

CITY OF PHILADELPHIA

STREETS DEPARTMENT
1401 John F. Kennedy Blvd
Room 730 Municipal Services Building
Philadelphia, PA 19102-1676

DONALD D. CARLTON
Commissioner

Commissioner Decker
Department of Records
Room 156, City Hall
Philadelphia, PA 19107

January 19, 2016

**SUBJECT: Regulation Governing the Establishment of Electric Vehicle Parking Spaces
Pursuant to Section 12-1311 of the Philadelphia Code**

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Dear Commissioner Decker:

Pursuant to Section 8-407(a) of the Philadelphia Home Rule Charter, I am submitting proposed amendments to the regulations regarding the Establishment of Electric Vehicle Parking Spaces, under section 12-1311 of the Philadelphia Code.

The proposed regulations have been reviewed by Lewis Rosman, Senior Attorney, Law Department, and found to be legal and in proper form.

Please take all necessary steps to advertise these regulations for formal adoption.

Sincerely,


Donald D. Carlton
Commissioner

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Attachments

CLEAN AND SAFE STREETS

Memorandum

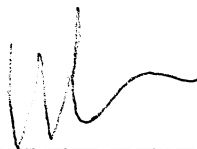
TO: Donald Carlton, Street Commissioner

FROM: Lewis Rosman, Senior Attorney

DATE: January 12, 2016

SUBJECT: Proposed Amendments to Department of Streets Regulation
Governing the Establishment of Electric Vehicle Parking Spaces
Pursuant to Section 12-1131 of The Philadelphia Code

I have reviewed the attached "Proposed Amendments to Department of Streets Regulation Governing the Establishment of Electric Vehicle Parking Spaces Pursuant to Section 12-1131 of The Philadelphia Code" that was submitted to the Law Department and find the regulation to be legal and in proper form. In accordance with Section 8-407(a) of The Philadelphia Home Rule Charter, you may forward this Regulation to the Department of Records where it will be made available for public inspection.



Lewis Rosman
Senior Attorney

Attachment

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**Proposed Amendments to Department of Streets Regulation
Governing the Establishment of Electric Vehicle Parking Spaces
Pursuant to Section 12-1131 of The Philadelphia Code**

Deletions in ~~Strikethrough~~
Additions in **Bold**

§ 1. General.

(1) This Regulation is issued pursuant to § 12-1131 of The Philadelphia Code, which provides for reserved parking for electric vehicles.

(2) The Department of Streets hereby delegates to the Philadelphia Parking Authority, to the extent not expressly reserved to the Department of Streets or another agency by this Regulation, the authority to administer the granting, establishing, and administration of Electric Vehicle Parking Spaces.

(3) Definitions. The definitions set forth in § 12-1131(1) shall apply to this Regulation, and, further, the following terms shall have the following meanings:

EVC. Electric Vehicle Charger, as defined by § 12-1131(1).

EVPS. Electric Vehicle Parking Space, as defined by § 12-1131(1).

NEC. National Electrical Code (NFPA 70), published by the National Fire Protection Association, as in effect in the City of Philadelphia at the time of installation.

PennDOT. The Pennsylvania Department of Transportation.

PPA. The Philadelphia Parking Authority.

Plug-in Hybrid Electric Vehicle, as defined in § 12-1131(1). Does not include a hybrid electric vehicle that does not receive electricity from an external source such as a charger.

§ 2. Application Process.

(1) Applicants shall provide all of the following to PPA:

(a) A PennDOT vehicle registration indicating that the electric vehicle is owned or leased by an individual who is a resident of the address at which the reserved parking space is sought.

(b) A copy of the applicant's current driver's license identifying the applicant and showing the applicant's current address. A copy of an amending document, issued by the

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same agency that issued the driver's license, showing an updated address, shall be acceptable proof of address when accompanied by a copy of the original driver's license.

(c) Proof that the owner of the property at which the reserved parking space is sought, if such person is not the applicant, consents to the placement of an EVPS in front of the property.

(d) Where the proposed parking space would encroach on the frontage of any neighboring property, written consent from the owners of all such properties.

(e) A clear photograph showing the entire area in which the EVPS would be located, and the front of all property abutting the proposed EVPS.

(f) A scale plan of the right of way in front of property for 20 feet on either side of property, showing the entire width of the street, with labels indicating directions of travel, and the entire width of the sidewalk abutting the property. Where the electric vehicle requires a space larger than 20 feet on the longest side, a description of vehicle from the manufacturer showing the vehicle length shall also be included.

(g) If the applicant seeks Department of Streets approval for less than five feet of passable sidewalk space under § 3(1)(d), such request shall be made with the application, and PPA shall forward the request to the Department of Streets for review.

(h) A \$50 application fee.

(i) Following approval of the EVPS by PPA, a copy of the application to the Department of Licenses and Inspection for an electrical permit to install an EVC at the EVPS.

§ 3. Approval of Proposed EVPS by PPA.

(1) Upon the filing of an application with PPA pursuant to § 2, the PPA shall investigate the proposed EVPS location to determine whether it is practical and **whether it is** feasible with respect to traffic operations. A proposed EVPS shall be deemed practical and feasible with respect to traffic operations ~~if it is consistent with public safety and convenience~~ pursuant to the following criteria:

(a) The proposed EVPS meets ~~traffic safety requirements, as follows~~ **the following requirements:**

(i) The proposed EVPS must be no more than 20 feet in length, unless a greater length is necessary, based on the size of the vehicle.

(ii) The proposed EVPS shall not be in any location where parking is currently prohibited by state or local law.

- (iii) The proposed EVPS is otherwise consistent with traffic safety.
- (iv) **The proposed EVPS would not require elimination of a metered parking space.**
- (v) **The location is practical with respect to general parking availability.**
- (b) No garage, driveway, or other location not in the right of way is available to the applicant for parking of the Electric Vehicle.
- (c) The number of reserved on-street parking spaces, of any kind **(including, but not limited to, EVPSs, reserved spaces for the disabled, valet spaces, tour bus spaces and consular spaces, but not including metered spaces for disabled parking)**, on a blockface at the time of application, does not exceed:
- (i) on blocks with single-side parking – ~~three (3)~~ **two (2)**, **neither of which is an EVPS;**
- (ii) on blocks shorter than 500 feet in length, with parking on both sides – ~~four (4)~~ **three (3)**, **no more than one (1) of which is an EVPS;**
- (iii) on blocks that are 500 feet or longer in length, with parking on both sides – ~~five (5)~~ **four (4)**, **no more than two (2) of which are EVPSs.**
- (d) The proposed EVC shall not interfere with pedestrian movement on the sidewalk, and shall leave at least five feet of passable space between the EVC and the edge of the sidewalk farthest from the street. Where the total space required under this subsection (1)(d) is insufficient to allow five feet of passable space between the EVC and the edge of the sidewalk farthest from the street, an applicant may, pursuant to § 2(1)(g), request a smaller width of passable space that permits free passage of pedestrians and conforms to law, but in no event shall such width be less than three feet. The EVC shall be placed at least two feet, but not more than three feet, from the point where the curb abuts the street.
- (2) PPA shall not approve an EVPS where the applicant is liable for any delinquent fines or penalties under § 12-2809(2) of the Code.
- (3) **An applicant is not entitled to an EVPS based solely on the purchase or lease of an electric vehicle or the filing an application for an EVPS.**

§ 4. Approval by the Department of Licenses and Inspections and Installation of Electric Vehicle Charger.

- (1) Following approval by PPA pursuant to § 3 of this Regulation, the applicant shall apply for an electrical permit from the Department of Licenses and Inspections for the

installation of an EVC. Installations shall conform to the NEC, including provisions of the NEC specific to Electric Vehicle Charging Systems, and be performed by a licensed electrical contractor pursuant to an electrical permit from the Department of Licenses and Inspections. The following additional criteria shall govern such installation as a condition of placing it in the sidewalk, unless otherwise specified by the Department of Licenses and Inspections, or the NEC imposes a more stringent requirement:

(a) The EVC must be located on a dedicated branch circuit with ground fault circuit protection at the mainpanel.

(b) A shut-off switch for the EVC must be installed inside the applicant's residence at the point of ingress and egress nearest the EVPS.

(c) The receptacle at which the Electric Vehicle is connected to the EVC must be secured by an outdoor weatherproof, lockable, NEC-compliant enclosure that will prevent tampering and unintentional contact with any portion of the EVC that is or may be electrified.

(d) The receptacle at which the Electric Vehicle is connected to the EVC must be no higher than 48 inches from the ground.

(e) There shall be no commercial use associated with the EVC.

(2) The electrical permit required by this § 4 shall be obtained prior to the installation of the EVC, or the commencement of any work thereon.

§ 5. Establishment of EVPS.

(1) An EVPS, once approved by PPA, shall not be established unless installation of the EVC is complete, and complies with § 4 of this Regulation.

(2) Upon installation of a properly functioning EVC, the PPA or the Department of Streets shall:

(a) Post the required signs designating the EVPS; and

(b) Mark the pavement to designate the EVPS. The Department of Streets may, in the alternative, provide the applicant with a permit to so mark the pavement, subject to such requirements as the Department of Streets may impose.

(3) The EVPS shall be designated with respect to a particular owner of an EVC, or multiple EVCs.

§ 6. Fee.

(1) The fee for an EVPS shall be in the same amount and determined in the same manner as the fee for a curb loading zone pursuant to § 12-905 of the Code.

(2) The fee shall initially be due upon approval by the Department of Licenses and Inspections of an electrical permit for the installation of an EVC.

(3) An EVPS may be revoked, ~~and the EVPS and EVC may be removed by the Department of Streets or the PPA~~ if such yearly renewal fee as required under § 12-905 is not timely paid in accordance therewith.

§ 7. Other Matters.

(1) The person to whom an EVPS has been issued shall immediately notify the PPA, and the EVPS may be immediately revoked, if any of the following events occur:

- (a) The registration or license plate is transferred to a Non-Electric Vehicle.
- (b) The Electric Vehicle is transferred to another owner who does not reside at the address for which the EVPS was established;
- (c) The owner of the Electric Vehicle ceases to reside at the address for which the EVPS was established.

(2) An EVPS may be revoked under any of the following circumstances:

- (a) Any condition necessary for the grant of the EVPS under this Regulation ceases to be met.
- (b) The EVC or its associated wiring is not maintained in good repair or presents a hazard due to deterioration, malfunction, or improper use.
- (c) Any excavation of the right of way for installation or maintenance of the EVC or associated wiring is not properly restored.

(3) The owner of an Electric Vehicle with respect to which an EVPS has been granted shall notify PPA of the registration of any other Electric Vehicle that such person intends to park in the EVPS regularly.

(4) ~~The owner of An an EVC shall be removed~~ **remove the EVC from the right-of-way within 30 days of the revocation of an EVPS and return the right-of-way to its pre-EVC condition. If an EVC owner fails to remove an EVC upon receipt of an order to remove from the City, the City may remove the EVC, repair the right-of-way and charge the owner the City's costs of removal and repair.**

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(5) No person shall acquire any ownership interest ~~or exclusive parking rights~~ in an EVPS. PPA may ~~eliminate~~ **revoke** an EVPS at any time if the EVPS or the owner of the Electric Vehicle ~~or the EVC~~ ceases to conform to the requirements of § 12-1131 or this Regulation.