

SOUTHERN REGION - HUDSON VALLEY BOARD OF REVIEW

In the Matter of the Petition of:
METROPOLITAN TRANSPORTATION AUTHORITY
MEGA VARIANCE
For a Variance to the New York State
Uniform Fire Prevention & Building Code

DECISION

PETITION NO. 2019-0221

Upon the application of Metropolitan Transportation Authority MEGA, and upon taking testimony and hearing argument thereon at a duly noticed hearing before the Hudson Valley – Regional Board of Review held at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York, on April 30, 2019, and upon all other papers in this matter, the Board makes the following determination:

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to a limited system-wide variance for alterations and additions to all existing transit stations similar to a 2009 Mega Variance of 64 stations on 13 lines that was approved by the Long Island Variance Board. The structures are located throughout the five boroughs of New York City in the five counties of New York, Bronx, Queens, Kings, and Richmond in the State of New York and include a total of 493 stations on 14 lines.

Relief is requested from:

19 NYCRR, Part 1221, The Building Code of New York State 2007, Section 1006.3, states that the power supply for the means of egress illumination shall normally be provided by the premise's electrical supply. The Emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or on-site generator. The installation of the emergency power system shall be in accordance with section 2702.

[The Petitioner request relief from this requirement. Compliance with this section is achieved by an unlisted method.]

19 NYCRR, Part 1221, The Building Code of New York State 2007, Section 907.2.1, states that a manual fire alarm system and an automatic fire detection system shall be installed in Group A occupancies.

[The Petitioner request relief from this requirement. Compliance with this section is counter to the MTA method currently in service which meet NFPA 130 requirements for notification and communication of events.)



19 NYCRR, Part 1221, The Building Code of New York State 2007, Section 1011.5.1, states that every exit sign and directional exit shall have plainly legible letters not less than 6 inches in height and with principle strokes of letters not less than $\frac{3}{4}$ inches in width.

[The Petitioner request relief from this requirement. The MTA method currently uses signage which is compatible with international.]

FINDINGS OF FACT

1. The buildings and structures that are the subject of this determination are existing transit stations found throughout the New York City subway in the five-borough area.
2. The building occupancies are as follows: Occupancy Group A-3 for transit stations with mixed use areas and Group F-2 for fan plants, pump plants, and electrical substations. All of the structures are of Type 2B construction, and most of the buildings and structures are underground.
3. The Metropolitan Transportation Authority of the New York City Transit, M.T.A.-N.Y.C.T. utilizes the Uniform Fire Prevention and Building Code of New York State and National Fire Protection Association, NFPA 130 Standard for Fixed Guideway Transit and Passenger Rail Systems for design and safety criteria.
4. The existing structures and proposed additions will be constructed as noncombustible construction Type 2B, 2A, or 1B.
5. The installation of automated emergency power for illumination is provided from a normal reserve off the same grid source of power. If that grid is de-energized, then power is supplied by the 600-volt D.C. power from the traction rail. If that fails, then the system-wide emergency power is supplied by an offsite generator.
6. The M.T.A. provides a Help Point passenger help and emergency communication system as defined in NFPA 130 for communication system along with a messaging board, booth attendee, train conductors, and NYPD Transit Bureau Police.
7. The request from the Petitioner for alternative emergency and exit signage uses F.T.A. guidelines for transit system in regard to text size.

CONCLUSION OF LAW

The proposed variance will not substantially adversely affect the Code's provisions for health, safety, and security. Strict compliance with the requirements of the Uniform Fire Prevention and Building Code would entail practical difficulties or unnecessary hardship and would not achieve the Code's intended objective and would inhibit achievement of some other important public policy.

DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance **from** 19 NYCRR, Part 1221, The Building Code of New York State 2010, Section 1006.3, 19 NYCRR, Part 1221, The Building Code of New York State 2010, Section 907.2.1, and 19 NYCRR, Part 1221, The Building Code of New York State 2010, Section 1011.5.1, be GRANTED with the following conditions:

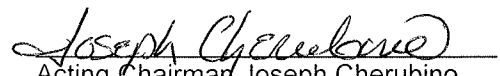
1. That in all other respects design and construction shall conform with applicable requirements of the New York State Building Codes, NFPA 130, and all other applicable standards.
2. That signage will meet A.D.A. guidelines, including text size and contrast.

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.

Acting Chairman Joseph Cherubino and members, C. Thomas Parsons and Megan Smailer, all concur.

So ordered.

Southern Region - Hudson Valley Board of Review


Acting Chairman Joseph Cherubino
DATE: 9-3-2019

TD:eh