

CITY AND COUNTY OF SAN FRANCISCO
Department of Public Works
ORDER NO. 176,112

ADOPTING REGULATIONS AND SLIP RESISTANT STANDARDS FOR ANY MANHOLE, VAULT, OR SUB-SIDEWALK BASEMENT COVER, GRILLE, GRATE ON THE PUBLIC SIDEWALK FOR COMPLIANCE WITH THE U.S. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD'S SLIP RESISTANT RECOMMENDATIONS OR CALIFORNIA CODE OF REGULATIONS TITLE 24, WHICHEVER IS MORE RESTRICTIVE.

I. PURPOSE: Article 15, Section 790 of the Public Works Code (PWC), adopted via Ordinance No. 30-04, dated March 2, 2004, grants the Director of Public Works authority to enforce requirements for any manhole, vault, or sub-sidewalk basement cover, grille, grate on the public sidewalk for compliance with the U.S. Architectural and Transportation Barriers Compliance Board's Slip Resistant recommendations or California Code of Regulations Title 24, whichever is more restrictive, and to provide for administrative and civil penalties for violations thereof. This Department of Public Works (DPW) Order provides regulations, standards and detailed information on the implementation and enforcement of these requirements.

II. STANDARDS/REGULATIONS/TESTING METHODS:

- A. The Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the above Ordinance require that all metallic materials used for exterior surfaces such as manhole, vault and/or sub-sidewalk basement covers, designated as stepping, standing, and walking surfaces be in compliance with the U.S. Architectural and Transportation Barriers Compliance Board's Slip Resistant recommendations or California Code of Regulations Title 24, whichever is more restrictive.
- B. Pursuant to National Fire Protection Association (NFPA) 1901, Section 5, Chapter 13-7.3.1, all materials used for exterior surfaces designated as stepping, standing, and walking surfaces; shall have a minimum slip resistance of 0.68 when tested wet using the English XL tester in accordance with American Society for Testing Materials (ASTM) F 1679, or 0.52 when tested wet using the Brungraber Mark II Tester in accordance with ASTM F 1677, a standard Neolite ® test sensor shall be used with either tester. These test methods do not address issues such as test surface/foot material selection and/or report preparation.
 - 1. ASTM F 1679, *Standard Test Method for Using a Variable Incidence Tribometer (VIT)* – This test method shall be used for determining the slip resistance of footwear sole, heel or related materials (test feet), using a VIT, against planar walkway surfaces or walkway surrogates (test surfaces) in the either the laboratory or field under dry, wet, or contaminated conditions.

2. ASTM F 1677, *Standard Test for Using a Portable Inclinable Articulated Strut Slip Test (PIAST)* - This test method shall be used for determining the slip resistance of footwear sole, heel or related materials (test feet), using a PIAST, against planar walkway surfaces or walkway surrogates (test surfaces) in the either the laboratory or field under dry, wet, or contaminated conditions.
- C. As per past practices and policies, ASTM C 1028, *Standard Test Method for determining the Static Coefficient of Friction of Ceramic Tile and Other Like Surfaces by the Horizontal Dynamometer Pull-Meter Method*, shall be used for determining whether "Brick, Quarry-Tile or Exposed Aggregate Sidewalk Surfaces" as defined in Section 703.1 of the PWC, and reviewed as Applications for Special Sidewalk Permit, meets the minimum coefficient of 0.65 required for the approval of these surfaces. The above surfaces, when installed on a grade of 5% or greater, shall require a minimum coefficient of 0.80.
- D. Covers for sewer vents and traps in compliance with the Plumbing Code and all survey monuments set in the public right-of-ways by a licensed land surveyor or registered civil engineer to mark or reference a point on a property or land line, in compliance with document titled "Monument Preservation" dated January 25, 2004 shall be exempt from the guidelines and requirements set forth in this Order.

III. NOTICE OF VIOLATION/HEARING REQUEST/ABATEMENT/PENALTIES:

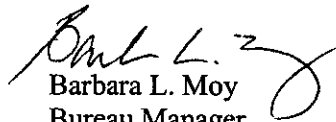
- A. Upon determining that a property owner is in violation of Section 790 and this Order, a Notice to Repair (NTR) shall be sent to the property owner to correct the violation within thirty (30) days of said notice.
 1. This NTR will identify the subject violation, instruct the property owner to apply for an encroachment permit, and indicate the method(s) to address the noncompliant cover or surface. The property owner may request one (1) 30-day extension to said NTR by submitting a written request to the Director of Public Works.
 2. If an extension is not requested, the property owner shall have seven (7) days from the date of the NTR to request in writing a public hearing before the Director of Public Works to contest the violation. At the hearing, the owner is entitled to present evidence; e.g. a surface test performed by a registered/recognized private testing laboratory, that the manhole, vault or sub-sidewalk basement cover, grille, grate, or other lid on the public sidewalk complies with DPW's slip resistance standards set forth in this DPW Order.
 3. Upon consideration and review of reports, and other documents submitted, the Department's Hearing Officer shall make a recommendation to the Director. Based upon this recommendation and other available information, the Director shall make a final determination within thirty (30) days of said public hearing. This determination is final and not appealable.

4. If the property owner fails to request a hearing within seven (7) days of the notice, the Director's determination of violation shall be presumed final. Said determination is not appealable.
- B. If a property owner fails to correct the violation pursuant to the Director's notice, the Director shall abate the violation in a manner that the Director deems expedient and appropriate. The owner shall be required to compensate DPW for any costs associated with abating the violation; in addition, the Director may assess additional penalties, enforcement costs, including reasonable attorney's fees, and abatement charges in his/her discretion.
- C. Administrative penalties assessed pursuant to the above shall not exceed \$1,000 per day, per violation commencing with the first day of the violation as set forth in the NTR. In assessing this amount, the Director may consider the nature/seriousness of the violation, number of violations, the length of time over which the violation continues to occur, and the willfulness of the violator's misconduct.
- D. If the property owner willingly continues to violate the provisions of Section 790 and this Order, the Director may request the City Attorney's Office to maintain an action for injunction to cause the correction or abatement of the violation, and for assessment and recovery of a civil penalty and reasonable attorney's fees for such violation.



Fred V. Abadi, Ph.D.
Director of Public Works

RECOMMENDED:


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APPROVED: JUNE 14, 2006

FRED V. ABADI, Ph.D., DIRECTOR