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 Neighborhoods 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
    - Aesthetically pleasing
  - Reduction in the proliferation of unregulated newsracks
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
- Previous efforts to restrict newsrack placement and design have been resisted by industry stakeholders
- Enforcement to date has been voluntary compliance
- Publishers have not consistently maintained updated or accurate information on their newsracks
Current Regulations

• Do not address design standards and have only minimum location criteria
• Set an annual fee of $5.00 per news rack 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 removal or revocation of the license.
Current Conditions

• Licenses for the installation of newsracks have been granted to approximately 28 publishers for a total of approximately 53 publications

• There are approximately 3,551 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
- Many are empty throughout the city
- Unattractive
  - A variety of colors
  - Constructed from plastic as well as metal
- Inconsistent height and width
2006 View of Newsracks in Dallas

Westchester and Luther Lane - 11 newsracks
2006 View of Newsracks in Dallas

Fisher road and Medallion Center - 12 newsracks
2006 View of Newsracks in Dallas

Cedar Springs and Throckmorton - 16 newsracks
2006 View of Newsracks in Dallas

Market Street and Ross Avenue  18 newsracks
2006 View of Newsracks in Downtown Dallas

Reunion Boulevard and Houston - 7 newsracks
2006 View of Newsracks in Downtown Dallas

Young and Record Streets (DMN Building) - 25 newsracks
Ordinance Development Process

- Standards and regulations proposed by the ordinance were developed using the best practices of other cities
- City Attorney, Real Estate and other city departments worked together to develop an ordinance that is defensible and able to withstand legal challenge
- Industry stakeholders were engaged in the process on 3 occasions
- The ordinance proposes a cost recovery-based fee for administration of newsrack ordinance
City Comparisons

• 14 cities were surveyed
  - 9 of the cities had regulations
  - 7 of the cities charged administrative fees
  - 4 of the cities created specific districts for implementation of design criteria for newsracks based upon studies or findings of a public necessity - safety and welfare, appearance of sidewalks and city in general
Proposed Ordinance Provisions

• Provides for standardization of newsracks on public property for uniformity and consistency
  - Requires metal materials
  - Requires same color - glossy black
• Limits the number of newsracks to 8 in any one group with separation between groups
• Provides a method (lottery) for allocating newsracks when the number of newsracks at any one location exceeds the number allowed
• Provides for license agreements to be issued administratively
Proposed Ordinance Provisions

- Provides City Council flexibility of establishing multiple newsrack unit zones with a public hearing
  - City to provide multiple newsrack units at its expense
- Requires the placement of decals on newsracks for quick identification and enforcement
- All license agreements will expire annually on January 1 of each year unless renewed
- Increases license fee from $5 to $15 per newsrack
- Provides a $500 per day penalty for violators
Proposed Ordinance Provisions

- Newsracks may not be located within:
  - 5’ of a bus stop, bench, shelter, fire hydrant, fire or police call box, other emergency facility, or exit door
  - 2’ of a curb face or pavement edge, except when adjacent to no parking zones, then within 1’ of curb face or pavement edge
  - 3’ on either side of any mailbox, water feature, art, monument or planter
  - 15’ of an intersection curb return
  - Any median or traffic island
  - Newsracks are to conform to certain design standards
Multiple Newsracks

Chicago

New York

San Francisco
Proposed Ordinance Provisions

- Implementation phased - licensees must comply with logo requirements, color and materials by January 1, 2008
  - Program implementation to begin in December 2006
  - Multiple zone district(s) established by April 2007
- Establishes standards for installation, operation, maintenance and size of newsracks
- Establishes location requirements to preserve adequate sidewalk widths, handicap access, visibility triangles, bus stops, fire hydrants, etc.
- Publishers to provide own newsracks
- Publishers may use the newsrack provider of their choice
Proposed Ordinance

• Advantages
  - Program costs to be provided through license fees
  - Publishers not limited to any one newsrack provider
  - Standardization of newsracks on public property
  - Uniformity and consistency of appearance
  - Allows flexibility of multiple unit newsracks at no cost to the publisher
  - Implementation will be phased in for a smooth transition
Proposed Ordinance

• Disadvantages
  - Increased costs to publishers associated with buying new racks
  - Complaints from publishers who can no longer use individualized racks
  - Publisher may have to increase publication costs to cover costs of standardized newsracks
Next Steps

• Scheduled for the December 13, 2006 agenda
Program Implementation

• If approved, will require:
  - Administration and management of the newsrack licenses
  - Periodic inspections of sites
  - A liaison with Code Compliance for enforcement issues
  - Management of decals for newsracks
  - Annual renewal of existing newsrack agreements and the granting of new agreements
Program Implementation

- December 18, 2006
  - Ordinance becomes effective for new requests
  - Post application for Newsrack License Agreement on Real Estate website
  - Send applications to all publishers with existing licenses
  - Publishers begin submitting requests for license agreements
Program Implementation

- January 2007
  - Real Estate completes preparation of license agreements for all publishers who have applied
  - Decals issued for each individual newsrack
  - Lotteries held for newsrack location or relocation and multiple newsrack units, if necessary

- February 2007
  - Database updated to track newsracks and their locations as set out in application
  - Link of database to GIS, if possible
Program Implementation

- March, April, May 2007
  - Inspection of newsracks and decals for compliance
  - Notices to all non-compliant publishers
  - Referral of all non-compliant publishers to Code Enforcement
  - Multiple newsrack unit zone created for core downtown area
    - Funding for multiple units to be provided through kiosk contract
    - Review of program costs

- September, October, November 2007
  - Re-inspection of newsracks and decals for compliance
  - Address enforcement issues

- January 2008
  - Compliance with standards for color, logo requirements and materials required by all publishers
APPENDIX

Survey of other cities
# Other Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Regulation/Fee/Type</th>
<th>Districts</th>
<th>Lawsuit/Outcome</th>
<th>Permit required</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salt Lake City</td>
<td>Yes, $5/rack/yr, racks</td>
<td>Yes</td>
<td>Yes, by USA Today regarding color</td>
<td>Yes</td>
<td>Indemnity, insurance &amp; location map required, no advertising, logo ok, appeal to Mayor. Lawsuit resolved by city offering kiosks</td>
</tr>
<tr>
<td>San Francisco</td>
<td>Yes, $30/unit/yr, pedestal</td>
<td>Yes, commercial</td>
<td>Yes, prevailed</td>
<td></td>
<td>Pedestals by vendor at no cost to city. Advertising allowed to offset vendor costs, 2 employees administer &amp; regulate</td>
</tr>
<tr>
<td>San Antonio</td>
<td>Yes, $10/rack/yr pedestal/shelf</td>
<td>Yes, CBD only</td>
<td>Yes</td>
<td></td>
<td>City supplies pedestal, publication supplies rack. No fees/regulations outside CBD</td>
</tr>
<tr>
<td>Houston</td>
<td>Yes, $15/coin-op rack only/yr</td>
<td></td>
<td>Decal is issued</td>
<td></td>
<td>Decal evidences taxes paid. No fee for non-coin-op racks, no insurance or maintenance agreements</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>Yes, $10/rack for 50, over 50 - $750-$1500 flat fee, corrals</td>
<td>Yes, pilot program - CBD</td>
<td>No</td>
<td></td>
<td>Pilot program to regulate clutter, appearance and placement</td>
</tr>
<tr>
<td>Austin</td>
<td>None, None, racks must be Essex Green in CBD</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Liability insurance required</td>
</tr>
<tr>
<td>Fort Worth</td>
<td>None, None, None</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>News racks unregulated at this time</td>
</tr>
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<tr>
<td>New York</td>
<td>Yes/None/Racks</td>
<td>None</td>
<td></td>
<td></td>
<td>Regulates size, placement &amp; repair. Requires indemnity and insurance as well as an appeal process</td>
</tr>
<tr>
<td>Cincinnati</td>
<td>None/None/Racks</td>
<td>None</td>
<td>Yes, lost at the State supreme court level</td>
<td>No</td>
<td>Newsrack Coalition, headed by the major publisher, polices itself working closely with the city</td>
</tr>
<tr>
<td>Baltimore</td>
<td>None/$15 box/yr</td>
<td>None</td>
<td></td>
<td></td>
<td>Vendor supplies boxes and must display vendor’s name and address on box</td>
</tr>
<tr>
<td>Portland</td>
<td>None/None/racks</td>
<td>None</td>
<td></td>
<td>No</td>
<td>Follows a Salem court ruling which asserts that print media are protected by the first amendment</td>
</tr>
<tr>
<td>Seattle</td>
<td>Yes/None/racks</td>
<td>None</td>
<td></td>
<td>No</td>
<td>Guidelines in city charter, placement limitations</td>
</tr>
<tr>
<td>Memphis</td>
<td>Minimum/None/racks</td>
<td>None</td>
<td>Yes, 10 years ago</td>
<td>No</td>
<td>Court ruling upheld newspaper’s first amendment rights. They do regulate the placement of racks to ensure safe pedestrian and vehicular traffic</td>
</tr>
<tr>
<td>Boston</td>
<td>Yes/one time fee of $150 for certificate of compliance</td>
<td></td>
<td>Yes, Sticker</td>
<td></td>
<td>1996 ordinance - standards for installation and placement</td>
</tr>
</tbody>
</table>