



# CITY OF PHILADELPHIA

DEPARTMENT OF LICENSES AND INSPECTIONS  
Municipal Services Building  
1401 John F. Kennedy Blvd.  
Philadelphia, PA 19102-1676

RALPH DIPIETRO  
Acting Commissioner

January 18, 2022

Commissioner James Leonard, Esq.  
Department of Records  
City Hall Room 156  
Philadelphia, PA 19107

**RE: Regulations Addressing Electric Vehicle Chargers in the Right-of-Way**

Dear Commissioner Leonard,

Please find attached Department of Licenses and Inspections Regulations Addressing Electric Vehicle Chargers in the Right-of-Way pursuant to Section 11-604(10) of the Philadelphia Code. The regulations have been approved by the Law Department.

Sincerely,

A handwritten signature in blue ink that reads "Ralph DiPietro".

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Ralph DiPietro  
Acting Commissioner  
Department of Licenses and Inspections  
1401 John F. Kennedy Blvd.  
Philadelphia, PA 19102

**MEMORANDUM**

**TO:** Ralph DiPietro, Acting Commissioner, Department of Licenses and Inspections

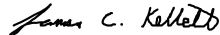
**FROM:** James C. Kellett, Esq. Deputy City Solicitor

**DATE:** January 18, 2022

**RE:** Department Regulations Addressing Electric Vehicle Chargers in the Right-of-Way

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I have reviewed the attached Department Regulations Addressing Electric Vehicle Chargers in the Right-of-Way and find them to be legal and in proper form. In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the proposed amendments to the Department of Records where they will be made available for public inspection.



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James Kellett, Deputy City Solicitor

***REGULATIONS ADDRESSING ELECTRIC VEHICLE CHARGERS  
IN THE RIGHT-OF-WAY***

**Section 1 Purpose.** The Philadelphia Department of License and Inspections (“Department”) hereby promulgates the following regulations pursuant to Philadelphia Code Chapter 11, Section 604, Subsection (10), and its police powers under the Philadelphia Home Rule Charter, Title V, in order to safely and effectively regulate the installation and management of Electric Vehicle Chargers (“EVC” or EVCs”) in the Right-of-Way (“ROW”):

**Section 2. EVCs in the Right-of-Way**

2.1 Application. EVCs may be permitted on paved sidewalks of appropriate widths, at locations approved by the Department of Streets (“Streets”). Any person with an ownership interest in the real-property adjacent to the proposed location (“Applicant”) may apply to the Department for an electrical permit for an EVC in the ROW.

2.1.1 Requisite Approvals. Prior to any application for an EVC in the ROW, the Applicant shall first submit its plans to Streets. No application for an EVC in the ROW shall be issued without the requisite approval of Streets and the Art Commission.

2.1.2 Streets shall conduct a review to determine whether, in Streets’ sole discretion: (1) the proposed EVC is on a paved sidewalk on a street approved by Streets; (2) the EVC does not unreasonably obstruct pedestrian or other travel; and (3) the EVC’s location in the ROW is consistent with public safety.

2.1.3 Streets shall either (1) issue an approval in writing to the Applicant; or (2) a denial, explaining the reasons for such refusal.

2.1.4 Streets shall provide a copy of the EVC plans to the Art Commission, which shall also either issue an approval or denial in writing to the Applicant.

## 2.2 Application Review.

2.2.1 The Applicant shall submit an Application on a form provided by the Department, and shall attach to the application the respective approvals of Streets and the Art Commission.

2.2.2 No EVC permit shall be issued unless the Department, in its sole discretion, determines that the proposed EVC is structurally safe and consistent with public safety in accordance with Title 4 of the Philadelphia Code.

2.2.3 No EVC permit shall be issued unless the Department, in its sole discretion, determines that the proposed EVC and its location do not violate any provisions of Title 4 and Title 14 of The Philadelphia Code.

## 2.3 Installation Requirements.

2.3.1 Installation may require additional permits issued by the Department. No EVC shall be installed without obtaining all requisite permits from the Department.

2.3.2 Installation of a Right-of-Way EVC shall adhere to the plans set forth in the approved application, fully complying with the provisions of Title 4 and Title 14 of the Philadelphia Code.

2.3.3 Installation of a Right-of-Way EVC shall fully conform to the installation instructions provided by the EVC's manufacturer.

2.3.4 All wiring for an EVC in the ROW shall be installed in underground conduit. Overhead wiring is prohibited.

2.3.5 Supply equipment for the EVC shall be permanently connected to the main electrical panel of the adjacent property.

2.3.6 Any sidewalk or portion thereof disturbed by the installation of an EVC in the Right-of-Way shall be immediately restored upon completion of said installation and in accordance with an issued Footway Permit by Streets.

2.3.8 Installation of a Right-of-Way EVC is prohibited in that part of the City designated as a Special Flood Hazard Area.

#### 2.4 Other Location Requirements

2.4.1 No EVC shall be installed within ten (10) feet of a transit stop, fire hydrant, manhole, or other utility access point.

2.4.2 No EVC shall be installed on a sidewalk with a width of less than six (6) feet.

2.4.3 An EVC shall only be installed adjacent to a parking lane in the cartway.

2.4.4 All EVCs in the Right-of-Way shall be installed eighteen (18) inches from the curb line.

## 2.5 Maintenance Obligations.

2.5.1 General. Applicant shall, after installation of the EVC, maintain the EVC in a state of good repair and operability.

2.5.2 The EVC shall at all times be connected to the electric system of the adjacent property.

2.5.3 Applicant shall immediately repair any damage to the EVC by any person or act of nature.

2.5.4 Ownership interest in the EVC shall transfer with the sale of the property adjacent to the EVC, if such EVC is not removed prior to sale.

2.6 Indemnification. By applying for and maintaining an EVC in the ROW, Applicant and any successor in interest agrees to defend, indemnify, protect and hold harmless the City and its officers, agents, and employees from and against any and all suits, demands, claims, loss, damage, charges or expense, to which they may be subjected by reason of any damage, loss, or injury to persons or property arising from any negligent act or omission by Applicant or its employees, agents, contractors,

subcontractors, or assigns, in the performance of any work required to install and maintain an EVC in the ROW.

## 2.7 Enforcement.

2.7.1 Streets or the Art Commission may rescind its approval(s), in writing to the Department at any time before the final inspection of the EVC installation. Such rescission shall be based upon the finding of a violation of the Philadelphia Code, the Department's or Streets' regulations, applicable regulations of another City agency, or City or State public health or environmental directives. Such finding shall also be noticed to the Applicant in writing, who may thereafter avail itself of the administrative remedies provided in the Administrative Code.

2.7.2 Upon notice of a rescission of requisite approval, or upon a finding of a violation of the Philadelphia Code, the Department's regulations, applicable regulations of another City agency, or City or State public health or environmental directives, the Department may revoke the EVC permit.

2.7.3 If the Department has revoked the EVC permit and the Applicant either fails to appeal or its appeal is not sustained, the Department and/or Streets may order the Applicant to refrain from using, and/or remove, the EVC.

## 2.8 Removal.

2.8.1 Permits Required. No installed EVC shall be removed from the ROW without complying with the requirements of Title 4 and without a permit issued by the Department.

**Section 3 Effective Date.** These regulations shall become effective thirty (30) days after publication by the Department of Records, absent any request for public comment.