



The Philadelphia Streets Department

**Regulations Governing Temporary Street and Sidewalk Closures
for Loading and Unloading, Building Maintenance and Related Activities**

Section 1. Authority.

These Regulations Governing Temporary Street Closures (“Regulations”) are promulgated pursuant to Sections 5-500 and 8-407 of The Philadelphia Home Rule Charter and Section 11-611 of The Philadelphia Code.

Section 2. Definitions.

(1) In these Regulations, the following definitions shall apply:

(a) Applicant: The building owner or other responsible person who applies for any permit addressed by these Regulations.;

(b) City: The City of Philadelphia;

(c) Commissioner: The Streets Commissioner and his or her designees;

(d) Department: The Streets Department of the City of Philadelphia;

(e) Permittee: The person or agency to whom the permit has been issued;

(f) Right-of-Way: City streets, sidewalks and the surface of and space above and below any real property in the City in which the City has a regulatory interest, or interest as a trustee for the public, as more fully described in Section 11-701(1)(dd) of the Philadelphia Code; and

(g) Temporary Street Occupancy Permit (“TSOP”): A permit issued by the Department to an Applicant under these regulations that authorizes the temporary closure of all or part of the Right-of-Way, including the street, curb or sidewalk.

Section 3. Scope of Regulations

These Regulations apply to the issuance of permits for temporary closures of the Right-of-Way under Section 11-611 the Philadelphia Code for loading and unloading, building maintenance and related activities. They do not apply to other closures of the Right-of-Way, including but not

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limited to, emergency closures, excavations and street openings, construction activities at adjacent properties or recreational activities.

Section 4. Permit Required.

(1) Proof of Permit. No Person shall close all or a portion of a City street or sidewalk to vehicular or pedestrian traffic for loading and unloading, building maintenance and related activities without a TSOP issued under these regulations. Such TSOP shall be available for inspection upon request by any City official. Copies of the permit shall be posted at the site during the entire time of the closure at such locations and in such manner as the Department specifies, so as to permit public inspection of such permit.

(2) Violation of TSOP Requirements. Failure to comply with any of the terms of the TSOP or these regulations or to pay promptly the permit fees as required shall be cause for suspension or revocation of the permit and, in instances of egregious or repeat violations, may be cause for denying additional TSOPs. The Department shall serve a notice on the responsible Permittee of any violation of the permit, and may require corrective action to be taken by the Permittee.

(3) Period of Validity of Permit. TSOPs shall be valid for the period indicated on the permit. TSOPs may be issued for a maximum period no longer than the period allowed under Section 11-611 of the Philadelphia Code, and as it may be amended. TSOPs may be renewed for the same or a shorter period upon application by the Permittee, payment of required fees and approval by the Department.

Section 5. Method of Making Application and Application Review.

(1) Application. Applicants seeking permission for a TSOP shall file with the Department:

(a) A written application on a form as provided by the Department indicating the full name and business address of the Applicant, and a statement of the character, purpose and duration of the proposed activity;

(b) An electronic submittal showing the complete details of the activity and indicating the character and location of all impacted sidewalks, streets, parking spots, curbs cuts, loading zones, adjacent buildings, residents, businesses and transit routes; and

(c) A summary of such other information as may be necessary to enable the Commissioner to reach a full and definite understanding of the need for the TSOP.

(2) Prerequisites for the Issuance of a Permit. No permit will be issued until the Applicant has met all requirements of the Department, as identified in the TSOP application.

(3) Review and Approval Timeline. The Department will review TSOP applications and determine if the application is complete or if additional information is required. The Department will promptly advise the Applicant if the application is incomplete or additional

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information is required.

Section 6. Standards and Conditions

(1) No TSOP shall be approved unless the Department has determined:

(a) The activity identified in the application cannot reasonably be performed without the closure of all or a portion of the Right-of-Way;

(b) The closure will cause the minimum obstruction of the Right-of-Way necessary for the activity;

(c) The duration and frequency of the closure are minimized consistent with what is necessary for the activity;

(d) The traffic disruption can be mitigated by temporary measures such as flaggers, signage, detours and other traffic controls; and

(e) The impact on any other users of the Right-of-Way is not an unreasonable hardship or impediment to their uses.

(2) Special Conditions. The Department may determine that special TSOP conditions are required to ensure public safety, including but not limited to, signage, traffic controls and lighting.

(3) No vehicle may park, stop or stand in any sidewalk or roadway lane that has been closed, other than vehicles in the process of loading or unloading materials, equipment or supplies, or which are otherwise required for the activity for which the permit has been obtained. A vehicle used to transport contractors or their employees or any other persons to or from the location of the closure shall not be considered to be a vehicle required for such activity.

(4) Police or Other Assistance. The City may require Police or other City assistance in conjunction with use of the TSOP.

(5) Notifications. The Department may require the Permittee to provide reasonable notification to persons potentially impacted by the TSOP.

(6) Required Representations. Applicant shall affirm, on the TSOP application form that:

(a) Application is compliant with any insurance requirements as may be established by the City's Risk Manager as identified by the City; and

(b) Applicant has affirmed the indemnification obligations to the City set forth in Section 7 of these Regulations.

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(7) Suspension of TSOPs. The Department may at any time order the immediate reopening of any sidewalk or roadway lane that has been temporarily closed if the Department finds that the closure is no longer necessary for the activity for which the TSOP was issued, even if the TSOP has not yet expired.

Section 7. Responsibility for Injuries to Persons or Property.

No Liability to City. The Permittee shall be responsible for any injury to any person or any damage to any property resulting from or by the occupation of the Right-of-Way. The Permittee shall indemnify, release, and save harmless the City from all suits or actions of every character, name and description, brought for or on account of any injuries or damages received or sustained by any property, person or persons by or from the activities herein indicated, the occupation of the Right-of-Way thereby, negligence in safeguarding the work, improper methods or materials used or by or on account of any act or omission of the said Permittee or Permittee's agents or employees.

Section 8. Permit Fees.

Notwithstanding any existing fee provisions to the contrary, for a TSOP that permits closure of all or a portion of the Right-of-Way for multiple intermittent periods while the TSOP is in effect, the fees are as follows:

(1) Permit Review.

(a) The review of a permit application that does not require a traffic study:

\$250.00

(b) If the review determines that a traffic study is required, the additional cost of permit review:

\$500.00

(2) Permit Renewal.

(a) If no changes to the permit are requested by the applicant:

\$100.00

(b) If changes to the permit are requested by the applicant or determined necessary by the Department:

\$250.00

(c) If an additional traffic study is required for renewal, the additional cost of permit review:

\$500.00

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(3) Monitoring and Inspection Fee.

The Department shall monitor and inspect the TSOP location. For fiscal year 2019 the fee shall be \$728.13 per 90 day period of the TSOP. All monitoring and inspection fees shall be paid at the time of application. The fees as established in this Section shall be increased annually by three (3) percent at the start of each City fiscal year.

Section 9. Repeal of Prior Versions.

Repeal. Regulations of the Department of Streets authorized by Section 11-611 of the Philadelphia Code establishing standards and permit conditions, but not including regulations pertaining to fees, are repealed in their entirety.

Section 10. Effective Date.

These Regulations shall be effective upon completion of the procedures required by Section 8-407 of the Philadelphia Home Rule Charter.

Carlton Williams

CARLTON WILLIAMS

Streets Commissioner

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