



# CITY OF HOUSTON

## Sidewalk and Roadway Obstructions and Impairments Ordinance Rules and Regulations

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### Summary of Sidewalk and Roadway Obstructions and Impairments Ordinance

The City of Houston has adopted an ordinance regulating obstructions of the roadways within the City of Houston. This ordinance also regulates impairments (full or partial) of sidewalks in the Central Business District. The ordinance defines how roadway and sidewalk access can be temporarily closed for construction and maintenance functions while establishing a permit process for these impairments or obstructions. The following highlights the provisions of the ordinance

- Requires all Public and Private Individuals when temporarily restricting roadway and sidewalk access to the public (including crosswalks) to follow certain regulations relative to the conditions in which the area is maintained and the traffic control technique utilized for both pedestrians and vehicles.
- Impairments may occur by first obtaining a permit from the City Traffic Engineer. As part of the permit application process, the applicant is required to describe the duration, dates and times of the day of the proposed impairment, description of the impairment, a detailed routing and traffic control plan, and **provide evidence of insurance**.
- Impairments may only be permitted if the activity cannot otherwise in the determination of the City Traffic Engineer be reasonably performed.
- Emergency obstructions will be accommodated by submitting an application within 24 hours.

A full copy of the ordinance and rules and regulations is located on the City of Houston web page at <http://www.publicworks.cityofhouston.gov/traffic/trafficpermits.htm>

Contact information: City of Houston, Traffic Management Branch, 611 Walker, Suite 500, Houston, Texas 77002.

# Sidewalk and Roadway Obstructions and Impairments Ordinance Rules and Regulations

These Regulations ("these Rules") have been issued by the Director of Public Works and Engineering ("the Director") of the City of Houston ("the City") pursuant to Article XVII of Chapter 40 of the City of Houston Code of Ordinances ("the Ordinance"). The issuance of Permits for Sidewalk and Roadway Obstructions and Impairments and other activities authorized or required under the Ordinance will be governed by the terms of the Ordinance. *It is not the purpose of these Rules to restate the provisions of the Ordinance.* Rather, these Rules establish an operational and procedural framework for administration of the Ordinance as contemplated by § 40-366 of the Ordinance. Therefore, these Rules should be read in conjunction with the Ordinance.

**EFFECTIVE DATE.** The Ordinance is effective August 23, 2004, as provided by Section 10 of Ordinance 2004-498. A Permit is required for any Impairment that is **commenced** on or after the effective date of the Ordinance. See Section 10 of Ordinance 2004-498 for further information regarding the status of Impairments or Obstructions that are commenced before the effective date of the Ordinance. As provided therein, previously commenced Impairments will require a Permit if not completed by August 23, 2004.

## Roadway Obstruction Permits

### 1. Permits

Individual permits are required when obstructing lanes of the roadway except as defined under a "general" permit.

- Dates and times requested may be subject to change based on traffic mobility.
- Street cut permits must be obtained **before** applying for a roadway obstruction permit and provided with each roadway application.
- Proof of insurances is required for each application. The traffic engineer may issue a permit to a city department necessary to perform departmental functions without requiring a permit fee, release and indemnity provisions or evidence of insurance.
- Permit fees must be paid after approval of permit application.
- The permit holder shall ensure that there is no period of 15 consecutive days or more during which the work site is inactive.
- Persons who desire to obtain permits shall make application to the traffic engineer at least ten business days before the date on which the permit is required, unless the traffic engineer approves a shorter time
- A project schedule is required to be submitted if the work will occur for more than 14 days.
- A traffic control plan may be required when closing multiple lanes of a street.

### 2. General Permits

General permits allow public employees and public utilities the ability to perform work on all streets from 9am-4pm and 7pm-6am without obtaining individual permits. General permits are

intended for intermittent short term obstructions of less than 24 hours undertaken by utilities or public employees. An obstruction may not occur at the same location for more than 7 days.

Conditions for use of general permits:

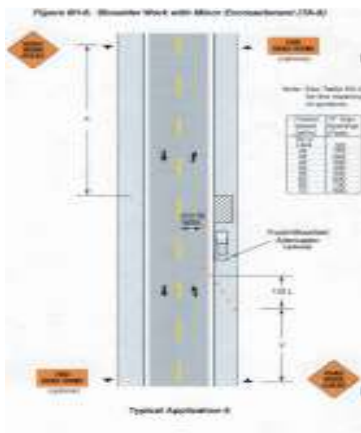
- One lane of the roadway may be closed at a time, if closing more than one lane on major thoroughfares or collector streets, a roadway obstruction permit must be applied for.
- A lane may not be closed on major thoroughfares and collector streets from 6am-9am and 4pm-7pm weekdays under this permit.
- If the work is located within other contractors permitted closed lanes; you must coordinate with that permittee or wait until their work is completed.
- Work cannot reduce lane usage to less than 2 driving lanes in the Central Business District under this permit.
- All traffic control devices must be in conformance with the Texas Manual of Uniform Traffic control Devices.
- Permit may be used for closing one lane on local streets at any time of the day unless a full street closure is required.
- Work may not interfere with permitted Parades or Street Functions.
- Performing excavations of a roadway or sidewalk may not occur under a general permit.

The city department or franchised public utility is responsible for obtaining, coordinating and managing the use of the general permits as it applies to sub contractors performing work that is contracted by the city or public utility. Companies contracted by the city or public utility may not apply for a general permit. Work that has not been authorized by these agencies may not occur under a general permit and individual permits must be obtained. Contractors of these agencies may be required to provide evidence of written authorization when performing work under a general permit.

### 3. Traffic Control Plans

Traffic control plans may be required when obstructing more than one lane of traffic and require that a registered professional engineer sign the plans before submitting to the City of Houston. Single lane closures do not require a signed traffic control plans but are required to follow Part IV of the Texas Manual of Uniform Traffic Control Devices.

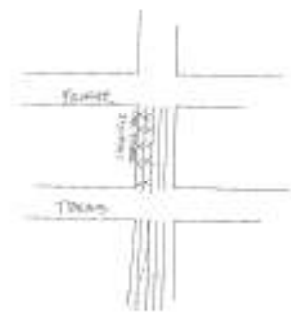
Full sidewalk closures may require submittal of a pedestrian traffic control plan with a registered professional engineers seal. Partial closures do not require a signed plan as long as a minimum 5' walkway is maintained.



ACCEPTABLE



UNACCEPTABLE



UNACCEPTABLE

## 4. Emergency work

Emergency lane and sidewalk closures creating a genuine concern to the health, safety and welfare to the public may commence without issuance of a street obstruction permit provided that a full application is filed within 24 hours. The notification shall include an explanation of the nature of the emergency, a description of the proposed obstruction, and the name and an emergency contact telephone number for the requestor.

Emergency means an unforeseen occurrence that creates a condition of substantial hazard or threat of damage to life or property:

### **Who is required to apply for emergency permits?**

- All persons after 24 hours
- **Conditions:**
  1. Emergency lane or sidewalk obstructions are exempt from obtaining permits up to 24 hours. After 24 hours, a permit must be filed on the 1<sup>st</sup> business day following the emergency closure.
  2. Permit fees are waived for the duration of the emergency. This condition applies to all persons obstructing or impairing lanes or sidewalks for emergencies.

## 5. Posting of Permits

- **For construction work zones** - Permits issued for construction must be placed at the beginning of the project location in such a manner that the city engineer or other persons may identify the obstruction upon arrival. The permit is to be on site for the duration of the permit.
- **For construction parking** - Construction vehicles must place a copy of the permit in a visible place on the dashboard of any vehicles parked within a construction work area.
- **For long term building remodeling or reconstruction** - Permit must be placed on the facade of the building visible to the city engineer or other persons.

**It shall be presumed that no permit existed unless the permit is posted as required under this ordinance.**

## 6. Coordination of work

Please note that in certain areas of the city, coordination with other agencies must occur before final approval of application. Additional time for review of applications may be required. The affected areas of coordination are:

- Central Business District
- Galleria
- METRO Light Rail and transit corridors
- Texas Medical Center
- Greenway Plaza

If work is occurring within a work zone that has already been permitted, coordination of work must occur before submitting applications for lane or sidewalk obstructions.

## 7. Long Term Private Construction

The following conditions are to be met before planning long term private construction projects in the COH. Examples of private construction are tower erection, new building construction, remodels, etc.

### Lane Closures

- Lane closures of more than two (2) lanes may require notice and meeting with the Mobility permit section a minimum of 10 days prior to when the application is submitted.
- Utility tie-ins may be required to occur at night and on weekends in the CBD.
- Overhead walkways or bridge installations should be designed such that major closures will occur at night and on weekends.
- Elevator hoists to be situated so they do not fully close sidewalks or lanes.
- Staging of material will occur on private property.
- Employee parking will be in private lots or garages.
- Tower crane installation must occur at night or on weekends. Cranes must be installed on private property.

### Sidewalk Closures

- Demolition of sidewalks to be scheduled at the end of construction keeping impact on pedestrians to a minimum.
- Sidewalks to be ADA compliant and shall be kept free of equipment, materials and debris during construction.
- Tree wells can be covered with supported plywood or grates to increase the width of sidewalk, if necessary, for meeting ADA sidewalk width compliance.
- Replacement of sidewalks should be constructed so as to maintain partial sidewalk access at all times during waterproofing and re-installation of sidewalk.
- In the event metal plates are used to allow the temporary opening of a street or sidewalk, these shall have a skid-resistant surface and identification affixed as to the name and contact info for the contractor.
- Overhead protection to be provided for pedestrians as described in the below sections if approved for use on public r.o.w.
- Any request for long term private construction that will require the closure of lanes or sidewalks in the CBD for a period greater than seven (7) days must be reviewed by the Central City Mobility Task Force committee.

## 8. Hearing

Any person who is aggrieved by a decision of the city, its officials, or employees with respect to a permit application shall, upon written request, be entitled to a hearing to be conducted by a hearing officer designated by the director of public works and engineering, who shall promulgate rules for hearings. The decision of the hearing officer shall be final.

# Sidewalk Permits

These regulations are intended to provide minimum standards for the temporary conditions that evolve during the construction period that affect the public's use of the sidewalk, crosswalk or designated pathway. These regulations are intended to maximize access along the street to all pedestrians and provide equal access to persons with disabilities through maintaining an adequate pedestrian travel path and identification of alternative routes if a path is closed. Pedestrian access to all property shall be maintained at all times.

## 1. Pedestrian Pathway

A pedestrian pathway is to be provided through the impaired area. The pathway must be:

- A minimum of five (5') feet wide. Widths greater than 5' may be required based upon pedestrian volume.
- Defined on both sides by barriers, cones, ropes, construction tape or other devices that are a minimum of 24 inches above the walking surface and extend from the point where the normal pedestrian way exists.



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

## 2. Walking Surface

The physical characteristics of the pedestrian walkways in the construction areas will vary but must meet the following minimum criteria:

- The pedestrian way surface shall be made of a dense (hard), non-porous, non-skid, material that is resistant to settlement and penetration by narrow wheels, canes/walkers and small-heeled shoes in all weather conditions.
- The surface shall be kept free of loose gravel, dirt, and all debris by sweeping during the workday and at the end of each workday.



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

### 3. Pedestrian Obstructions

Pedestrian pathways are to remain unobstructed and must not contain impediments in the walking area for the pedestrian:

- Devices are to be erected to prevent pedestrians from being exposed to uncompleted work areas such as tree wells, pole foundation areas, utility stub outs, unfinished curb and walkway surface areas, and other impediments that may cause pedestrian obstructions.



ACCEPTABLE



UNACCEPTABLE



UNACCEPTABLE

### 4. Pedestrian Pathway Signage

- Minimum signage requirements: 9” (inches) wide x 12” (inches) high, 3/4 inch high letters, black letters on yellow plastic cardboard. It is intended the Pedestrian Pathway be placed on vertical panels to delineate the pathway. Larger signs may be required appropriate to the environment, such as “Sidewalk Closed Use Other Side” signs. Graphics for the Pedestrian Pathway signs can be found on the website below.
- Pedestrian pathway signage shall be placed on the sidewalk or crosswalk on the side where construction is underway.
- The permit must be posted at each approach to the impairment site in accordance with these regulations.



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

### 5. Enclosed Pedestrian Pathway

Approved covered walkways may be necessary to facilitate pedestrian pathways in certain circumstances. If the construction area is prone to falling objects, debris from street, etc. enclosed pathway may be required. The covered pathway should be:

- Protected on both sides and covered with a hard roof
- Have safety lighting throughout the enclosed pathway



ACCEPTABLE



ACCEPTABLE



UNACCEPTABLE (HEIGHT)

### Conditions for use of sidewalk permits:

- Pedestrian traffic control plans must be provided when fully closing a sidewalk
- A minimum of four (5') feet wide is required for partial sidewalk closures. Widths greater than 5' may be required based upon pedestrian volume.
- Defined on both sides by barriers, cones, ropes, construction tape or other devices that are a minimum of 24 inches above the walking surface and extend from the point where the normal pedestrian way exists.
- The pedestrian way surface shall be made of a dense (hard), non-porous, non-skid, material that is resistant to settlement and penetration by narrow wheels, canes/walkers and small heeled shoes in all weather conditions.
- The surface shall be kept free of loose gravel, dirt, and all debris by sweeping during the workday and at the end of each workday.
- Devices are to be erected to prevent pedestrians from being exposed to uncompleted work areas such as tree wells, pole foundation areas, utility stub outs, unfinished curb and walkway surface areas, and other impediments that may cause pedestrian obstructions.
- Minimum signage requirements: 9" (inches) wide x 12" (inches) high, 3/4 inch high letters, black letters on yellow plastic cardboard. It is intended the Pedestrian Pathway be placed on vertical panels to delineate the pathway. Larger signs may be required appropriate to the environment, such as "Sidewalk Closed Use Other Side" signs
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- The permit must be posted at each approach to the impairment site in accordance with these regulations.
- Approved covered walkways may be necessary to facilitate pedestrian pathways in certain circumstances. If the construction area is prone to falling objects, debris from street, etc. enclosed pathway may be required. The covered pathway should be:
  1. Protected on both sides and covered with a hard roof
  2. Have safety lighting throughout the enclosed pathway

## Applications

**Applications must be received 10 days in advance of the closure. Applications will be processed on a case by case basis. Applications will be reviewed between the hours of 8am-5pm Monday – Friday.**



- The applicant's name, business street address and mailing address if different, and business telephone number. If the proposed obstruction involves efforts of two or more persons, such as a utility and a contractor or an abutting property owner and a contractor, then they shall join as co-applicants, and the required information shall be provided for each.
- The name and 24-hour telephone number of a person or persons whom the traffic engineer may contact if needed to resolve any issues that may arise with respect to the permit.
- Describe the purpose for which the permit is requested.
- If the permit relates to construction or demolition work on abutting property, then the building permit number.
- If the permit is for an activity for which any other city permit is also required, then the permit number or evidence that the application therefore has been filed.
- If the permit is for street construction work, the name and description of the project, or if the city is the contracting agency, then the contract or job number.
- The duration, dates, and times of day of the proposed obstruction.
- A description of the proposed obstruction, including its size, material, and the location upon the street where it will be placed.
- The reasons why the work, function, or activity proposed requires an obstruction of a street and cannot otherwise reasonably be accomplished.
- If the obstruction is proposed during peak traffic hours on streets within the central business district or on a major collector street or major thoroughfare, the reason why the activity cannot reasonably be performed at another time.
- A detailed current traffic control plan for the obstruction will be required by the traffic engineer when closing multiple lanes or sidewalks.
- A project schedule is to be submitted with application if work is occurring for more than 14 days.
- **Provide evidence of insurance as required in Sec 40-375**
  - \$100,000.00 for property damage per occurrence
  - \$250,000.00, per person, and \$500,000.00, per occurrence, for bodily injury or death.
  - City of Houston named as co-insured on each policy

**Street Obstruction/Sidewalk Impairment applications may be accepted Monday-Friday between the hours of 8am-5pm. Office are closed on the following holidays:**

- New Year's day
- Martin Luther King Jr.
- Memorial day
- Independence day
- Labor day
- Veteran's day
- Thanksgiving day
- Day after Thanksgiving
- Christmas eve
- Christmas day

## Roadway & Sidewalk Fee Schedules

Payment of fees can be made online once notification is received via email. Payment may be made by credit card or e-check at any time. Once payment is made the applicant may login to the mobility system portal and print the permit.

- Failure to pay the required fees may result in future applications being denied or delayed until payment is received for previous invoices.

**Fees are based per lane, per week, per block. Example of fee schedule:**

One lane closed for 12 consecutive days in the 600-700 blocks of Louisiana:  
 2 lanes (\$135 each) x 2 weeks (12 days) = \$540

Public Employees, political subdivisions of the state, public utilities operating under a franchise from the city, or a certified telecommunications provider operating pursuant to Chapter 283 of the Texas Local Government Code will be exempt from payment of fees.

\*An administrative fee of \$25 will be assessed to permits over \$50\*

Single lane closure on local street	\$50 per lane, per block, per week
Single lane closure outside CBD on major thoroughfares or collector streets	\$85 during off peak traffic hours- per lane, per block, per week \$105 during peak traffic hours - per lane, per block, per week
Single lane closure inside CBD	\$105 during off peak traffic hours - per lane, per block, per week \$135 during peak traffic hours or when lane usage is reduced to less than two lanes in the central business district - per lane, per block, per week
Partial Sidewalk obstruction (maintaining 5 ft of pedestrian way)	\$60 per block, per week
Full Sidewalk obstruction	\$95 per block, per week