S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 22, 2016

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing a uniform code for the inspection of parking structures

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 384 to read as follows:

S 384. UNIFORM CODE OF PARKING STRUCTURE INSPECTION. 1. CODE DEVELOPMENT; RULES AND REGULATIONS. THE COUNCIL SHALL, AFTER PUBLIC HEARING, PROMULGATE A UNIFORM CODE OF PARKING STRUCTURE INSPECTION, HEREINAFTER REFERRED TO AS THE "CODE", BY RULE AND REGULATION WHICH SHALL BE KNOWN AS THE UNIFORM CODE OF PARKING STRUCTURE INSPECTION WHICH SHALL, IN ALL CASES MEET OR EXCEED APPLICABLE FEDERAL LAW. THE COUNCIL SHALL PERIODICALLY REVIEW THE CODE TO ENSURE THAT IT EFFECTUATES THE PURPOSES OF THIS SECTION. FOR THE PURPOSE OF THIS SECTION THE TERM "PARKING STRUCTURE" SHALL REFER TO ANY BUILDING OR STRUCTURE, OR PART THEREOF, IN WHICH A STRUCTURAL LEVEL OTHER THAN A SLAB ON GRADE IS USED FOR PARKING, STORAGE, OR MAINTENANCE OF MOTOR VEHICLES.

2. PERIODIC INSPECTIONS. ANY PARKING STRUCTURE SHALL BE INSPECTED AT LEAST ONCE EVERY THREE YEARS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE AND SHALL BE FURTHER INSPECTED AND/OR EVALUATED AT SUCH OTHER TIMES AS MAY BE REQUIRED THEREIN. THE CODE SHALL ALSO SET FORTH REQUIREMENTS FOR THE INTERIM INSPECTIONS OR EVALUATIONS AND THE SCOPE OF SUCH INSPECTIONS OR EVALUATIONS WHERE THE STRUCTURAL INTEGRITY OF A PARKING STRUCTURE IS OR HAS BEEN THREATENED BY A STORM, FLOOD, NATURAL PHENOMENON, ACCIDENT OR MANMADE OCCURRENCE, OR WHERE A PARKING STRUCTURE HAS KNOWN DEFICIENCIES.

3. MINIMUM CODE REQUIREMENTS. THE UNIFORM CODE OF PARKING STRUCTURE INSPECTION SHALL REQUIRE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(A) PROVISIONS THAT ALL PARKING STRUCTURE INSPECTIONS SHALL INCLUDE A REVIEW OF THE MOST RECENT INSPECTION REPORT AND, TO THE EXTENT AVAILABLE AND RETRIEVABLE IN THE NORMAL COURSE OF BUSINESS AND CONSISTENT WITH PUBLIC SAFETY, THE MOST RECENT STRUCTURAL INTEGRITY EVALUATION, AN EXAM-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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INATION OF THE DESIGN, AS-BUILT PLANS, CONTRACT DOCUMENTS, HISTORY OF CONSTRUCTION INCLUDING ANY HISTORY OF STRUCTURAL ALTERATIONS, REPAIRS, REHABILITATION OR MAINTENANCE;

(B) PROVISIONS FOR THE ESTABLISHMENT OF A RATING SYSTEM KEYED TO THE STRUCTURAL INTEGRITY AND SAFETY OF THE PARKING STRUCTURE;

(C) PROVISIONS THAT ANY ASPECT OF A PARKING STRUCTURE THAT IS NOT INSPECTED AT THE TIME OF THE INSPECTION OR IS DETERMINED BY THE SUPERVISING ENGINEER TO BE UNINSPECTABLE, SHALL BE INSPECTED AS TO ITS CONDITION AS SOON THEREAFTER AS SUCH ASPECT BECOMES INSPECTABLE PROVIDED, HOWEVER, IF JUDGED TO BE PERMANENTLY UNINSPECTABLE SUCH STATUS AND CONDITION SHALL BE NOTED; AND

(D) PROCEDURES FOR THE TEMPORARY CLOSING OF A PARKING STRUCTURE.

4. STRUCTURAL INTEGRITY EVALUATION. (A) THE CODE SHALL ESTABLISH REQUIREMENTS FOR PERFORMING PARKING STRUCTURE STRUCTURAL AND FOUNDATION SYSTEM EVALUATIONS IN CONJUNCTION WITH AN INSPECTION. THE CRITERIA FOR THE NEED AND FREQUENCY FOR THESE EVALUATIONS, WHICH SHALL BE REFERRED TO AS A STRUCTURAL INTEGRITY, SHALL BE KEYED TO THE STRUCTURAL INTEGRITY AND SAFETY RATING SYSTEM REQUIRED BY THE CODE. THE CODE SHALL ALSO PROVIDE FOR THE SCOPE AND CONTENTS OF SUCH EVALUATIONS. WHERE APPLICABLE TO THE DETERMINATION OF STRUCTURAL INTEGRITY, THESE EVALUATIONS SHALL INCLUDE AN ANALYSIS OF:

(I) WHERE AVAILABLE AND RETRIEVABLE IN THE NORMAL COURSE OF BUSINESS AND CONSISTENT WITH PUBLIC SAFETY, THE DESIGN, DESIGN AS-BUILT PLANS, CONTRACT DOCUMENTS, AND HISTORY OF CONSTRUCTION, STRUCTURAL ALTERATIONS, REHABILITATION, AND MAINTENANCE REPAIRS;

(II) CODE CHANGES SINCE THE TIME OF ORIGINAL DESIGN;

(III) THE LIVE LOAD CAPACITY RATING IN ACCORDANCE WITH CURRENT SPECIFICATIONS AND/OR ACCEPTED ENGINEERING PRACTICE AND ACCOUNTING FOR CHANGES IN VOLUME AND CHARACTER OF TRAFFIC;

(IV) DETERIORATION AND MODIFICATION TO THE ORIGINAL STRUCTURE; AND

(V) A LIFE CYCLE PROJECTION OF THE SCOPE AND ESTIMATED COST OF MAINTENANCE, REPAIR, AND/OR REHABILITATION IN ORDER TO PROVIDE CRITERIA FOR COMPREHENSIVE PARKING STRUCTURE MANAGEMENT AND SAFETY.

(B) EACH STRUCTURAL INTEGRITY EVALUATION PERFORMED IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION SHALL ALSO INCLUDE A TEN YEAR LIFE CYCLE PROJECTION, THE PURPOSE OF WHICH IS TO ESTIMATE THE SCOPE AND COST OF MAINTENANCE, REPAIR AND REHABILITATION IN ORDER TO PROVIDE CRITERIA FOR COMPREHENSIVE PARKING STRUCTURE MANAGEMENT AND SAFETY.

5. INSPECTIONS AND INSPECTION REPORTS. (A) ALL PARKING STRUCTURES SHALL BE INSPECTED AND EVALUATED BY LICENSED PROFESSIONAL ENGINEERS OR BY ANY OTHER PERSON WHO IS UNDER THE DIRECT SUPERVISION OF SUCH AN ENGINEER PROVIDING SUCH ENGINEER IS PRESENT AT THE TIME OF INSPECTION AND EVALUATION. ANY SUCH ENGINEER WHO SHALL EITHER PERFORM OR SUPERVISE AN INSPECTION OR EVALUATION SHALL BE REFERRED TO AS THE INSPECTING ENGINEER AND SHALL MEET THE QUALIFICATIONS FOR PREVIOUS PARKING STRUCTURE DESIGN, CONSTRUCTION OR INSPECTION EXPERIENCE AS PRESCRIBED BY THE COUNCIL. ALL INSPECTIONS AND EVALUATIONS SHALL BE REPORTED ON FORMS PRESCRIBED BY THE COUNCIL, SUBSCRIBED BY THE INSPECTING ENGINEER AND FILED WITH THE COUNCIL WITHIN SIXTY DAYS OF THE COMPLETION OF THE INSPECTION OR EVALUATION. THE COUNCIL MAY ACCEPT FOR FILING A COPY OF ANY INCOMPLETE INSPECTION OR EVALUATION REPORT BUT SHALL ALSO RETURN ANY SUCH REPORT TO THE INSPECTING ENGINEER FOR COMPLETION AT A TIME ESTABLISHED BY THE COUNCIL BUT IN NO CASE SHALL SUCH TIME EXCEED SIXTY DAYS.

(B) WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION, EVERY PUBLIC ENTITY

SHALL FILE WITH THE COUNCIL THE MOST RECENT INSPECTION REPORT FOR PARKING STRUCTURES CONDUCTED PRIOR TO SUCH EFFECTIVE DATE.

(C) THE COUNCIL SHALL MAKE SUCH REPORTS AVAILABLE TO THE PUBLIC AND SHALL ALSO PUBLISH EACH PARKING STRUCTURE INSPECTION REPORT REQUIRED TO BE FILED PURSUANT TO THIS SECTION ON THE DEPARTMENT'S WEBSITE.

6. MAINTENANCE GUIDELINES. THE COUNCIL SHALL ESTABLISH BY RULE AND REGULATION CRITERIA FOR THE FURNISHING OF WRITTEN MAINTENANCE GUIDELINES TO THE OWNER OF A PARKING STRUCTURE BY THE DESIGN ENGINEER RESPONSIBLE FOR EITHER THE CONSTRUCTION OR SUBSTANTIAL STRUCTURAL ALTERATION, REPAIRS, OR REHABILITATION OF A PARKING STRUCTURE UPON COMPLETION OF SUCH CONSTRUCTION OR REHABILITATION. THIS PROVISION SHALL APPLY TO EVERY PARKING STRUCTURE CONSTRUCTION ALTERATION, REPAIR, OR REHABILITATION CONTRACTED FOR ON OR AFTER THE FIRST DAY OF JANUARY, TWO THOUSAND SEVENTEEN.

S 2. This act shall take effect immediately.