



# CITY OF PHILADELPHIA

STREETS DEPARTMENT  
7th Floor - Municipal Services Building  
1401 JFK Boulevard  
Philadelphia, Pennsylvania 19102-1676

CLARENA I. W. TOLSON  
Commissioner

January 21, 2009

General Building Contractors Association (GBCA)  
36 S. 18<sup>th</sup> Street  
P.O. Box 15959  
Philadelphia, PA 19103

Building Industry Association (BIA)  
1735 Market Street  
Philadelphia, PA 19103

Dear Construction Industry Stakeholders:

In response to concerns regarding the recently enacted street and sidewalk closures regulations, the Streets Department has issued the attached Code Bulletin to improve stakeholder understanding of the regulations. This bulletin has benefited from our constructive dialogue on the closure issues. The policies within the attached Code Bulletin take effect immediately. The department continues to welcome stakeholder comments and questions on the policy guidance.

It has come to our attention that some construction firms have not obtained street and sidewalk closure permits, anticipating clarification of the closure regulations. Though this expectation may have existed, the closure regulations that took effect on September 15, 2009 are in full effect and fully enforceable. Contractors that have been "holding out" for this Code Bulletin are strongly encouraged to obtain their closure permits immediately.

The Streets Department will begin aggressive enforcement of closure regulations in February. As noted in the Code Bulletin, the penalty for non-compliance is the doubling of the closure fees for the life of the project. The Streets Department will apply this penalty uniformly for any and all violations and the penalty will not be negotiable.

The Streets Department recognizes the vital importance of the construction industry to the economic health and vitality to our City. Likewise, we hope that the industry recognizes the transportation issues and challenges that construction projects create for residents, businesses and visitors.


**CLEAN AND SAFE STREETS**

The Streets Department hopes that you find our dialogue on this topic constructive. The department looks forward to working more closely with industry stakeholders to develop reasonable and innovative solutions to the issues that we collectively face.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarena I. W. Tolson". The signature is fluid and cursive, with the first name being the most prominent.

Clarena I. W. Tolson  
Commissioner, Department of Streets

<b>DEPARTMENT OF STREETS</b> <b>CODE BULLETIN OF INFORMATION</b>		No. 09-01	CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA TITLE 11 - STREETS
<b>SUBJECT OF BULLETIN:</b> <b>Regulations Governing Fees And Charges For Various Permitted Activities Under Sections 11-105, 11-203, 11-605, 11-610, 11-611 and 11-804 of The Philadelphia Code</b>		<b>REFERENCE CODE SECTION(S):</b> <b>11-105, 11-203, 11-605, 11-610, 11-611 and 11-804</b>	
ISSUED BY			
<b>NAME:</b> Clarena I.W. Tolson	<b>SIGNATURE:</b> 		<b>ISSUE DATE:</b> January 14, 2009
<b>TITLE:</b> Commissioner, Department of Streets		Page 1 of 2	

**BACKGROUND:**

This Code Bulletin provides additional clarifications to regulations governing fees and charges for various permitted activities relating to street and sidewalk closures under Sections 11-105, 11-203, 11-605, 11-610, 11-611 and 11-804 of The Philadelphia Code.

**ISSUES:**

- 1) Since the intent of this regulation is not to be punitive, the Streets Department is providing a reduction in fees to projects that had obtained their building permit from License and Inspection before September 15, 2008, the date the above-referenced regulations had taken effect.
- 2) To permit applicants to better understand the application of the above-referenced regulations, the Streets Department is providing additional clarification to terminology within the regulations.
- 3) To ensure compliance and to provide clarification on how penalties are to be applied, the Streets Department is providing clarification to language on how penalties are calculated if proper permits for closures are not obtained.

**POLICY STATEMENT:**

1) **Fee reduction for existing projects** - Sidewalk and street closure fees for projects with a building permit issued prior to September 15, 2008 shall be discounted by 50%. The City does not issue refunds. For projects that are eligible for the 50% discount but have paid the full fee for permitted closures, the City will apply a credit toward future street closure fees for the company or individual that paid the fee.

2) **Clarification of terminology**

Travel lane - defined as a motor vehicle lane or a bicycle lane.

Block - length of a block from one street to the next, or no more than 500 total feet if measured around a corner to the face of a second street. If the length of a single block is over 500 feet of then that block will be considered "one block". If the construction site faces on two or more streets and the length of the impacted area is less then 500 feet then a continuous length of 500 feet may be considered one block, with any length beyond that, up to another 500 feet, considered a second block.

**Full Sidewalk Closure** – when a sidewalk is closed to the general public so that a 5 foot minimum path is not provided.

**Partial Sidewalk Closure** – when a portion of the cross section of a sidewalk is closed to the public but a usable area of 5 or more feet is maintain for pedestrians to use the sidewalk. The Department may require a larger width of useable sidewalk based on pedestrian usage.

**Full Street Closure** – when a street is closed to all traffic.

**Maximum Fee per Block** - the limit of \$250 per block per week is for each type of closure. If a closure permit is requested for a sidewalk, a parking lane and one travel lane, this will be considered three separate closures and maximum fees “per block” would be limited to \$750 per week (3 closures x \$250 per closure per block per week).

**Sidewalk Shed** - If a sidewalk shed or covered walkway is provided then no fee is required for a sidewalk closure permit. However, a fee and permit are required from License and Inspections (L & I).

**3) Penalty for failure to obtain a closure permit** - The penalty for failure to obtain a closure permit is based on the types of closures and the length of the job based on the building permit. To determine penalties, permit fees are to be calculated and then doubled. Violations can be issued daily until the closure fee is paid or the closure is removed. If a closure permit is not obtained within five days, the building permit will be revoked. The doubling of fees will be applied to any closure permits sought for the entire duration of the project.

**4) Issuance of violations** - In the case of instances with non-permitted street and sidewalk closures, all violations will be issued to the general contractor for the project. In the case of the placement of a non-permitted dumpster, any fines will be issued to the owner of the non-permitted dumpster.

**5) Determinations on closures** - The Streets Department reserves the full right to make determinations on whether any type of closure is warranted.