation by certified mail, return receipt requested, within 15 days of receipt of a request for a bicycle access plan, and certifies that either:

1. The building's freight elevator is not available for the use described in this article because unique circumstances exist involving substantial safety risks directly related to the use of such elevator. Such application shall include the reasons for such assertion and supporting documentation; or
2. There is sufficient secure alternate covered off-street or sufficient secure alternate indoor no-cost bicycle parking available on the premises or within three blocks or 750 feet (229 m), whichever is less, of such building to accommodate all tenants or subtenants of such building requesting bicycle access. Such application shall include supporting documentation for such assertion, including proof that such alternate off-street or indoor parking is available to or under the control of such owner, lessee, manager or other person who controls the building.

If an exception is sought for the reasons set forth in item 1 of this section, the department shall conduct an inspection of the building and freight elevator and shall thereafter issue a final determination as to whether to grant an exception. If an exception is sought for the reasons set forth in item 2 of this section, the department, in consultation with the department of transportation, shall thereafter conduct an inspection of the secure alternate covered off-street or secure indoor no-cost bicycle parking and the department of transportation shall thereafter issue a final determination as to whether to grant an exception. In either event, a letter of exception or denial shall be sent by certified mail, return receipt requested, to the owner, lessee, manager or other person in control of the building. If the exception is denied, a bicycle access plan shall be posted within 20 days of receipt of such determination. Failure to timely post a bicycle access plan shall be cause for the issuance of a violation.

§28-504.5 Emergencies. In an emergency, whenever elevator use is prohibited, bicycles shall not be permitted to be transported through any means of egress.

§28-504.6 Posting and availability of bicycle access plan or letter of exception.

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1. Every owner, lessee, manager or other person in control of a building subject to this article shall either post in such building each bicycle access plan that is in effect, notifying the requesting tenants and subtenants of their right to bicycle access in accordance with such plan, or shall post a notice in the building lobby indicating that such plan is available in the office of the building manager upon request. Either such posting shall be made within five days of completion and implementation of such plan.
2. Every owner, lessee, manager or other person in control of such building shall post in such building any letter of exception granted by the commissioner or commissioner of transportation, including the basis or bases for the exception and, if applicable, the route to alternate off-street or indoor parking, as provided in section 28-504.4, or shall post a notice in the building lobby indicating that such letter is available in the office of the building manager upon request. Either such posting shall be made within five days of receipt of such letter of exception.
3. Plans, letters of exception or notices of availability of either shall be posted in a prominent location easily visible to a building's tenants, subtenants and the building's employees, and shall be made available upon request by the department, the department of transportation or authorized representatives of any other city agency.

§28-504.7 Filing of plan. The department or department of transportation may require that plans implemented pursuant to the provisions of this article be filed with either such agency.

§28-504.8 Construction. Nothing in this article shall be construed to require an owner, lessee, manager or other person who is in control of a building governed by this article to provide space for bicycles brought into such building or to permit a bicycle to be parked in a manner that violates building or fire codes or any other applicable law, rule or code, or which otherwise impedes ingress or egress to such building.