



Denver City Council

Public Works Committee Summary

Wednesday, August 9, 2006

10:30 a.m.

Location: Council Conference Room

Committee Members Present: Brown, Chair; Hancock, Robb

Committee Members Absent: Montero, Johnson, Lehmann

Other Council Present: Linkhart

1) Transit Amenity Program:

Discussion Summary

Mark Najarian, Public Works, stated that former Councilmembers passed an ordinance on June 8, 2001 to adopt rules and regulations in the Revised Municipal Code (Section 49-486) that would eliminate old advertising benches and would require standards for placing benches, kiosks or bus shelters bearing advertising on public rights-of-way. The Transit Amenity Program (TAP) was established to achieve goals related to providing aesthetically pleasing bus stop infrastructure at no cost to the City and to encourage more transit ridership. The amenities include easily identified steel green benches and shelters. A hotline number is attached to the equipment to report complaints on any matter.

The program benefits include:

- For each bench, shelter, or kiosk a concrete pad and sidewalk connection is required to improve the site;
- The site is maintained by the vendor at no cost to the City;
- Depending on the type of equipment, a site generates additional benches in lieu of revenue (for example: shelter = 3 benches, 1-way kiosk = 6 benches, 2-way kiosk = 12 benches) – the additional benches and maintenance covered by a vendor translates to \$6 million in savings to the City;

Mr. Najarian noted that a team review was conducted to evaluate where the equipment would be placed. Restrictions to where the equipment would be located include:

- Adjacency to neighborhoods;
- Business impacts;
- Parks and parkways;
- State highways (Colorado Department of Transportation requires specific types of equipment);
- Compliance with Business Improvements Districts;
- Safety and accessibility considerations.

Currently, there are over 3,000 bus stops, but not all old benches are permitted. Administration of the TAP program includes phasing out the old benches that represents 14% of the 469 old benches that are permitted. There are 120 permitted and approximately 250 that can be permitted at 20 locations, but these must still go through the restrictions criteria. Twenty-two advertising sites are ready to be permitted. Mr. Najarian noted that Public Works has created a report that outlines all the sites (see attachment). They will continue to work with neighborhoods and City Council to review the sites for equipment appropriateness and impacts. Councilmember Linkhart asked if regulations have been finalized and sited an area where the kiosk signage is blocking visibility to a business. Mr. Najarian said they are revisiting the policies and procedures and plan on making recommendations in the future. Bill Vidal, Manager of Public Works, said they would come back to Committee to discuss a timeline for changes. He noted the program is part of a larger plan regarding the Strategic Transportation Plan and is part of the coordinated efforts for FasTracks and RTD planning. Councilmember Hancock suggested that the report be shared with vendors to encourage participation in the program. Mr. Najarian said he could and noted that old benches could be revoked to require improvements. The City currently works with five to six vendors, added Mr. Najarian.

Mr. Vidal stated that Public Works does not select advertising sites for vendors and many sites represent local advertisements. TAP is designed to improve areas, including maintenance for trash and graffiti. Mr. Najarian said that the City works with vendors regarding tasteful/appropriate advertisements, but the City Attorney's Office has cautioned how policies could impact first amendment rights of vendors. He stated that vendors are sensitive to advertising for tobacco and alcohol and do change out these advertisements if there are complaints from neighborhoods.

Ginny Deitchler, Outdoor Promotions Inc., said the program is successful in the 25 municipalities they're located. It costs their company approximately \$10,000 to install a shelter, but that their investment is returned in the advertising. Allison Billings, Transportation Solutions, added that vendors are self-policing on sensitive advertising. Recent research conducted showed that there was a 33% increase in bus ridership based on providing shelters at bus stops.

Councilmember Linkhart stated that not all people are fans of this program and that the City needed to be careful selling advertising on rights-of-way. The City needs a plan for adding more benches while at the same time avoiding signage clutter, stated the Councilman. Councilmember Hancock said he wants to avoid the problems faced now with old advertising, broken down benches, and graffiti. He supports TAP and its coordination with many entities and asked how feasible it was for Public Works to develop a comprehensive plan for this program. Mr. Najarian said resources were difficult and the immediate focus would be the educational component. Mr. Vidal said it was labor intensive for Public Works to manage signage control and to evaluate all signage/equipment requests. He said Public Works staff has been dramatically cut over the past years, but they are willing to slow down the program to assure a comprehensive evaluation on all impacts and opportunities. Councilmember Robb suggested that staff focus on where the benches are needed most. Mr. Najarian said he is willing to work with Council and the public to determine sites that should or should not have the equipment. He noted that if the advertising component is eliminated from TAP it would impact the program.

Councilmember Brown said that it was important to remember that riders benefit from this program. He supports the program and asked the staff to continue to work with Council on site reviews.

2) Sidewalk policies:

Committee Discussion

Mr. Vidal stated the sidewalk rules and regulations have been controversial because of inconsistent requirements for sidewalk construction, no clear guidelines as to when a redevelopment project should be required to build a sidewalk and what type it should be (attached or detached), and inconsistent requirements for waivers. Public Works staff is hopeful that the final policy requirements would address these issues. He stated that lately the fee in lieu of sidewalk construction has been problematic. Mr. Vidal explained that in cases where the property owner is not required to construct sidewalk on one or more linear frontages of their property, they may either construct the sidewalk or pay a fee in lieu of constructing that amount of sidewalk. The fee is set based on the linear feet of property frontage and assessed at a rate equal to the past two years average cost per linear foot of sidewalk construction plus 10%.

Jason Longsdorf, Public Works, noted that Denver has approximately 3,000 miles of street edge. Thirteen percent is lined with non-compliant sidewalks, and 6% has no sidewalk at all. Public Works has mapped areas throughout the City showing areas that should be detached sidewalks (bus routes) or attached sidewalks (see attachment). Parkways will no longer be decided on a case-by-case basis, but will now involve guidelines established by both Public Works and Parks & Recreation. Mr. Longsdorf noted the goals of the program include building sidewalks on every block in the City, to be fair and consistent with requirements of property owners and developers, and to comply with state and federal programs. The rules would clarify expectations about the trigger that would require a certain type of sidewalk. The intent is to utilize a building permit as a trigger for improvements of \$100,000 or more, but not over 10% of the project costs. The fee in lieu of constructing a sidewalk helps to equally distribute the burden of providing sidewalks between the homeowner and the City. Public Works could use the "fee" dollars to build sidewalks in priority areas.

Councilmember Brown stated that sidewalk money should stay in the districts where it is generated. Mr. Longsdorf noted that it is their plan to establish a budget with priorities that controls these costs and that builds a safe sidewalk environment. Part of that plan is to work with Council to achieve that and to assure that courts do not mandate costly actions. David Broadwell, City Attorney's Office, noted that in the 1990s ADA legislation impacted the City of Philadelphia requiring immediate standards to be in place for sidewalk and curb ramps that resulted in massive costs implemented by the courts. It was noted that in some areas of the City citizens do not want sidewalks, but Public Works staff stated if there are no sidewalks, where are the blind disabled and wheel-chaired citizens going to walk. Amy Mueller, Public Works, added there are also other competing values for sidewalks and adjacent parkways that must be considered as well such as bikes and bus stops/benches. Councilmember Robb agreed that the pedestrian environment is important and asked if a citywide sidewalk district was considered. A sidewalk district was considered and would mean changing the City's policies. In addition, a question was asked if a tax should be

posed for only 6% of the miles that do not have any sidewalk, stated Mr. Longsdorf. He noted it might be a better idea to suggest a tax for maintenance purposes. Councilmember Brown indicated he has a problem with taxing for sidewalks and thought it would be a difficult political proposal. Councilmember Hancock stated that fees along certain areas would make sense, but wants to make sure that the City is prepared with the implications and equity of the program. He is interested in INCs position on this proposal.

Mr. Longsdorf said the next steps include working out any final details of the plan, presenting the final rules and regulations to the Development Council, and to hold a public hearing and invite all RNOs. Public Works will make edits to the rules and regulations and maps based on the information it receives from the public. This also includes changes to any sidewalk inventory discrepancies. He encouraged all Councilmembers to provide feedback on the sidewalk policies.

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