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Index: Street Use and Right-of-Way Management	Approved	Date
	Peter Hahn, Director of Transportation	

This rule interprets the provisions of Seattle Municipal Code (SMC) Chapter 15.22. Consistent with the authority in SMC 15.04.035, which allows the Director to condition permits to promote transportation purposes, this rule addresses how Street Use permits may be conditioned to maintain pedestrian safety and mobility when the right of way is used for construction activities occurring on abutting property.

Table of Contents

1.0	Purpose of Rule	1
2.0	References	2
3.0	Pedestrian Mobility by Phase of Construction	3
4.0	Standards for requiring Pedestrian Walkways	4
5.0	Standards for Fences and Open Walkways	4
6.0	Standards for Covered Walkways	5
7.0	Mobility Credit	6

1.0 Purpose of Rule

SMC 15.22 describes the City policy for maintaining pedestrian mobility when a Street Use permit is issued for the use of the right of way for construction activity occurring on the abutting property. The SMC 15.22 also prescribes the pedestrian safety measures that must be implemented when public right of way is used for construction, demolition, alteration or repair of a building on abutting property. SMC 15.04.035 allows the Director broad authority to condition permits in order to allow for safety and to promote transportation purposes. In accordance with that authority, this Director's Rule interprets the provisions of SMC 15.22 related to preserving safe pedestrian mobility in and around construction activity on private property.

2.0 References

SMC 15.22.024

SMC 15.22.030

SMC 15.22.040

SMC 15.22.050

SMC 15.22.110

SMC 15.22.120

SMC 15.22.122

SMC 15.22.125

Street Use Fee Schedule

3.0 Pedestrian Mobility by Phase of Construction

SMC 15.22.024 establishes that when permitting the use of public right of way for construction uses, it is City Policy:

1. To protect the public passage within the existing roadways and walks.
2. If (1) is not practical, then it is City policy to authorize a detour around the work area on the same side of the street.
3. If neither (1) or (2) is practical, then it is City policy to authorize a sidewalk to be closed or, as a last resort, a street to be closed.

When determining whether it is practical to either require the protection of the existing path of travel or to permit a detour or the closure of a sidewalk or street, SMC 15.22.024 provides that SDOT may evaluate the following factors:

1. The purpose of the proposed use
2. Potential hazard to the public
3. The user's need for control of adjoining right-of-way
4. Traffic patterns (both pedestrian and vehicular)
5. The terrain
6. The impact of a detour or closure on adjoining properties and businesses,
7. The expense of alternatives
8. The duration of the proposed use

Many construction projects occur on properties that immediately abut two or more sidewalks. Generally, based on the above factors, a Street Use permit will require that the street with higher pedestrian volumes remain open for pedestrian travel for the duration of the construction project. However, there are circumstances when streets with high pedestrian volumes may require that the existing pathway be altered. The requirement to alter the existing pathway will depend on the specific phase of construction activity that is occurring on the abutting property.

Based on SDOT’s evaluation of the above factors, Table 1 below provides guidelines for how SDOT will implement the policy of preserving the existing path of travel on public right of way during the various phases of construction activity on the abutting property.

Table 1—Pedestrian Mobility by Phase of Construction

Phase of Construction on private property	Preferred Method of maintaining pedestrian mobility	Alternative Method of maintaining pedestrian mobility
Demolition	Covered Walkway or open walkway	Sidewalk Closure (if significant overhead danger) with detour route across the street
Shoring/Excavation	Open walkway	Intermittent Sidewalk Closure (up to 20 days at a time) with detour route across the street
Construction on private property	Covered or open Walkway	No alternative allowed
Post Skin	Covered or open walkway	No alternative allowed
Facade/skin	Covered or open walkway	Intermittent Sidewalk Closure (up to 20 days at a time) with detour route across the street
Installing Canopies	Sidewalk Closure with detour route across the street	Covered walkway
Street Improvements	Open walkway	Sidewalk Closure: (generally 4-8 weeks) with detour route across the street
Utility Work	Open walkway	Intermittent Sidewalk Closure with detour route across the street (Temporary restoration of walkway must occur within 10 days of service connection inspection sign-off.)

The Street Use permit will generally require the Preferred Method of maintaining pedestrian mobility for each phase of construction, as shown on Table 1. SDOT may permit the Alternative Method, as shown on Table 1, if site conditions or other permitted activity within close proximity would prevent the Preferred Method from furthering the City policy of safely maintaining pedestrian mobility. In cases where a proposed use of the right of way conflicts with other permitted activity in the right of way, the Director will require the uses of the right of way to be coordinated to provide for pedestrian mobility to the greatest extent feasible.

If the construction site conditions preclude the ability of the applicant of the Street Use permit to follow the Preferred or Alternative methods, the applicant may submit in writing the specific reasons why the applicant is unable to accommodate the Preferred or Alternative methods of protecting the pedestrian

pathway. The Director will evaluate the request for deviation from the Preferred or Alternative method and respond in writing within 10 working days of the receipt of the request.

The Director may also impose other conditions on the Street Use permit, as authorized by SMC 15.04.035. For example, when closing a sidewalk on a high pedestrian volume street a uniformed police officer may be required to ensure the safe use of pedestrian detour routes during high travel times, including weekends and evenings.

To facilitate mobility along a pedestrian detour route, the Street Use permit will be conditioned to require that the public be notified of the duration of a sidewalk closure. Specifically, the permit condition will require that a sign be placed near the sidewalk closure no later than 48 hours in advance of closure. The sign shall be legible and shall indicate the Street Use permit number, the duration of the closure of the sidewalk and shall provide the contact information of the permittee.

4.0 Standards for Requiring Pedestrian Walkways

When the Street Use permit requires that the pedestrian path around the construction site remain adjacent to the construction site, the following “Walkway Table” provided in SMC 15.22.120 shall be used to establish minimum requirements for pedestrian safety adjacent to building sites, demolition sites, construction sites and sites of excavations abutting upon or adjacent to public places:

SMC 15.22.120—Walkway Table

Height of Construction	Distance of Construction activity from public place	Minimum Pedestrian Protection required
8 feet or less	< 6 feet	Open Walkway with Railing
	> 6 feet	Open Walkway with Barricades– Four or more red or flashing Amber lights
More than 8 feet	< 1/4 th of the height of construction	Covered Walkway and Fence
	> 1/4 th of the height of construction	Open Walkway and Fence
Excavation within 4 feet of the street margin		Open Walkway and Railing

The requirements laid out in the table above are not exhaustive in relation to the protection and safety requirements of SMC 15.22.120.

5.0 Standards for Open Walkways and Fences adjacent to Construction Sites

Section 5 and 6 of this Director’s Rule set forth pedestrian safety requirements found in SMC 15.22 and organize those requirements in relation to permit requirements for Open Walkways and Covered Walkways. The permit requirements are not exhaustive in relation to the protection and safety requirements of SMC 15.22.

- 5.1 **Railing.** The walkway shall have a handrail on the roadway side, not less than 3 ½ feet high capable of withstanding 50 lbs load per lineal foot applied horizontally to the top rail. (SMC 15.22.122(C))

- 5.2 **Fence on Construction Facing Side.** When required by SMC 15.22.030, fences shall be continuous for their full length along the construction facing side, except for gates in conformance with SMC 15.22.040(A). The fence shall be at least 7 feet in height, unless otherwise provided. If construction or demolition activity may create flying debris or dust or otherwise affect pedestrians on a nearby walk or traffic on the adjacent roadway, the fence shall be solid and tight, except for the gates for entry or exit; view holes with protective screening provided for the public; and, if the enclosure is adjacent to a street intersection or corner, a portion of the fence from 4 feet to 7 feet high, which is within 30 feet each way from the corner of the fence must be of wire mesh to provide for traffic visibility at all times. (SMC 15.22.040)
- 5.3 **Gate.** In conformance with the requirement in SMC 15.22.040(A) that a gate must swing inward, any gate in the fence must swing away from the path of pedestrian travel and towards the abutting property where the construction activity is occurring. The gates of such openings shall be securely fastened in a closed position when not in use. (SMC 15.22.040(A)).
- 5.4 **Floor.** Generally, the sidewalk may serve as the floor of the walkway. Structural floors are not required unless needed to cross an opening or to mitigate a newly created obstruction in the sidewalk, to comply with requirements of the ADA. A well-defined walking surface must be provided if pedestrians are to be routed off a paved sidewalk or into a roadway area. The walking surface must be solid and not slippery, and the transition between the temporary walkway surface and the sidewalk shall be without abrupt breaks or stubs. (SMC 15.22.122)
- 5.5 **Width.** The permittee must maintain a minimum of 4 feet unobstructed sidewalk width. A greater minimum width of unobstructed passage may be required to facilitate significant pedestrian volumes. A tight fence of board or chain link shall stand along the entire length on the side abutting the building site. (SMC 15.22.122).
- 5.6 **ADA Compliance.** All open walkways constructed under this section must provide an accessible pedestrian route in accordance with the requirements of the Americans with Disabilities Act (ADA). This includes, but is not limited to: constructing ramps that are stable and slip resistant, and that are compliant in slope and counter slope. All ramps with a rise greater than 6 inches shall be constructed with handrails on both sides of the ramp.
- 5.7 **Transit Access.** The openwalkway shall be designed to maintain ADA compliant access from the sidewalk to any operating bus stop, street car stop or bus shelter.

6.0 Standards for Covered Walkways

A covered walkway has a temporary protective roof extending above a pedestrian walkway to be built and maintained during construction or demolition on the adjacent property. The permit requirements are not exhaustive in relation to the protection and safety requirements of SMC 15.22.120.

- 6.1 **Specifications and Drawings.** As part of the street use permit applications, a traffic control plan must be submitted which shows the specifications and drawings of the covered walkway. The specifications and drawings on the traffic control plan must show the side view, front view and cross section and the footprint of the covered walkway. A traffic control plan for the construction of the covered walkway must also be provided with the application.

- 6.2 **Width.** Covered walkways shall have a clear unobstructed width of not less than 4 feet. The width is to be measured from wall to wall and not from handrail to wall or handrail to handrail. A tight fence of board or chain link shall stand along the entire length on the side abutting the building site. (SMC 15.22.122). A greater minimum width of unobstructed passage may be required to facilitate significant pedestrian volumes. In addition to the requirements of 15.22.122 and consistent with the authority granted in SMC 15.04.035, the Street Use permit shall be conditioned to require that covered walkways entrances shall block unprotected passage along the sidewalk on either side of the covered walkway.
- 6.3 **Railing.** When required by SMC 15.22.122, continuous handrail shall be installed along at least one side of the covered walkway to aid pedestrians. The top of the handrails shall not be less than 3 ½ feet high capable of withstanding a 50 pound load per linear foot applied horizontally to the top rail. (SMC 15.22.120)
- 6.4 **Transit Access.** The covered walkway shall be designed to maintain ADA compliant access from the sidewalk to any operating bus stop, street car stop or bus shelter.
- 6.5 **Lighting.** The walkway area shall be kept well lighted continuously between sunset and sunrise, and at such other times as necessary.(SMC 15.22.122(E))
- 6.6 **Floor.** Generally, the sidewalk may serve as the floor of the walkway. Structural floors are not required unless needed to cross an opening or to mitigate a newly created obstruction in the sidewalk, to comply with requirements of the ADA. A well-defined walking surface must be provided if pedestrians are to be routed off a paved sidewalk or into a roadway area. The walking surface must be solid and not slippery, and the transition between the temporary walkway surface and the sidewalk shall be without abrupt breaks or stubs. (SMC 15.22.122)
- 6.7 **Roof.** Covered walkways shall have a clear and unobstructed ceiling height of not less than 8 feet above the walkway, and shall be tightly boarded with a covering of roofing paper or other material to prevent water from falling through (SMC 15.22.125(A). The roof shall be designed to carry the loads imposed upon it, provided the minimum live load to be used in design shall not be less than 150 pounds per square foot, uniformly loaded (SMC 15.22.125(B). If materials are stored or work is done on the roof of the walkway, the roadway side of the walkway shall extend 1 foot above the roof, or as high as needed to contain the material stored on the roof. (SMC 15.22.125(D))
- 6.8 **Roadway Facing Side.** If the walkway is abutting upon or within the roadway area, the roadway side shall be protected by a tight board fence 3 ½ feet high, and wire mesh or other suitable material from the top of the handrail to the roof. (SMC 15.22.125(C)) Within 30 feet of the intersection of two streets the side(s) facing the roadway shall be constructed to maintain an unobstructed line of sight for drivers in the roadway and pedestrians using the covered walkway (SMC 15.22.040(B)).
- 6.9 **Structural Members.** The structural members of the covered walkway shall be adequately braced and connected to prevent displacement or distortion of the frame work.
- 6.10 **Building Entry.** If the building is actively in use while the covered walkway is in place, the covered walkway shall be designed to maintain ADA accessible entry to and exit from the building. It shall have signs so businesses can be accessed directly from the covered walkway.
- 6.11 **Skirting (toe kick)** Continuous skirting shall be installed along the base of any channelization or walkway to provide unencumbered way-finding with cane.

- 6.12 **Postings, Graffiti, Advertising** Other than signs allowed under SMC 23.55, the walls, roof, and floor of the covered walkway shall be maintained free of postings, graffiti or advertising of any type.
- 6.13 **Sidewalk Fixtures.** The covered walkway shall be designed to incorporate any existing sidewalk fixture, such as fire hydrants, light poles, traffic signal devices, parking meters, trash receptacles, bus stops and bus shelters, and benches. If the covered walkway cannot be constructed without the removal of an existing sidewalk fixture, the permittee shall provide details about: which fixture(s) are to be removed; where they will be stored pending the completion of the work; and how they will be restored upon removal of the covered walkway.
- 6.14 **Maintenance:** All aspects of the covered walkway shall be properly maintained for the duration of its use.
- 6.15 **Removal.** The covered walkway shall be removed immediately upon completion of the building construction/repair work, or the end of any potential hazard to pedestrians. Removal of the covered walkway shall be done without damage to any tree. A traffic control plan for the removal of the covered walkway must also be provided and approved by SDOT prior to removal of the covered walkway.

7.0 **Mobility Credit**

The Street Use fee schedule identifies that a mobility credit can be applied to escalating Use Fees. To further incentivize providing pedestrian access around construction sites, this Mobility Credit will apply if pedestrian mobility is provided for on the same side of the street when not explicitly required by the this Rule.

For example, this Rule states that generally streets with higher pedestrian volumes shall remain open to pedestrian traffic around the construction site. A mobility credit will apply to will apply to the fees assessed for the area on the street with lower pedestrian volumes if the following conditions are met:

- The permittee maintains the existing pedestrian path on a higher volume street in accordance with this Rule
- The permittee also maintains the existing pedestrian path on an abutting street with lower pedestrian volume