

Operations and Safety Plan COVID-19 Temporary Use Guidelines

Introduction and Benefits:

In response to the COVID pandemic and to facilitate the reopening of businesses in New York State, this interim guidance is intended to provide Regions with a permitting alternative to allow temporary use of the right of way for restaurant or retail activity. These changes may also include improvements such as pedestrian or bike rack spaces in place of parking spaces in central business districts on low speed streets.

To accommodate this activity, NYSDOT may issue a COVID-19 Recovery Temporary Use Permit (PERM 33-g) to a county or municipal sponsor or “applicant”. The applicant will be responsible for: insurance, social distancing plans, speed and other law enforcement, community and emergency services outreach, ADA requirements, and the construction and removal of all associated improvements. These temporary commercial and community facilities, sometimes called parklets, are intended to allow people to return to downtowns safely while conditions normalize.

Requirements:

- Must not block access to public utilities, hydrants, alleys or driveways.
- Must not impact drainage system or maintainability of adequate street cleaning and snow removal.
- May require loss of curbside parking. Accessible parking must remain in place if not conflicting with parklet design or be provided in alternate locations.
- Must consider freight and emergency vehicle requirements.
- Local municipal sponsor must provide an Operations and Safety Plan describing how they will monitor speeds, emerging safety issues, construction, and the removal of the improvements as dictated in the temporary use permit.
- Permittee must deconstruct within 24 hours when permit ends or is revoked. State has the right to unconditionally revoke the permit at any time. Use and Occupancy permit requirements to be determined by NYSDOT Legal.

Application:

- Existing 30MPH posted speed zones or lower only.
- Only applicable with a curbside parking lane or other specialized lane or shoulder. Where curb bump outs do not exist, they must be provided with temporary curbs or an acceptable continuous barrier such as concrete or water-filled Jersey Barrier.
- Should be for entire blocks or to mid-block pedestrian crossings in a commercial corridor excepting accessible parking spots.

Design Guidance:

These engineering guidelines are not meant as stringent criteria; they are intended to help make choices regarding temporary configurations that balance safety with the need to help local businesses. Not applicable in all instances, for example road closures. The Regions shall determine permit design requirements based on context and local knowledge, and vary from this guidance as necessary.

- a) Subject roadway should have less than 10,000 AADT traffic volumes as measured before the pandemic for two lane roads, and similar adjacent traffic lane values for multilane roads. See reference (1) for further guidance on road diets below.
- b) Traffic calming measures including lane narrowing should be considered where needed.
- c) Consider turn lane eliminations and length reductions at intersections.
- d) Provide a positive and continuous barrier between vehicular travel lanes and tables or pedestrian areas. The parklet should be separated from the travel lane by jersey barriers, or similar preferably located 1 to 2 feet off the white edge line or traveled way. The parklet will be removed at the end of the permit period or revocation and the pavement will be restored.
- e) ADA requirements tend to make the sidewalk the best place for pedestrians. See reference (3).
- f) Bump outs required - either they are existing or shall be proposed to protect the parklets.
- g) Gaps in barrier that would encourage or allow unmarked mid-block pedestrian crossings should be avoided.
- h) Where parklets emerge mid-block, eliminate at least three parking spaces upstream to provide visual cues to drivers that the roadway context is changing.
- i) Must be at least one 20-foot parking space away from the nearest intersection and 15 foot from drainage inlets.
- j) Consider temporary one-way street pairs to allow for buffers and bike or fire lanes.
- k) Maintain accessible parking spaces where practicable or provide an adequate number of accessible parking spaces in other acceptable locations.
- l) Ten-foot travel lanes may be preferred. Consider restriping if wider and adding edge lines, bike lanes, or a painted median area.
- m) Use in-street pedestrian warning signs and hard centerline refuge areas as needed.
- n) Consider drone radar and enforcement.
- o) Good nighttime visibility is required and responsibility of the applicant.
- p) Can use temporary markings to provide additional buffer space, if applicable. Operating plan shall include removal of all temporary markings.
- q) Consider adding sharrows for bikes in the travel lane, and bike racks in former parking spaces.
- r) Consider traffic calming at the ingress to the revised road section with vertical deflections such as speed hump, cushions, or table; horizontal deflections such as bump outs or painted chokers. Operational plans shall address the removal of all temporary improvements within 24 hours of constructive notice by NYSDOT.
- s) Regulatory changes (such as speed limits) must follow the normal process. Minimum allowable speed limit is 25MPH
- t) Alterations should be temporary with no permanent impacts to pavement, curb, pavement markings, etc. unless the proposed changes are intended/approved as a permanent condition.
- u) Temporary speed humps or bumps are subject to emergency services approval and should be anchored to the pavement at 250' spacing.

Major accessibility considerations:

Parklets cannot be located on streets with grades over 5%. Pedestrian area should be fully accessible to PROWAG standards or justified as nonstandard with no reduction in access. Evaluate the need for additional pedestrian crossings if pedestrian patterns are changed. Consult the United States Access Board's [Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way](#) (PROWAG) regulations for requirements for NYSDOT's standard Right-of-Way practices.

- All proposed pedestrian areas must meet the requirements of PROWAG
- Transitions between existing sidewalk and proposed pedestrian areas must be fully accessible
- Must maintain a continuous Pedestrian Access Route with a minimum width of 4 feet
- Must not introduce a reduction in access, as compared to current pedestrian facilities
- Must ensure access and visibility to existing pedestrian pushbuttons and signals
- Accessible parking requirements must be met

Non-ADA considerations:

Drainage – platforms must drain, objects placed in ROW shall not pool water, existing street drainage and Drainage Inlets should be maintained in the design of platforms or any other elements.

Hydrants and other utilities must remain fully accessible.

References:

- 1) Road Diets - https://safety.fhwa.dot.gov/road_diets/resources/pdf/fhwasa17021.pdf
- 2) Street pandemic changes - https://nacto.org/wp-content/uploads/2020/05/NACTO_Streets-for-Pandemic-Response-and-Recovery_2020-05-21.pdf outdoor dining starts on page 26.
- 3) Webinar with recent application experience - <https://nacto.org/event/streeteries-creating-space-for-physical-distance-at-restaurants/> note sidewalk discussion at the 40 minute mark.
- 4) New York City Street design - <https://www1.nyc.gov/html/dot/html/pedestrians/streetdesignmanual.shtml>