

GENERAL POLICY AND PROCEDURE

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF DESIGN AND CONSTRUCTION
CITY OF COLUMBUS, OHIO

SUBJECT: Basement Vaults in the Right-of-Way for Private Use

EFFECTIVE DATE: March 28, 2016

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I. **PURPOSE:** The purpose of this policy is to establish procedures when private underground spaces located in the public right of way affect public projects or other public functions.

II. **APPLICABILITY:** The provisions of this policy shall apply and are limited to all areas of public right-of-way, but shall not apply to utility facilities maintained in public right of way pursuant to Section 910 of the city codes.

III. **BACKGROUND:** The city of Columbus in the early 20th century, per ordinance 21.592 passed February 8, 1904, allowed the practice to place underground space in the right of way for private use. Often these spaces are exclusively under the sidewalk areas and contain utilities, storage, or other private use such as offices. As public projects take place in the right-of-way, in order to meet specific requirements such as the American with Disabilities Act, the task often dictates that all or a portion of these vaults are filled. Other streetscape projects may entail replacing curb or adding streetscape amenities. In preparation for a project, arrangements must be made to partition off and fill in the basement vault in accordance with Ordinance No. 21.592 (Exhibit A), and Columbus City Code Section §4123.29 Space below sidewalk which states:

“The space adjoining a building below a sidewalk on public property may be used and occupied in connection with the building for any purpose not inconsistent with this building code or other laws or ordinances regulating the use and occupancy of such space on condition that the right to use and occupy may be revoked by the city at any time and that the owner of the building shall construct the necessary walls and footing to separate such space from the building and pay all costs and expenses attendant therewith. A permit for use of such space shall be obtained from the director of public service.”

IV. PROCEDURE:

A. General

Filling the basement vaults and removing the utilities are the responsibility of the property owner as described in city code. The city may elect to fill the vault as a function of a project; if so, any work agreement necessary to perform this must be provided by the property owner. However, if the city determines that the project can be performed without interference due to the vault, the city may not require the vault to be sealed off and filled in as long as:

1. The property owner provides the city with a letter or structural plan as applicable, signed and sealed by a professional engineer registered in the State of Ohio, which states that the vault and its ceiling are safe and structurally stable in light of

the anticipated work or otherwise. All vaults must at a minimum be designed for highway or H-20 loading (Design according to sample plan sheets on city Public Service Department website).

2. After step 1 is complete, the property owner arranges to obtain an encroachment easement. (See example exhibit B).
3. If the work must take place before the encroachment easement is executed, the city requires a letter acknowledging that the property owner agrees to indemnify and hold harmless the city and take full responsibility for any claims, liabilities, or damages relating in any matter to an alleged deficiency with the vault. (See example exhibit C).

The City Public Service Department, City Engineer/Administrator of Design and Construction must receive these items above in order for the project to be performed without delay. In the event the vault remains, because the city will not be responsible for any damage to property in the vault, including but not limited to any water damage, it is advisable for the property owner to consider installing a waterproof membrane above the vault. Ultimately, the city retains the right to run utilities through and/or remove the vault anytime it is necessary.

B. New Building Construction or Renovation

1. When a building with a basement vault is being redeveloped, often it is required to remove all or a portion of the vault as a part of the work. The proposed work must be shown on all plans submitted to the city for review.
2. Additionally, as a part of the work, no new private utilities or other items may be included without updating the permit or plans for the items placed in the right-of-way.
3. If approved to remain, a maintenance agreement will be required depending upon the use of the vault.

C. City of Columbus Capital Improvement Projects

1. In the event the city has a capital improvement project, the city project manager, consultant, or contractor will attempt to contact the property owner and or occupant to assess if there is a basement vault and what sort of work is most appropriate.
2. The city may elect to fill the vault as a part of the project, and will notify the property owner of requirements and/or options.

D. Notice of Violations

1. In the event a vault becomes unsafe to the general public for any reason, it is the responsibility of the property owner to take immediate remedial action to restore public access.
2. If a property owner has allowed the basement/vault of their building to deteriorate, which could also cause the deterioration of the sidewalk or other streetscape items above it, the City Building and Zoning Services may issue an Order requiring the owner to fix the basement, which would also include fixing the sidewalk or other items.

V. NOTIFICATIONS AND APPEAL PROCESS:

A. Exceptions can only be made upon the approval of the Public Service Director.

B. Following are steps to take and information required in order to appeal a decision:

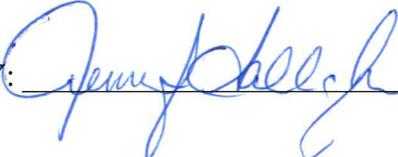
1. Provide a copy of the original letters/plans sent to the City Engineer
2. Provide a copy of the written denial
3. Provide a written statement of why an appeal should be considered and the hardship placed on the applicant by the denial, revocation or restrictions of the permit.
4. Answers to the appeals shall be given, in writing, within 14 business days from the date of receipt.

VI. EXHIBITS (attachments):

A. Ordinance No. 21.592

B. Encroachment Easement

C. Letter of Indemnification

APPROVED BY:  Director

3-17-16 Date