

STANDARD CONSTRUCTION OPERATING PROCEDURE

City of New York Department of Design and Construction
Division of Infrastructure Bureau of Construction

SCOP..... : 03 -003G

CATEGORY..... : Administration
Subcategory : Construction

SUBJECT: MARKOUTS - PRIOR NOTICE SIDEWALK CONTRACTS

Keywords Sidewalk Markouts

APPROVED:

Assistant Commissioner - William F. Lipski, P.E.

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Sheet..... : 1 of 1

Issue Date..... : June 12, 2003

DDC requires all jobsite personnel (Contractors, Consultants, and DDC staff) to adhere to the attached Interim Procedures for Sidewalk Markouts on Prior Notice Sidewalk Contracts. Please ensure that all DDC field staff, Consultants and Contractors are informed of these procedures and that they are reviewed at all preconstruction meetings.

DDC99-1-196



City of New York Department of Design and Construction

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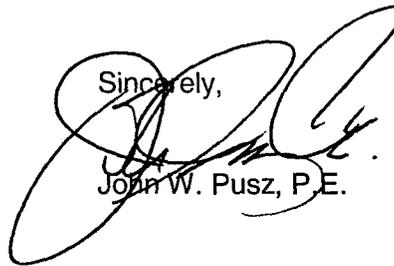
May 20, 2003

To: Consultants Managing Prior Notification Sidewalk Contracts

Effective immediately, you are hereby directed to adhere to the attached interim procedures for sidewalk mark outs.

Thank you.

Sincerely,



John W. Pusz, P.E.



City of New York Department of Design and Construction

May 20, 2003

Interim Procedures for Sidewalk Mark Outs on Prior Notification Contracts

Until DDC and the NYC - Department of Transportation reach a final resolution concerning procedures for sidewalk mark outs, the following interim guidelines are in effect:

Pre-Construction Phase:

- During the pre-construction survey phase of the contract, the Resident Engineer (RE)* will check for interference with other projects using the maps provided by DDC Program Management (refer to attached transmittal letter for additional info).
- The Resident Engineer (RE) or the Inspector under his supervision will visually inspect and mark out all of the defective flags. The RE will revise (if necessary), initial and date the DOT Preliminary Inspection Report (PIR) to reflect the present condition of the sidewalk. The criteria for violations remain the same (refer to attached NYC-Department of Transportation Directive 33).
- The RE will ensure that all original defective flags and additionally observed defective flags are further documented with photographs. After the mark outs are completed, the contractor's photographer will photograph the defective flags in medium format (as per contract specifications). These pre-construction photographs must not be taken with a Polaroid or digital camera. Photographs are not to be taken prior to the mark outs and no excavation work on a property may begin until the photographs are taken.

** The RE is defined as the RE or any designated person working under his / her supervision.*

- For all additional work, the RE will forward a transmittal letter with a copy of the revised PIR (with mark outs) to DOT Sidewalk Management (Irv Loewenstein) on a bi-weekly basis. Photographs will be sent to DOT only upon request.

Construction Phase:

- During construction, if the actual amount is greater than the final mark out, the RE will further document the additional flags on the original (or revised) PIR. Also, the RE will initial and date any changes. The RE will send a transmittal letter with a copy of the revised PIR to DOT Sidewalk Management (Irv Loewenstein). Photographs will be sent to DOT only upon request. These photographs may be taken with a 35mm or digital camera.

Requests / Additional Sidewalk Work:

- All additional sidewalk work requested by DOT must be in writing or indicated on a new PIR stating the status of the flags to be replaced (assessable or non-assessable). A verbal request from DOT is unacceptable.
- Until either DDC Legal or Audit prepares written procedures, no waivers shall be granted to property owners requesting that the contractor perform additional sidewalk work.
- The contractor is not allowed to perform private work on the blocks scheduled for When & Where sidewalk work.



City of New York Department of Design and Construction

TRANSMITTAL

To: Irvin Loewenstein
NYC-DOT
Director, Sidewalk Management
59 Maiden Lane, 37th Fl.
New York, NY 10038

From: _____
Resident Engineer

(Name of Consultant Firm)

Address: _____

Telephone #: _____

Project Description: _____
Contract #: _____
Comptroller's Registration #: _____

Attached is the following document for the above project:

Pre-Construction Phase:

Revised Preliminary Inspection Report

Please notify the Resident Engineer immediately of any issues relating to the above document. Otherwise, DDC will assume that the additional sidewalk work indicated on the Preliminary Inspection Report is approved by the NYC Department of Transportation.

Construction Phase:

Revised Preliminary Inspection Report

Thank you.

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
DIVISION OF STREET AND ARTERIAL MAINTENANCE**

Office of Pedestrian Ramp and Sidewalk Management

DIRECTIVE 33

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**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
DIVISION OF STREET AND ARTERIAL MAINTENANCE**

Office of Pedestrian Ramp and Sidewalk Management

DIRECTIVE 33

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**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
DIVISION OF STREET AND ARTERIAL MAINTENANCE**

DIRECTIVE 33

Sidewalk Violation Procedures (Design Consultants)

The following are the procedures to be followed by the Consultants for the office of Sidewalk Management, who are required to prepare and serve Sidewalk Notices of Violation in connection with all Capital contracts:

I. Provision of Materials

The Consultant shall print sufficient Preliminary Inspection Report forms (PIRs) and Notice of Violation forms to permit the inspection/serving of each affected property. The City Project Engineer will also provide lists of all locations that are to be inspected.

II. Training/Cross Checks/Audits

The Office of Sidewalk Management will arrange:

- A.** training of inspectors in the rating and violation of properties in accordance with this directive; training of office personnel in the various procedures required for the issuance of violation notices.
- B.** any inspector who is not deemed qualified cannot perform the inspections;
- C.** monthly cross check to ensure adequate adherence to this directive;
 - 1. cross checks consist of inspections by all consultant inspectors of a small number of pre-selected locations (10 - 20 properties).
 - 2. inspectors are then rated according to the percentage of properties where they are within 2 flags of the correct answer.
- D.** random audits by city inspectors of work done by consultant inspectors.
- E.** random audits to ensure adherence to violation issuance and tracking procedures.

III. Preliminary Inspection Report Procedures

In connection with the sidewalk violation process, consultants are required to conduct an inspection of the sidewalk and complete the property rating section of the PIR for each block and lot that requires inspection in accordance with Assessment Guidelines (Appendix A).

A. Information to be provided to property owners

Consultants are required to provide all property owners who are issued violations with the following (See Appendix B):

1. A copy of the completed Preliminary Inspection Report;
2. Sidewalk Violation Notice;
3. Introductory Letter;
4. Sidewalk Brochure;
5. Other material when required.

B. Method of Inspection

The PIR, (Exhibit 1) which is based on a visual inspection and describes the condition of the sidewalk, at the time of the initial inspection, must be completed by the consultant. All sidewalks that are inspected must be rated by the consultant to determine if a violation exists on a property.

1. The PIR must be completed in accordance with the following documentation, which is incorporated into this directive:
 - a. Sidewalk Inspection Guidelines (See Appendix C);
2. Consultants shall provide the following information on the preliminary inspection report:
 - a. Contract Number;
 - b. Property Address;
 - c. Boro;
 - d. Block, Lot, Community Board;
 - e. Inspector Initials;
 - f. Inspection Date;
 - g. Property Rating
 - h. Name and address of the current property owner (See Appendix D);
 - i. Description of the sidewalk flags that need replacing by:
 - (1) sketching a legible grid that represents the layout of the sidewalk area on the diagram that is on the inspection report form;
 - (2) inserting within each flag on the diagram number(s) which describe the condition of the defective sidewalk flag(s) at the time the survey was conducted;
 - j. The estimated amount of sidewalk (in square feet) that must be replaced in order to correct the deficiencies based upon full flag restoration;
 - k. the estimated amount of curb (in linear feet) that must be repaired to correct deficiencies;
 - l. In cases where any defects are suspected to be caused by tree roots the inspection form must be marked that an inspection by a forester is required.
 - m. the comments section must include notes regarding distinctive materials, properties that have no curb and notations regarding possible vaults.

IV. Title Search Procedures

The consultant shall be responsible for identifying the name and address of the most current owner(s) of record or managing agent. Where applicable, the name and address of the mortgagee shall also be identified for each violation served. In cases where a managing agent can be identified, the managing agent supercedes the need to identify/notify the owner of record.

In order to obtain this information the Department has access to a number of NYC Department of Finance computer transactions which will be made available to each consultant. See Appendix D for a complete description of Title Search Procedures.

V. Violation Issuance

A. Generating the Violation Notice

The consultant shall enter the following information into the MOSAICS computer system:

1. Name and address of owner of record;
2. Name and address of Mortgagee
3. Borough, Block and Lot Number;
4. House number and on street;
5. Contract Number;
6. Issuing Agent;
7. Mark all defect types present on the property;
8. Length of compliance time; use 45 days from the entry date, use 10 days if imminent danger is apparent for when and where projects and use 45 days for capital reconstruction projects;
9. Estimated Square Feet of defective area;
10. Consultant company name and telephone number;
11. Date of inspection;
12. Date of violation. This date must not exceed 30 days after the inspection date.

- B. Print out the violation notices on the multi-part Notice of Violation form (Exhibit 2).
- C. A copy of the Notice of Violation and completed PIR must be forwarded to the Office of Pedestrian Ramp and Sidewalk Management within 30 days of the inspection date.
- D. The information provided to property owners on the preliminary inspection report must be consistent with the information on the sidewalk violation notice.
- E. A cover letter describing the program and the property owner's rights must accompany the violation.

VI. Serving the Notice of Violation

A. Service Methods

Serve the violation notice to the owner of record and mortgagee or the designated managing agent or trustee by either of the following methods:

1. personal service; or
2. certified mail, return receipt requested; (type on the envelope: Do Not Forward, Address Correction Requested)

Detailed procedures for serving the violation notices can be found in Appendix E.

B. For Reconstruction Contracts only:

Ten days after the mailing date of the Violation Notices, the consultant shall submit to the Director of the Pedestrian Ramp and Sidewalk Management Office, a letter certifying that all requirements of Section 2904 of the New York City Charter have been complied with.

C. Mail Tracking

1. The consultant shall maintain a computerized log of all dates associated with each violation. These dates include:
 - a. Original mailing date;
 - b. Date certified mail 'Green Card' is returned;
 - c. Date certified mail is returned undeliverable;
 - d. Date of Certificate of Mailing;
 - e. Date of Posting.

Proper service must be made before the materials may be forwarded for payment.

IF THE GREEN CARD IS NOT RECEIVED BACK FROM THE POST OFFICE IN 30 DAYS, YOU MUST REMAIN THE VIOLATION PACKAGE. POSTING IS PERFORMED ONLY AFTER THE VIOLATION PACKAGE IS RETURNED, UNDELIVERABLE, OR REFUSED BY THE POST OFFICE.

D. Complaints

1. The consultant shall maintain a computerized log of all complaints received in writing or by telephone.
2. The computerized log shall be maintained in a format approved by the Department. Any standard database ASCII flat file format will be acceptable.
3. The consultant must return and log all phone calls within one business day.
4. 3. Complaints not related to consultant-issued violations (e.g., construction complaints or HIQA-issued violations) must be forwarded to Pedestrian Ramp and Sidewalk Management.
4. Reinspect properties upon request.
 - a. reinspect within 14 days of request;
 - b. notify property owner 5 days before reinspection;
 - c. perform reinspection (without access to original PIR);
 - d. notify property owner of results;
 - e. attach the NEW PIR to the violation file;
 - f. maintain database for reinspections.

VII. Generate reports

- A. The following reports shall be required (all supporting data must be submitted simultaneously on diskette):
1. Monthly updates of work completed and planned by community board (Inspections and issuances).
 2. Monthly variances with planned work.
 3. Weekly listing of violations by Community Board, block and lot.
 4. Monthly listing of Disposition of violations by category (e.g. cancellations, modifications, etc.)
 5. Weekly listing of complaints from property owners (including requests for reinspections, requests for the City to do the work and indications that the property owner intends to do the work themselves).
 6. Weekly updates of certified mail returns by date and category (accepted, refused, etc)
 7. Copies of all correspondence with County Clerk Offices.
 8. Copies of all correspondence (or minutes of meetings) with Community Boards, Elected Officials or community groups.

Sidewalk Violation Procedures (Consultants--REI's)

The following are the procedures to be followed by consultants who are required to provide Resident Engineering and Inspection services in connection with all Capital contracts:

VIII. Provision of Materials

The Consultant shall be provided with the PIR to permit the construction of each affected property.

IX. Confirmation of Preliminary Inspection

- A.** The consultant is required to be thoroughly familiar with all aspects of the following documentation included in this Directive:
 - 1. Assessment Guidelines (Appendix A)
 - 2. Sidewalk Inspection Guidelines (Appendix C);

- B.** The consultant must confirm that a violation is warranted for the property based upon the Sidewalk Inspection Guidelines.

- C.** The consultant must confirm that the defects marked on the PIR were not marked in error by the original inspector.
 - 1. the consultant must closely supervise the contractor to ensure that flags marked for Structural Integrity (6A) or Freestanding (6B) defects are not removed unless, upon excavation it appears that they cannot be retained.

- D.** The consultant must confirm that the Assessment Guidelines (Appendix A) were adhered to on the PIR.

X. Construction Report

The construction report (Exhibit 3) must reflect the actual work performed with exact measurements for billing and payment purposes. The consultant is required to complete a construction report for each sidewalk on the construction list (including those where no work is done). The report must be completed within 24 hours of the pouring of concrete (or upon inspection in cases where no work is done). The consultant shall provide the following information on the construction report:

1. contract number;
2. violation notice number;
3. boro;
4. property address, block and lot;
5. date the violation notice was issued;
6. date of excavation;
7. date of construction;
8. name of the person who did the survey;
9. name and date of person who computed figures;
10. name of person who checked figures;
11. amount of 4" and 7" sidewalk poured;
12. the consultant is required to document all concrete poured (4" & 7") and any other work performed such as curb repairs, saw cutting, special scoring, and reinforced concrete, etc. The consultant is required to show all computations related to construction activity on the construction report;
13. the property status; and, in cases where all of the defects are not corrected on a property, the reason the violation should not be removed shall be marked;
14. On corner properties the consultant must indicate the number of pedestrian ramps installed, the number of corners where no pedestrian ramps exist and the number of corners where there were pre-existing pedestrian ramps;
15. the construction report must also reflect any changes in the sidewalk condition from the time of the preliminary inspection to excavation. If the sidewalk conditions have changed from the time of preliminary inspection to excavation, the consultant must resketch the sidewalk diagram and provide an explanation and supporting documentation (pictures) for the variation. The consultant is required to sign and date the statement.

CONSULTANTS ARE REQUIRED TO COMPLETE ALL CONSTRUCTION REPORTS IN INK.

DIRECTIVE 33
Appendix A

Assessment Guidelines

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
DIVISION OF STREET AND ARTERIAL MAINTENANCE
OFFICE OF PEDESTRIAN RAMP AND SIDEWALK MANAGEMENT**

GUIDELINES FOR ASSESSING SIDEWALKS

I. HOW TO ASSESS PROPERTY

Property owners shall be charged for sidewalks replaced at the price set forth at the beginning of the contract according to the following rules:

1. Property owners are responsible for the installation, construction, repavement, reconstruction and repair of the sidewalk in front of or abutting their property, **including but not limited to the intersection quadrant.** (See Section 19-152 of the New York Administrative Code.)
2. Property owners are not responsible for any repairs to sidewalks which were damaged by the city, its agents or contractors, provided;
 - a. no sidewalk violation notice was outstanding prior to the commencement of such project;
 - b. the owner files a claim with the Office of the Comptroller, personally or by certified or registered mail, return receipt requested within ninety (90) days of the damage.
 - c. such capital construction work was the cause of the damage.

II. WHERE AND WHEN CONTRACTS

A. ASSESSABLE SIDEWALKS

1. **Corner Quadrants** - Pedestrian ramps shall be installed at corner quadrants. Property owners shall be assessed only for the defective flags within the corner quadrant.
2. **State property** - Sidewalks abutting State properties are not exempt from municipal sidewalk assessment charges. Public Lands Law Section 19 provides that the State Comptroller shall be served with at least three weeks notice. Such assessment shall, if confirmed and uncontested, be paid out of any monies appropriated.
3. **City property** - Sidewalks abutting all city property are assessable. The property should be violated, then we must send a Notice of Violation notifying the agency that we are going to repair their sidewalk. The Capital Budget Department must be contacted so that they can arrange to put the appropriate funding mechanism in place.
4. **Landmark/Historical Areas** - Sidewalks in Landmark areas should be violated. Currently, we replace sidewalks with pigmented concrete. They should be assessed like any other property. All appropriate permits must be obtained from the Landmarks Preservation Commission.
5. **In rem property** - These properties are City owned. The New York City Department of General Services that oversees these properties must be assessed for replacement of sidewalks abutting these properties.
6. **Bus Stops** - Property owners must be assessed for replacement of defective sidewalk flags in an existing bus stop. The initial sidewalk installation at a bus stop WILL NOT be assessed.
7. **Sidewalk Hardware/Cellar Doors** - The property owner must be assessed for any adjustment or replacement of cellar doors.
8. **Not-for-profit/Religious and/or Educational Organization Sidewalks** - There are no laws that exempt this organization from sidewalk assessment. These property owners shall be assessed for any sidewalk replaced.
9. **Common Driveways not Leading to Multiple Houses** - The cost of sidewalk replacement in these driveways shall be distributed based on property lines. In most instances each property owner owns half of the driveway with an easement over the other neighbor's half. But in some instances, one owner may own more

than half, up to the entire driveway, with both neighbors having an easement over the other's property.

10. **Common Driveways leading into Multiple Houses** - The cost of sidewalk replacement in these driveways should be distributed based on property lines. The Department has no authority to bill the interior owners. It is the responsibility of the fronting owners to collect from the interior owners.

B. NON-ASSESSABLE SIDEWALKS

1. **Federal property** - The Federal Government is sovereign and not subject to regulation under local law. However, it is possible that an agreement may be entered into where the Federal Government undertakes the responsibility for replacing sidewalks adjacent to Federal property. In such instances, contact the General Services Administration, 26 Federal Plaza, New York, NY.
2. **Cemeteries** - sidewalks abutting are exempt provided the property is being used for cemetery purposes.
3. **Railroads** - Sidewalks and roadways adjacent to overpasses and underpasses are the responsibility of the city and therefore non-assessable.
4. **Metropolitan Transit Authority** - is exempt from sidewalk assessments.
5. **Triboro Bridge and Tunnel Authority** - is exempt from sidewalk assessments.
6. **Port Authority of New York and New Jersey** - is exempt from sidewalk assessments.
7. **New York City Housing Authority** - Under an agreement between the City and NYCHA, all sidewalks abutting their properties are non-assessable. The Department has developed a separate contract for repairing defective NYCHA sidewalks not included in capital projects.
8. **Pedestrian Ramps** - All pedestrian ramps installed at corner quadrants are non-assessable, if no defects are located in the corner quadrant.
9. **Fire Hydrants** - Property owners must not be assessed for concrete sidewalk that replaces asphalt that was placed around fire hydrants by Department of Environmental Protection.
10. **Defects caused by Improper Installation of City-owned Hardware** -Property owners shall not be assessed for sidewalk replaced to correct a defect that was caused by the improper installation of City owned hardware such as traffic signs/meters/controls, bus shelters on the sidewalk. **This rule only applies the sidewalk flag/s damaged by the installation.**

11. Replacement of Sidewalk Flag Straddling Adjacent Properties - Property owners can only be assessed for defects on sidewalks abutting their properties. If a defective flag that straddles two properties was violated due to sidewalk defects on one of the properties, only the property owner whose sidewalk was in violation must be assessed for replacement of the portion of the flag that abuts his/her property. The property owner of the adjacent property must not be assessed.

12. Although various entities may be exempt from sidewalk assessments, it is appropriate to issue them notices of violation to inform them of defective sidewalk conditions.

C. WHEN ASSESSMENTS ARE DUE

1. Completed assessment lists are due every thirty days. The lists should include assessments of all the concrete that was poured that month.

III. CAPITAL RECONSTRUCTION PROJECTS

A. ASSESSABLE SIDEWALKS

1. **State property** - State property is not exempt from municipal sidewalk assessment charges. Public Lands Law Section 19 provides that the State Comptroller shall be served with at least three weeks notice. Such assessment shall, if confirmed and uncontested, be paid out of any monies appropriated.
2. **City property** - All city property is assessable. The property should be violated, then we must send a letter notifying the agency that we are going to repair their sidewalk. Funding codes are usually set up during the project's planning stages. You should contact the project engineer before the sidewalk is installed to ensure that the funding mechanisms are in place.
3. **School Construction Authority** - Must be assessed in the usual manner.
4. **In rem property** - These properties are City owned. The New York City Department of General Services oversees these properties and must be assessed for replacement of sidewalks abutting these properties.
5. **Bus Stops** - Property owners must be assessed for replacement of defective flags in an existing bus stop.
6. **Not-for-profit/Religious and/or Educational Organization Sidewalks** - There are no laws that exempt these organization from sidewalk assessment. These property owners shall be assessed for any sidewalk replaced.
7. **Landmark/Historical Areas** - Sidewalks in Landmark areas should be violated. Currently, we replace sidewalks with pigmented concrete. They should be assessed like any other property. Property owners should be charged accordingly if the contract requires replacement or resetting of bluestone.

8. **Common Driveways not Leading to Multiple Houses** - The cost of sidewalk replacement in these driveways shall be distributed based on property lines. In most instances each property owner owns half of the driveway with an easement over the other neighbor's half. But in some instances, one owner may own more than half, up to the entire driveway, with both neighbors having an easement over the other's property.

9. **Common Driveways leading into Multiple Houses** - The cost of sidewalk replacement in these driveways should be distributed based on property lines. The Department has no authority to bill the interior owners. It is the responsibility of the fronting owners to collect from the interior owners.

10. **Corner Quadrants** – Pedestrian ramps shall be installed at corner quadrants. Property owners shall be assessed only for the defective flags within the corner quadrant.

B. NON-ASSESSABLE SIDEWALKS

1. **Federal property** - The Federal Government is sovereign and not subject to regulation under local law. However, it is possible that an agreement may be entered into where the Federal Government undertakes the responsibility for replacing sidewalks adjacent to Federal property. In such instances, contact the General Services Administration, 26 Federal Plaza, New York, NY.
2. **Cemeteries** - are exempt provided the property is being used for cemetery purposes.
3. **Railroads** - Sidewalks and roadways adjacent to overpasses and underpasses are the responsibility of the city and are therefore non-assessable.
4. **Metropolitan Transit Authority** - is exempt from sidewalk assessments.
5. **Triboro Bridge and Tunnel Authority** - is exempt from sidewalk assessments.
6. **Port Authority of New York and New Jersey** - is exempt from sidewalk assessments.
7. **New York City Housing Authority** - Under an agreement between the City and NYCHA, all sidewalks abutting their properties are non-assessable.
8. **Pedestrian Ramps** - All pedestrian ramps installed at corner quadrants are non-assessable.
9. **Bus Stops** - If a concrete sidewalk is installed at a sidewalk area that was previously a grass strip to accommodate a bus stop, then newly installed bus stop portion of the sidewalk area is not-assessable.

10. **Widening Sidewalk Area due to Narrowing of Roadway** - Property owners must not be assessed for any initial increases in sidewalk areas that result from narrowing the roadway. Property owners are however, responsible for maintaining all of the sidewalk area once it is installed.
11. **First course of concrete adjacent to the Curb** - In cases where the **existing sidewalk had no defects and meets the new grades**, but it is necessary to remove the first course of sidewalk adjacent to the curb in order to install new curbs, the property owner shall not be assessed for the sidewalk restoration.
12. **Fire Hydrants** - Property owners must not be assessed for concrete sidewalk that replaces asphalt that was placed around fire hydrants by Department of Environmental Protection.
13. Although various entities may be exempt from sidewalk assessments, issuing the notice of violation to inform them of a defective sidewalk is appropriate.

DIRECTIVE 33

APPENDIX B

INFORMATION PROVIDED TO PROPERTY OWNERS

INFORMATION TO BE PROVIDED TO THE PROPERTY OWNER

1. All property owners shall be sent by certified mail, the following:
 - a) Notice of Violation (EXHIBIT 2)
 - b) Preliminary Inspection Report (P.I.R.) (EXHIBIT 1);
 - c) Cover letter explaining the rights and responsibilities of the property owner (EXHIBIT 4)
 - d) Sidewalk Brochure (EXHIBIT 5)

DIRECTIVE 33

APPENDIX C

SIDEWALK INSPECTION GUIDELINES

IV. Sidewalk Inspection Guidelines

The following guidelines and procedures should be used when completing a Preliminary Inspection Report (PIR). Included are the Property Rating System, Sidewalk Defect Definitions, and specific methods for implementation of the guidelines.

A. Make Sure You're On The Right Property:

1. Is the property frontage approximately the same as the block and lot map?
2. Are adjacent lots approximately the same dimensions as shown on the block and lot map?
3. Does the address match the inspection list?
 - a. If the address is not the same as on the list, but it is the correct property, use the address found in the field.

B. Rate property according to the Sidewalk Property Rating System (Exhibit C-1):

C. If property rating does not require a violation:

1. Do not sketch the property.

D. Otherwise, sketch the property.

1. draw each flag to scale;
2. use the Standard PIR Abbreviations shown in Exhibit C-2;
3. indicate all hardware, street furniture, etc.;
4. mark the code from the Hazard Assessment Criteria (Exhibit C-3) in each flag containing a defect.

EXHIBIT C-1

Sidewalk Property Rating System

- 5 **Free of hazardous defects (LDR/NLDR).**
- 4 **Improper slope (LDR/NLDR).**
- 3A **Trip Hazard in non-pedestrian pathway**
Greater than or equal to 1" in all horizontal directions **and** greater than or equal to 1/2" deep
or
Greater than or equal to 1/2" vertical deep (LDR).
- 3B **Flag(s) in the non-pedestrian pathway** cracked to such an extent that pieces of the flag(s) may be loosened or readily removed (LDR).
- 2 **Trip Hazard in the pedestrian pathway**
Greater than or equal to 1" in all horizontal directions **and** greater than or equal to 1/2" deep
or
Greater than or equal to 1/2" vertical deep (LDR/NLDR).
or
Flag(s) in the pedestrian pathway cracked to such an extent that pieces of the flag(s) may be loosened or readily removed (LDR/NLDR).
- 1A **No Sidewalk (LDR/NLDR).**
- 1B **Undermined (flags rocking or see-sawing) (LDR/NLDR).**
- 1C **Cellar doors in pedestrian pathway** that deflects when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition. (LDR/NLDR).

Exhibit C-2

Standard Preliminary Inspection Report Abbreviations

| | |
|-----|-----------------------|
| BL | Building Line |
| CL | Curb Line |
| PL | Property Line |
| CD | Cellar Door |
| MH | Manhole |
| ENT | Entrance |
| DW | Driveway |
| GA | Grass Area |
| TP | Tree Pit |
| NT | Tree Pit with No Tree |

Exhibit C-3

Hazard Assessment Criteria

Any or all of the following conditions, among others, found on a sidewalk flag shall constitute a hazard requiring replacement of the flag.

- 1). **BROKEN**
 - a. flag(s) cracked to such an extent that pieces of the flag(s) may be loosened or readily removed.

- 2). **UNDERMINED**
 - a. visible voids under flag(s).
 - b. loose flags that rock or seesaw.

- 3). **TRIP HAZARD**
 - a. vertical grade differential between adjacent flags of 1/2 inch or greater.
 - b. surface defects greater than or equal to 1" in all horizontal directions and greater than or equal to 1/2" deep

- 4). **IMPROPER SLOPE**
 - a. flag that does not drain toward the curb and retains water.
 - b. flag(s) that must be replaced to provide for adequate drainage.
 - c. transverse grade exceeding established standards.

- 5). **IMPROPER GRADE**
 - a. sidewalk not built to established and/or designed reconstruction grade.
 - b. sidewalk generally not conforming to curb grade.
 - c. sidewalk grade not compatible with contiguous sidewalk grade(s) of adjacent properties.

EXHIBIT C-3 (continued)

- 6*) OTHER (Show letter on Preliminary Inspection Report)
- a. Structural Integrity: flag that has a common joint with a defective flag and has a crack that meets the common joint and one other joint.
 - 1) When the common joint is an expansion joint, Structural Integrity should not be used.

 - b) Freestanding Flag: flag(s) that during the construction phase will be freestanding on 3 sides (including expansion joints, tree pits and saw cuts).

(1) These flags (even if they have no defects) should be marked for possible replacement (Violation Type: Freestanding Flags).

(2) The Freestanding flag defect does not apply to sidewalks that are 1 flag wide. A flag that will be freestanding during the construction phase. Freestanding sides include expansion joints, curbs or adjacent defective flags.

 - c. Patchwork
 - i. less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s).
 - ii. flag(s) partially or wholly constructed with asphalt or other unapproved non-concrete material.
 - iii. patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters are specifically exempted from this criteria unless the patchwork meets one of the other hazard assessment criteria.

 - d. NO SIDEWALK
 - (1) missing sidewalk flag(s).
 - (2) sidewalk not built.

 - e. Non-Compliance with other DOT rules and regulations

EXHIBIT C-3 (continued)

7) HARDWARE

- a. hardware or other appurtenances not flush within 1/2" of the sidewalk surface.
- b. cellar doors that deflect when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.
- c. missing vault light(s) or bullseye(s).

Violations will not be issued unless the criteria of the Sidewalk Rating System are met. Flags marked 6A or 6B may have to be removed for engineering reasons. The decision will be made at the time of excavation. If a violation is issued, then flags marked 6C, 6D or 6E should be removed.

G. Selected Defect Definitions Clarifications

The following clarifications/exceptions should be used in marking defective flags. Do not use the code numbers shown here. Use the codes shown in the Hazard Assessment Criteria (Exhibit C-3)

1. Trip Hazards:

- a. Flags with trip hazards should not be violated when the entire defect is within 2" of:
 - (1) Building line;
 - (2) Curb line;
 - (a) Raised or sunken flags (1/2 inch or greater) at the curb line should be violated as trip hazards.
 - (3) Tree Pits (except side facing building line);
 - (4) Street Furniture (meters, hydrants, light poles, telephones, signs).
 - (5) Raised or sunken hardware within 6" of the building line should not be violated as a trip hazard.

2. "Other" Defects: Should be used in accordance with the following procedures

- a. The line next to "6 - Other" in the area above the sketch should indicate the defect types that are present.
 - (1) All flags where "Other" is to be used should contain a "6" and one of the following letters:
 - (a) Structural Integrity;
 - (b) Freestanding Flag;
 - (c) Patchwork;
 - (d) No Sidewalk/Missing Sidewalk;
 - (e) Non-Compliance with other rules & Regs (Specify).

EXHIBIT C-3 (continued)

- (2) The following should never be used as defects:
 - (a) Cracks
 - i) Use 'Broken', 'Trip Hazard' or 'Structural Integrity' where appropriate.
 - (b) Spalled
 - i) Use 'Trip Hazard' where appropriate.

3. **Comments Section**

- a. On All Properties always note the following where they are present:
 - (1) Distinctive Sidewalk Material. (Bluestone/Slate, Brick, Granite, Terrazzo, etc. You do not have to note properties that have tinted concrete sidewalk);
 - (2) No Curb on entire property;
 - (3) Suspected Vault (if a vault is obvious, you should sketch the approximate boundaries).

DIRECTIVE 33

Appendix D

Title Search Procedures

TITLE SEARCH PROCEDURES

V. These searches will determine the block and lot number, property owner, property dimensions, community board, etc.:

A. GOAT

SEE EXHIBIT D-1 and D-2

B. PROP

SEE EXHIBIT D-3 and D-4

C. FIND

SEE EXHIBIT D-5

DIRECTIVE 33

APPENDIX E

Guidelines for Serving Violation Notices

Guidelines for Serving Violation Notices

- VII. Obtain window envelopes using NYC DOT in care of (c/o) consultant firm name and address.
- A. The Certified Mail Card (Green Card, Exhibit XVI) should indicate the contract number with the notice number and the block and lot. Returned green cards must be stapled to the bottom left back of the office copy (3).
 - B. At the time of mailing the consultant shall generate and transmit to the County Clerk a complete list of all affected properties by block and lot.
 - C. Returned Notices:
 - 1. If the violation notice is returned with a notation from the post office that the owner refused to accept delivery, serve the notice by ordinary mail and post the notice on the door of the premises or on the fence of a vacant lot. There is no need to post on vacant lots that are not fenced. The consultant is required to complete and date an affidavit of service (Exhibit XVII) for each posting of each property.
 - 2. If the violation notice comes back unclaimed from the post office, send the notice by certificate of mailing (Exhibit XVIII) and post the notice on the door of the premises. The consultant is required to complete and date an affidavit of service for each posting of each property (Exhibit XVII).
 - 3. "Addressee Unknown", "Not Deliverable as Addressed", etc. must be researched for updated owner of record and a corrected notice sent out. If the owner of record still cannot be found, use the procedure in Step #2 above.
 - a. Edit MOSAICS to reflect corrections. If notice was sent to the wrong property owner, give to HIQA for dismissal. Consultant is required to attach the original returned notice and envelope to office copy and attach new corrected notice on top of original notice.
 - 4. IF THE GREEN CARD IS NOT RETURNED BY THE POST OFFICE WITHIN 30 DAYS, A NEW VIOLATION MUST ONCE AGAIN BE MAILED VIA CERTIFIED MAIL.
 - 5. Properties may only be posted once the mail has been returned from the Post Office.