

STATE OF NEW YORK
DEPARTMENT OF STATE

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SOUTHERN REGION – BOARD OF REVIEW

In the Matter of the Petition of:
MTA – NEW YORK CITY TRANSIT
For a Variance to the New York State
Uniform Fire Prevention & Building Code

DECISION

PETITION NO. 2017-0426 Through 2017-0439

Upon the application of MTA – New York City Transit, filed pursuant to 19 NYCRR 1205 on November 1, 2017, and upon taking testimony and hearing argument thereon at a duly noticed hearing before the Southern Region – Board of Review held at the Perry B. Duryea Jr. State Office Building, 250 Veterans Memorial Highway, Hauppauge, New York, on November 9, 2017, and upon all other papers in this matter, the Board makes the following determination:

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to the entire New York City Subway Station system and includes the five boroughs of New York City. For the purposes of this determination, the system is separated into stations connected along 14 lines identified by petition number as follows:

1. Petition Number 2017-0426 pertains to the passenger stations along the N, R, and D Line from Astoria Ditmars Boulevard Station in Queens to the 155th Street Station in Manhattan.
2. Petition Number 2017-0427 pertains to passenger stations along the Q and B Line from the Atlantic Avenue-Barclays Center Station in Brooklyn to the 72nd Street Station in Manhattan.
3. Petition Number 2017-0428 pertains to passenger stations along the J and Z Line from the 121st Street Station in Queens to the Broad Street Station in Manhattan.
4. Petition Number 2017-0429 pertains to passenger stations along the M Line from the Middle Village-Metropolitan Avenue Station in Queens to the Central Avenue Station in Brooklyn.
5. Petition Number 2017-0430 pertains to passenger stations along the I Line from the 8th Avenue Station in Manhattan to the Canarsie-Rockaway Parkway Station in Brooklyn.
6. Petition Number 2017-0431 pertains to passenger stations along the A, C, and S Line from the Inwood 207th Street Station in Manhattan to the Botanic Gardens Station in Brooklyn.
7. Petition Number 2017-0432 pertains to passenger stations along the F and E Line from the 21st Street Queensbridge Station in Queens to the Jamaica Van Wyck Station in Queens.



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8. Petition Number 2017-0433 pertains to passenger stations along the G Line from the Court Square Station in Queens to the Fulton Street Station in Brooklyn.

9. Petition Number 2017-0434 pertains to passenger stations along the Number 1 Line from the Van Cortlandt Park 242nd Street Station in the Bronx to the South Ferry Station in Manhattan.

10. Petition Number 2017-0435 pertains to passenger stations along the Number 2 and 3 Line from the Park Place Station in Manhattan to the New Lots Station in Brooklyn.

11. Petition Number 2027-0436 pertains to passenger stations along the Number 4, 5, and 6 Line from the President Street Station in Brooklyn to the Morris Park Station in the Bronx.

12. Petition Number 2017-0437 pertains to passenger stations along the Number 2 and 3 Line from the Wakefield 241st Street Station in the Bronx, to the Central Station North 110th Street Station in Manhattan.

13. Petition Number 2017-0438 pertains to passenger stations along the Number 7 Line from the Flushing Main Street Station in Queens to the 34th Street Hudson Yards Station in Manhattan.

14. Petition Number 2017-0439 pertains to passenger stations along the SIRT OA Line from the St. George Station in Staten Island to the Tottenville Station in Staten Island.

Relief is requested from:

19 NYCRR Part 1221, The International Building Code, Section 1014.9, which states that stairways shall have intermediate handrails located in such a manner that all portions of the stairway minimum width or required capacity are within 30 inches of a handrail. On monumental stairs, handrails shall be located along the most direct path of egress travel.

[The Petitioner requests elimination of intermediate handrails on stairs that are less than eight feet wide.]

FINDINGS OF FACT

1. The New York City light rail system travels below and above ground serving a massive amount of commuters for a city with an 8.5 million person resident population and significant daily visitor traffic.
2. The Metropolitan Transit Authority wishes to make its system people moving capabilities more efficient and has identified that removing the requirement for intermediate stairs in the Code could improve egress and capacity concerns at some of its stations.
3. The MTA embarked on a four-year study of randomly selected stations throughout its system and observed no correlation between stations with stairs between 60 to 96 inches wide that do have an intermediate handrail and others that do not.

4. The MTA has stated that with or without an intermediate handrail, people generally flow in lanes of their own making and that the capacity of flow depends on the width of these lanes. For lanes that are less than 26 inches, the flow is 30 persons per minute; for lanes between 26 and 28 inches, the flow is 36 persons per minute, and for lanes greater than 28 inches, the flow is 40 persons per minute.
5. Crush loading at stations occur during peak hours when a number of trains, usually traveling in opposite directions, simultaneously pull into a station and release their passengers. It is especially important to utilize all available means to move people through the station at these times.
6. The Board has contemplated placement of an intermediate rail of 1/3 the distance between handrails that are between six and eight feet wide apart, which would provide three lanes. However, doing so would stifle flow as persons traveling in the opposite directions would not be able to pass each other on the restricted narrow lane.
7. Per the Petitioner's testimony, stairs that measure approximately six to eight feet wide between handrails, three lanes at least 26 inches each could be accommodated.
8. It would be prudent to require stairways that have railings more than six feet apart, and are exposed to the elements of rain and snow, to have intermediate rails.
9. It would not be prudent to eliminate intermediate handrails on stairs with an inconsistent profile or other Code deficiencies.
10. Section 1014.9 of the 2015 International Building Code does permit elimination of intermediate handrails on monumental stairs by allowing handrails at the most direct path of egress travel.

CONCLUSION OF LAW

The proposed variance will not substantially adversely affect the Code's provisions for health, safety and security. Strict compliance with the provisions to the Uniform Fire Prevention and Building Code would entail practical difficulty, unnecessary hardship, or would otherwise be unnecessary because such would inhibit the achievement of some other important public policy.

DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance from 19 NYCRR Part 1221, Section 1014.9, be GRANTED with the following conditions:

1. That stairs exposed to the weather shall have intermediate handrails, as required by Code.
2. The intermediate handrails, as required by Code, shall be provided on stairs with an inconsistent profile or other Code deficiencies.

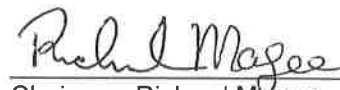
3. The MTA shall evaluate any stairs for safety where they intend to remove the intermediate handrails and determine the appropriateness of removing those rails.

This decision is limited to the specific building and application before it, as contained within the petition, and should not be interpreted to give implied approval of any general plans or specifications presented in support of this application.

Chairman Richard Magee and members, Robert Peterson, Pey-Lin Nee, Jothy Narendran and Andrew Haines, all concur.

So ordered.

Southern Region – Long Island Board of Review



Chairman Richard Magee

DATE: 12/15/17

NMC:eh