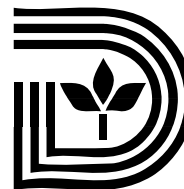


Memorandum



CITY OF DALLAS

DATE June 1, 2007
TO Honorable Mayor and Members of the City Council
SUBJECT Proposed Newsrack Program

On Wednesday, June 6, 2007 you will be briefed on the Proposed Newsrack Program. The briefing materials are attached.

Please let me know if additional information is required regarding this matter.

A.C. Gonzalez
Assistant City Manager

C: Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig Kinton, City Auditor
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
Charles W. Daniels, Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Dave K. Cook, Chief Financial Officer
Maria Alicia Garcia, Director, Office of Financial Services
Theresa O'Donnell, Director, Development Services
Gladys Bowens, Assistant Director, Development Services
Chandra Marshall-Henson, Assistant to the City Manager – Council Office

Proposed Newsrack Program

City Council Briefing

June 6, 2007



Purpose of Briefing

- To renew the discussion of a policy for the standardization and regulation of newsracks in the City, and
- To present details of the proposed ordinance developed for regulation of newsracks and its implementation

Goals of City

- Key focus areas of Public Safety and Quality of Life are supplemented by promoting viable and vibrant neighborhoods and improving the City's physical environment for a positive impact on safety
 - Reduction in clutter and blight
 - Uniformity of design and appearance
 - Consistency with other public improvement efforts
 - Enhance public safety
 - Ensure adequate access for pedestrians and ADA compliance
 - Ensure unobstructed access for emergency and public safety equipment and personnel

Background

- City Charter gives the City the authority to grant licenses for the use of public rights-of-way
- City has been issuing licenses for newsrack uses in the public right-of-way for over 50 years
- Enforcement to date has been voluntary compliance
- Some publishers have not consistently maintained updated or accurate information on their newsracks

Current Regulations

- Do not address design standards and have only minimal location criteria
- Set an annual fee of \$5.00 per newsrack to offset administrative costs

Current Regulations

- Grant individual licenses to publishers for newsracks where placement of such will not interfere with the public use
- State the terms and conditions of the license
 - Includes general terms for placement of newsracks, indemnification, insurance requirements, and an appeal process prior to the denial, removal or revocation of the license

Current Conditions

- Licenses for the installation of newsracks have been granted to approximately 26 publishers for a total of approximately 51 publications
- There are approximately 5,000 newsracks within the public rights-of-way, many concentrated in the Central Business District

Current Conditions of Newsracks

- Too many in certain areas, especially in downtown
- Poorly maintained and sometimes empty
- Impede pedestrian traffic and access to public transportation facilities
- Obstruct clear routes for emergency and public safety equipment and personnel
- Creates visual clutter
 - A variety of colors
 - Constructed from various materials
 - A variety of shapes and sizes
- Prone to displacement in high wind conditions

2007 View of Newsracks in Dallas

Westchester and Katie



San Jacinto and Harwood



2007 View of Newsracks in Dallas

Union Station



Elm and Ross



Program Development Process

- Standards and regulations proposed by the ordinance were developed using the best practices of other cities and reasonable regulations
- City Attorney, Real Estate and other city departments worked together to develop an ordinance
- Industry stakeholders were engaged in the process on 6 occasions
- The ordinance proposes a cost recovery–based fee for administration of the newsrack ordinance

Proposed Program Provisions

- Placement criteria for both individual racks and multi-box newsracks
- Multi-box newsrack zones
- Design criteria for individual racks
- Lottery process
- Cost of program implementation
- Phased implementation
- Implementation time-frame

Proposed Locational Requirements

- Establishes placement criteria to-
 - Preserve pedestrian access
 - Adequate sidewalk widths
 - ADA compliance
 - Visibility triangles
 - DART access and clearance
 - Emergency access and clearance

Proposed Locational Requirements

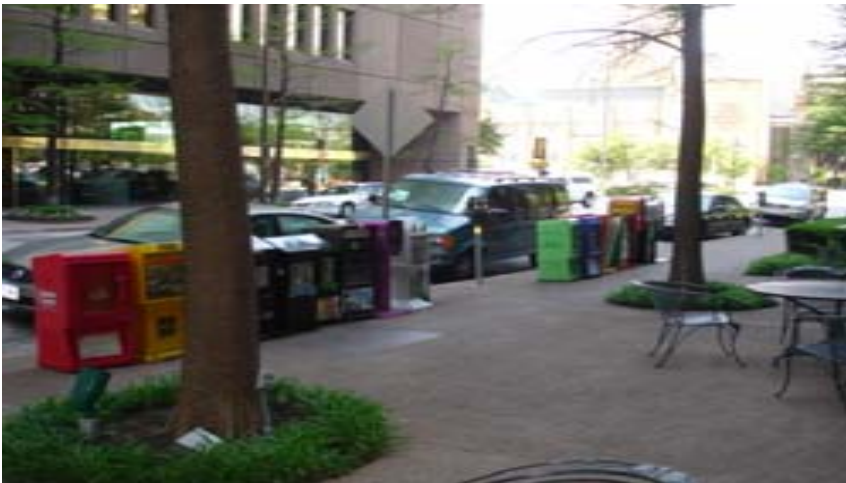
- Newsracks may not be located within:
 - 7' of a bus stop sign, bus stop bench or bus stop shelter
 - 3' of a fire hydrant, fire department inlet connection, fire protection system control valve, fire or police call box, traffic control signal box or other emergency facility
 - 3' of any mailbox, water feature, art, monument, planter kiosk, trash receptacle, drinking fountain, streetscape bench or parking meter
 - 3' of a bench, shelter, informational sign or ticketing equipment of a light rail system

Proposed Locational Requirements

- Newsracks may not be located within:
 - 5' of a curb face or pavement edge if the newsrack opens towards the curb face or pavement edge
 - 2' of a curb face or pavement edge, except when adjacent to no parking zones, then within 1.5' of curb face or pavement edge
 - 6' of a bicycle rack
 - 15' of the centerline of rail of any light rail system track
 - A sight visibility triangle
 - Any median, traffic island, crosswalk, alley, driveway or doorway

Proposed Locational Requirements - Issues

Harwood and Wenchell - Bryan Tower



- Compliance with visibility triangles and other proposed setbacks may necessitate newsracks be placed in the middle of the block rather than at the corner.

Proposed Locational Requirements - Issues

1600 Block of Elm Street



- Blockfaces in the CBD have many considerations such as streetscape elements, doorways, fire protection control valves, fire or police call boxes and driveways that will preclude the placement of any newsracks. For example, no newsracks would be allowed in these areas under the proposed ordinance

Multi-Box Newsrack Zone

- Defined area
 - Proliferation and clutter of newsracks exist
 - Established urban or neighborhood character
- Only multi-box newsracks will be permitted
- No individual racks within the zone

Multi-box Newsracks



Chicago



New York



San Francisco

Multi-box Newsrack Zones

- Publishers submitted individual lists of newsrack locations around the city in January; approximately 5,000 individual newsracks currently exist
- These locations have been identified in a GIS database and sorted to reveal locations and concentrations
- Staff has identified potentially 180 sites where concentrations of 8 or more newsracks exist
- Lion's share of these sites (approx 120) are located within Downtown
(Approximately 1200 individual boxes in Downtown alone.)
- Multi-box newsrack zones will be identified and assessed in collaboration with each district Council office

Multi-box Newsrack Zones

- Multi-box newsrack zones may include areas such as Victory, West Village, Fair Park, Uptown, Casa Linda, Lake Highlands, Southwest Center Mall, Bishop Arts, Swiss Avenue/Lakewood, Lower Greenville, Coit/Spring Valley, Singleton/Sylvan, Buckner Terrace Frankford/Preston, Martin Luther King Boulevard, etc.
- Additional zones may be established in any area of the City where a concentration of 8+ newsracks exist on a blockface and an established urban/neighborhood character exists by either -
 - Initiation by Council
 - Petition by 40+% of the publishers

Multi-box Newsrack Zones

- Establishment of multi-box newsrack zones
 - Council identifies specific area, or
 - Publishers petition the Council
 - Notice given to publishers and property owners
 - Council passes resolution establishing new zone
 - Newsrack ordinance amended to include new zone
 - Individual newsracks will no longer be permitted in the new zone

Design Criteria for Individual Units

- Specific model or equivalent for individual units to establish uniformity in
 - Size
 - Shape
 - Color
 - Material

Individual Newsrack Units



Lottery Process

- In some instances, locational provisions will result in there being more demand for newsrack spaces than available locations
- In these instances, a lottery will allocate the available spaces to publishers who submit applications
- Preference will be given to frequency of publication and grandfathered locations
- Lotteries will be conducted on an as-needed basis

Implementation Costs

3 Options

1. Vendor installed multi-box newsrack
2. City installed
 - Complete multi-box newsrack
3. City installed
 - Frame-only multi-box newsrack

Vendor Installed Multi-box Newsrack

| <i>Multi-box Newsrack</i> | <i>Installed Costs per Multi-box Newsrack</i> | <i>*Costs to Publishers per box per year</i> | <i>** Costs to City</i> |
|----------------------------------|--|---|--------------------------------|
| 8 boxes | \$3,500 | -0- | -0- |
| 6 boxes | \$3,200 | -0- | -0- |
| 4 boxes | \$2,700 | -0- | -0- |
| 2 boxes | \$2,200 | -0- | -0- |

*Vendor recoups investment through advertisement

** Possible revenue enhancement opportunities

Vendor Installed Multi-box Newsrack Costs

Cost of outsourcing to vendor

- No charge to the city, possible revenue opportunities
- No charge to publishers
- Vendor recoups costs through advertising on unit

Vendor maintains newsracks (minus coin operated equipment expense)

Increased costs for administrative and license fee not reflected

City Installed-Complete Multi-box Newsrack

| <i>Multi-box Newsrack</i> | <i>Installed Costs per Multi-box Newsrack</i> | <i>*Costs to Publishers per box per year</i> | <i>Annual maintenance fee per box</i> |
|--------------------------------------|--|---|--|
| 8 boxes | \$4,200 | \$105.00 | \$9.00 |
| 6 boxes | \$3,700 | \$123.00 | \$12.00 |
| 4 boxes | \$3,200 | \$160.00 | \$18.00 |
| | | | |

* 5 year amortization of multi-box new racks

Annual Maintenance Fee

- Services included for annual maintenance fee
 - * monthly inspections
 - * graffiti removal
 - * paint touch-up
 - * bolt tightening and minimal maintenance
- Fee does not include
 - Annual administrative fee or license fee increases
 - Major repairs or replacement of damaged equipment
 - Repairs to coin operated devices

Example of costs for Multi-box Newsracks in CBD

- Estimated need for 120 8-box units and 60 4-box units
 - 120 units X \$4,200 ea. = \$504,000
 - 60 units X \$3,200 ea. = \$192,000
- Total cost = \$696,000*

*(* \$450,000 available from CBS contract additional \$246,000 needed from General Fund)*

City Installed

Frame-only Multi-box Newsrack

| <i>Multi-box Frame –only newsrack</i> | <i>Installed costs for frame –only newsrack</i> | <i>Costs to Publishers per box (boxes insert into frame)</i> | <i>*Annual service fee per box</i> |
|--|--|---|---|
| 8 | \$1,900 | \$300 | \$56.50 |
| 6 | \$1,500 | \$300 | \$62.00 |
| 4 | \$1,250 | \$300 | \$80.50 |
| | | | |

* Costs include annual maintenance fee and pro-rata frame costs

Costs and services covered by Annual Service fee

- Pro-rata share of frame-only multi-box newsrack (amortized over 5 years)
- Annual maintenance services as outlined previously
- Annual maintenance fee does not include increased administrative and license fee

Example of costs for Frame only Multi-box Newsracks in CBD

- Estimated need for 120 8-box frame units and 60 4-box frame units
 - 120 units X \$1,900 ea. = \$228,000
 - 60 units X \$1,250 ea. = \$75,000
- Total cost = \$303,000*

(* \$450,000 available from CBS contract)

City-wide Implementation of Newsrack Program

Start-up for Multi-box Newsrack Zones

- Work with district Council offices to identify potential zones
- Workshop with publishers to provide information and assistance on multi-box zones
- Conduct site visits to determine urban/neighborhood character and appropriate boundaries
- Conduct public hearings and amend ordinance
- Assess appropriate number of multi-box newsracks per zone
- Conduct lotteries
- Acquire and install multi-box newsracks
- Issue licenses and decals

City-wide Implementation of Newsrack Program

Start-up for individual standardized newsracks

- Workshop with publishers to provide information and assistance on locational criteria
- Publishers must submit accurate list of locations for all existing newsrack sites
- Build GIS database of all locations
- Conduct site inventories to determine acceptable locations
- Conduct lotteries to allocate spaces
- Publishers must acquire new standardized newracks (5,000 citywide)
- Issue licenses and decals
- Begin enforcement

Challenges to implementing program city-wide

- Dallas has approximately 3,525 miles of streets
- Roughly 3,400 blockfaces must be surveyed and assessed for acceptable locations. Locations must be mapped. (estimated 6 FTEs working 6 months full-time)
- A minimum of 6,800 lotteries must be conducted. (estimated 1 year to conduct all the necessary lotteries)
- Number and cost of Multi-box newsracks needed on a city-wide programs is unknown at this time. However costs for CBD only can be estimated between \$696,000 and \$303,000

Challenges to implementing program city-wide

- Providing Multi-box units in the remainder of the City will range from \$189,000 to \$444,000 at a minimum to address blockfaces with clusters of 8 or more newsracks
- Additional costs will be determined by the number and extent of multi-box newrack zones established within each Council district

Proposed Program Implementation

Pros and Cons

- Advantages

- Standardization of newsracks on public property
- Provides for the use of multi-box newsracks in areas where proliferation of newsracks exist
- Public safety enhanced
- Uniformity and consistency of appearance
- Program costs to be fully-recovered

Proposed Ordinance

- Disadvantages

- Increased costs to publishers associated with buying new individual racks or paying additional costs associated with multi-box newsracks.
- Multi-box newsrack zone could usurp these expenditures
- Complaints from publishers who can no longer use non-uniform racks
- Publisher may have to increase publication costs to cover costs of standardized newsracks
- Delayed implementation or providing appreciable enhancement in newsrack regulation
- Little time to adjust to unforeseen difficulties
- May require significant costs to city that are undetermined at this time

Proposed Program Implementation

- An alternative to City-wide implementation is a phased implementation approach

Phased Implementation Approach

- Provides for a phased implementation to achieve all the Council goals within a 3 year time-frame
- Phased approach allows smooth transition period for publishers to absorb costs and adjust inventory
- Transition period accommodates sufficient time to purchase and install equipment and conduct lotteries

Phased Implementation Approach

- **Phase I - immediately**
 - Implement multi-box zone in expanded CBD area
 - Implement locational criteria city-wide in self-policing manner
- **Phase II - 2008**
 - Identification and assessment of additional multi-box zones in other areas of the city
- **Phase III - 2009**
 - Implement multi-box zones in other parts of the city as budget allows
 - Implement design standards city-wide

Expanded CBD area



Example of costs for Multi-box Newsracks in expanded CBD area

- Estimated need for 138 8-box units and 93 4-box units
 - 138 units X \$1,900 ea. = \$262,200
 - 93 units X \$1,250 ea. = \$116,250
- Total cost = \$378,450*

(* \$450,000 available from CBS contract)

Phased Implementation Program

- Upon ordinance approval, it will require collaboration with publishers to ensure success
 - Start up for multiple-box newsrack zone in CBD
 - Conduct individual site visits and work with the publishers to locate units
 - Acquisition and installation of appropriate number of multi-box newsracks
 - Lottery of available newsrack space
 - Issuance of licenses and decals
 - Start up for individual newsracks citywide
 - Workshop with publishers to provide information and assistance on locational criteria
 - Issuance of licenses
 - Site inspections for compliance with locational criteria

Phased Implementation Program

- Implementation of additional multi-box newsrack zones throughout the City as budget allows beginning in October 2008

Phased Implementation Program

- **October 1, 2009**
 - Compliance with standards for individual newsracks relating to color, logo requirements and materials required by all publishers
 - Inspection of newsracks and decals for compliance with remaining requirements
 - Address outstanding enforcement issues

Staff Recommendation

- Implement Phased Implementation Program to show immediate action
- Staff will further develop implementation program and prepare ordinance for council consideration
- Staff will convene a follow-up meeting with publishers to negotiate final ordinance provisions
- Schedule ordinance for City Council action on the ***June 20, 2007*** agenda

Legal Considerations

- Executive session discussion with City Attorney's Office on legal matters

