GENERAL RULES AND REGULATIONS
DEPARTMENT OF PUBLIC SERVICE
TRANSPORTATION DIVISION
CITY OF COLUMBUS, OHIO

Subject: Pay Telephones Within the Public Rights-Of-Way  Effective Date: December 9, 2005

RULES: No person shall place a pay telephone in, on, under, or over any public rights-of-way within the City of Columbus unless such person first obtains a Right-of-Way Permit, a site specific Street Excavation/Occupancy Permit, and conforms with the requirements of Chapters 903 and 910 of Columbus City Code, including the General Rules and Regulations associated with Chapters 903 and 910 of Columbus City Code; and these Rules and Regulations.

No dial tone provider shall provide dial tone to any pay telephone within the public right-of-way without first verifying that the pay telephone has been permitted by the City pursuant to these rules and regulations. Upon receipt of written notice from the Director of Public Service, or Transportation Division Administrator, that the City’s permission for placement of an outdoor pay telephone has been denied or revoked, the dial tone provider shall immediately disconnect said service.

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REGULATIONS

1 General Provisions

1.1 Authority: Section 910.10 of Columbus City Code authorizes the Director to promulgate rules and regulations relative to the requirements for obtaining and maintaining a Right-of-Way Permit from the City of Columbus. Section 903.02 of Columbus City Code authorizes the Transportation Administrator to promulgate rules and regulations relative to the requirements for obtaining Street Excavation /Occupancy Permits.

These rules and regulations shall be considered supplemental rules and regulations to both Chapters 903 and 910 of Columbus City Code, and shall specifically provide additional requirements associated with the placement, maintenance, and removal of pay telephones within the public rights-of-way of the City of Columbus.

1.2 Definitions: In addition to the definitions provided within Section 910.01 of Columbus City Code the Director of Public Service may occasionally find it necessary to define terms for the purpose of clarification. Additional definitions, as they apply to these Rules and Regulations, include the following:

"Days" shall refer to calendar days. In the event a due date falls upon a weekend or City holiday, then such date shall be extended to the next day of business.

"Director" shall refer to the Director of Public Service for the City of Columbus.

"Illegally Placed Existing Pay Telephones" shall refer to all pay telephones existing within Columbus public rights-of-way that were placed without having obtained previous or subsequent agreement and/or permit to do so from the City of Columbus.

"Legally Placed Existing Pay Telephone" shall refer to those pay telephones lawfully installed within Columbus public rights-of-way by way of previous agreement with, and/or permit from, the City of Columbus that pre-dates the effective date of these rules and regulations. This shall include pay telephones installed within Columbus public rights-of-way by the Ohio Bell Telephone Company, and/or its successors, in accordance with pay telephone agreements authorized by City of Columbus Ordinance Number 1416-64.

"Pay Telephone" shall refer to any self-service, coin-operated or credit card-operated telephone within the City of Columbus that is available for use by the general public, is located within public rights-of-way, is free standing, attached to a wall, or on a pedestal, or is outside and in a booth or sheltered by a kiosk. For the purpose of these rules and regulations it shall also apply to any pay telephone that is attached to, or mounted on, a building or other structure where such pay telephone extends above or into the public right-of-way, or is placed in such fashion that it’s users would commonly stand within and occupy the public right-of-way.

"Pay Telephone Service Provider" shall refer to any person, firm, or corporation that owns pay telephones or manages and operates a business that directly provides pay telephone services.
"Special Telephone Service Features" shall include the blocking of incoming calls to a telephone, telephones that do not permit "touch tone" dialing, restricting coin access to a telephone during late evening and night hours, and such other service features as are required by the Director of Public Service.

1.3 Purpose: The Public Service Director has determined that illicit drug activity and other criminal and/or disruptive behavior commonly occurs on a continuing basis in the vicinity of certain pay telephones and that such activities are often facilitated by the use of such telephones. The Director further finds and declares that these uses of pay telephones constitute a public nuisance necessitating the regulation of the placement of pay telephones within public rights-of-way in order to discourage these activities and to promote the welfare and convenience of the general public.

These Rules and Regulations are intended to regulate the placement of pay telephones within the public right-of-way, for the purposes of deterring loitering, avoiding circumstances which encourage the potential for loud and boisterous behavior by congregating persons, minimizing any interference with pedestrian or vehicular traffic, preventing the undue proliferation of pay telephones throughout the city, ensuring aesthetic cohesiveness, preserving the city's historic areas and maintaining the general health, safety, peace and tranquility of the city. These rules and regulations are also intended to establish appropriate procedures for the removal of pay telephones considered to be a nuisance by the City of Columbus.

1.4 Types of Permits Required: Persons wishing to place pay telephones, within the public rights-of-way of the City of Columbus shall first apply for and obtain a Right-of-Way Permit from the Director in accordance with Chapter 910 of Columbus City Code, including all associated rules and regulations.

After having obtained a Right-of-Way Permit the applicant shall be required to apply for and obtain a site specific Street Excavation/Occupancy Permit from the Transportation Division Administrator for each location proposed for placement of a pay telephone within public rights-of-way in accordance with Chapter 903 of Columbus City Code, including all associated rules and regulations. This same requirement shall apply to each illegally placed existing pay telephone within the public right-of-way.

2. Obligations of Right-of-Way Permittees: In addition to the requirements of Section 910.06 of Columbus City Code, an applicant seeking a R/W Permit for the purpose of installing and maintaining pay telephones within the public right-of-way shall comply with the following requirements:

1. Install and maintain their pay telephones in compliance with the following requirements:
   
   • Pay telephones shall be constructed for the purpose of providing service to pedestrians only.
   
   • Pay telephones shall be located such that they are accessible from a public sidewalk, or other paved public pedestrian pathway. Proposed pay telephone locations accessible only by traversing unpaved public rights-of-way, and/or private property shall not be allowed.
• Pay telephones shall be constructed in a location and/or manner preventing their use by the occupant of any vehicle which is prohibited from the public sidewalk.

• Pay telephones shall be secured so as to prevent toppling.

• Pay telephones shall be located as far removed from the public roadway as existing right-of-way limits and/or sidewalk locations allow. They shall be placed such that their user is standing on existing public sidewalk, or an additional concrete pad provided for such purpose.

• Pay telephones shall be capable of being programmed to be inoperative for designated periods of time, with the exception of 911 emergency calls; shall be capable of being converted to one way service, thereby blocking all incoming calls; shall be capable of being programmed to provide lists of each outgoing call as to the number called, its duration, and the date and time of the call; shall have built in volume control; and shall have a key pad that prevents the use of pagers or beepers.

• Pay telephones shall allow a "direct dial" of 911 without the need to first use a coin or a credit card or the need to dial the operator;

• Pay telephones shall have a functioning coin return mechanism;

• Pay telephones shall be maintained in a properly functioning, clean, neat, damage free, and attractive condition, free of rust, graffiti, and stickers not placed by the owner, and free of danger of electrical shock;

• Pay telephones shall not be used for advertising signs or publicity of any sort;

• Pay telephones shall allow police officers to make calls to their dispatcher at any time without cost.

• Pay telephones shall be well lighted, either directly or by ambient light, in such a manner as to assist in the safe and easy use of said telephone.

2. Upon written request by the Director, or the Director of Public Safety, or their designee, the pay telephone provider shall submit a copy of complete and accurate books and records, including maintenance and repair history, and including a compilation of all incoming and outgoing call quantities by date and hour of the day for each pay telephone designated within said request.

3. Within thirty (30) days after the installation of a pay telephone, the outdoor pay telephone provider shall submit the following detailed information relative to each installation to the Transportation Division Administrator:

• Type of installation, e.g. pedestal mount, wall mount, booth, etc

• Telephone number for that public pay telephone
• A description of services provided to users of the public pay telephone, including any special telephone features that have been activated at this location.

• Any identification number utilized by the pay telephone provider to identify said telephone

The owner shall promptly notify the Transportation Administrator in writing of any changes to this information as they occur.

4. Shall remove any pay telephone installation that is found to be a cause of public nuisance by the Director or Public Safety Director, and return the area where said pay telephone was removed to its original condition.

5. Shall implement or install special telephone service features on their pay telephones if requested to do so by the Director or the Director of Public Safety.

2.1 Prohibited Locations: No pay telephone shall be installed, located, or maintained within the prohibited public right-of-way locations described herein:

• Pay telephones shall not be placed in a location such that it and/or its user restricts available sidewalk width to a dimension of less than seven (7) feet on arterial roadways and six (6) feet on all others.

• Pay Telephones shall not be placed such that it is located to the front, rear, or side of a property with a residential zoning classification, or within a one hundred (100) foot radius thereto.

• Pay telephones shall not be placed within five hundred (500) feet of any location that has been determined by the Director to create a nuisance based upon prior actual use.

• Pay telephones shall not be placed or installed within five hundred (500) feet of any other pay telephone that is visible from the proposed site, whether that other pay telephone is located on private property or within the public right-of-way.

A pay telephone provider may apply in writing to the Director for an exemption from the five hundred (500) feet restriction to place multiple outdoor pay telephones at one location, due to a demonstrated appropriate use or need for additional pay telephones as a result of a high level of pedestrian traffic, and a concentration of heavy usage of pay telephones at that location.

Legally placed existing pay telephones shall initially be considered exempt from the location prohibitions described above. However, those existing pay telephones may be ordered removed if later determined to be a public nuisance. If such determination is made, they shall be provided notice in accordance with Section 5, Director's Orders, of these rules and regulations.
3. Conditions of Permits

3.1 Permit Application Requirements

3.1.1 Right-of-Way Permits: In addition to the requirements of Section 910.04 of Columbus City Code, and the General Rules and Regulations associated thereto, an applicant seeking a Right-of-Way Permit for the purpose of installing and/or maintaining outdoor pay telephones within the public right-of-way shall provide the following additional information at the time of application.

- A statement certifying that all existing and/or proposed pay telephones are, or shall be, installed and/or maintained in accordance with all relevant city, state, and federal laws, rules and regulations, including those contained herein.

- A statement certifying the applicant's willingness to provide pay telephones that are capable of providing special telephone service features designed to reduce criminal activity. This statement shall attest to the applicant's willingness to replace any pay telephone that is incapable of providing these special features with one that is should an order to do so be given by the Director.

- A statement certifying the existence of a maintenance, inspection, and repair plan for all pay telephone installations within public rights-of-way.

- Persons with existing pay telephones within the public right-of-way that do not currently hold a valid Right-of-Way Permit in accordance with Chapter 910 of Columbus City Code shall submit a detailed list or map showing the location of their existing facilities.

- Persons believing their existing pay telephone facilities were legally placed within the public right-of-way shall submit evidence to support their claim.

(The lack of a valid Right-of-Way Permit, and/or previous agreement with the City including a valid Street Excavation/Occupancy Permit, shall constitute prima facie evidence that the telephones are illegally placed in the public Right-of-Way. The Director shall evaluate the evidence presented and determine whether the existing pay telephones are legally placed.)

3.1.2 Street Excavation/Occupancy Permits: In addition to the requirements of Chapter 903 of Columbus City Code, and the General Rules and Regulations associated thereto, an applicant seeking a Street Excavation/Occupancy Permit for the purpose of installing pay telephones within the public right-of-way, and/or an applicant seeking to obtain a Street Excavation/Occupancy Permit for the purpose of obtaining the Transportation Division Administrator's approval for an illegally placed existing pay telephone to remain in place, shall provide the following additional information at the time of application:

- The name of the associated pay telephone provider
• Details on the proposed method of securing pay telephones from toppling or being toppled.

• A written statement that no other existing pay telephones, within a radius of five hundred (500) feet, are visible from the proposed installation site, whether located on public or private property.

• A detailed plot plan for each pay telephone location proposed within the public right-of-way. This plot plan shall be drawn to a standard engineering scale with all existing ground level and above ground features accurately portrayed as to the size and type of feature described. This shall include items such as existing signs, curb ramps, marked cross walks, curbs, sidewalks, trees and tree wells, utility poles, parking meters, benches, bus shelters, manholes, vault lids, grates, pull boxes, news racks, etc. Also to be shown is the location, dimension, and footprint of the proposed outdoor pay telephone, proposed position of payphone user, connecting service cables or wires (denoted as overhead or underground), and their relationship with other features, including the existing right-of-way line. Where proposed pay telephone features approach within five (5) feet of the minimum clearance requirements described within section 3.1.2.1 of this document, the applicant shall dimension said clearance upon their plot plan.

• In areas of the City having a commission with architectural review powers established by City Council, the applicant shall obtain and submit a Certificate of Appropriateness from said Commission for each proposed site within the Commission’s jurisdiction as a part of their Street Excavation Permit applications.

Street Excavation/Occupancy Permit applications for the purpose of installing pay telephones shall be considered on a first come first served basis. If a permit is issued and the pay telephone has not been installed within sixty (60) days of permit issuance date, that permit shall be deemed null and void, and no extension shall be granted. The applicant may then re-apply, but their application will only be considered after all those applications received prior to that time.

Pay telephone providers shall obtain a Street Excavation/Occupancy Permit prior to the removal of an existing pay telephone. The area where the pay telephone was removed shall at minimum be returned to its previous condition.

3.1.2.1 Site Location Clearance Requirements: Pay telephones and the space necessary for their use by the public shall be subject to the following site location requirements:

• Shall not be placed in a location such that the pay telephone and/or its user restricts available sidewalk width to a dimension of less than seven (7) feet on arterial roadways or six (6) feet on all other roadways. These restrictions include spot location distances from all existing above ground features on, within, or above the sidewalk.
• Shall not be placed in a location which obstructs the clear sight triangle necessary to safely ingress and egress from one public or private street, or driveway to another public or private street or driveway.

• Shall not be placed in a location within five (5) feet of existing traffic control signs or other features, or so as to obstruct the necessary clear sight lines to said features.

• Shall not exceed nine (9) square feet with no single dimension greater than three (3) feet.

• Shall not be placed within five (5) feet of: any building doorway extended from the property line to curb; the intersection of any sidewalk with another sidewalk measured from the back of the sidewalk; any portion of a handicapped access ramp, whether on private property or public right-of-way; any portion of a driveway, including the flares; any handicapped parking zone or transit zone.

• Shall not be placed within ten (10) feet of any fire hydrant, street light pole, or traffic signal equipment (including poles and control boxes).

• Shall not be installed on or result in the destruction, damage, or removal of any part of a distinctive sidewalk. For purposes of these rules and regulations, "distinctive sidewalk" shall include but not be limited to a pavement of granite, slate, bluestone, brick, etc.

• Shall not be located so as to interfere with the normal operations of a fire escape nor where it will obstruct or impede the free ingress or egress of individuals seeking to use same.

• Shall not be installed in such a manner so as to affect the structural integrity of an underground vault, basement, sewer or other feature, or be located within five (5) feet of any existing ingress and egress thereto.

3.1.2.2 Deadline for the Submission of a Street Excavation/Occupancy Permit Application By Persons With Existing Pay Telephones Within The Public Right-Of-Way: Pay telephone service providers that have been determined by the Public Service Director to have illegally placed pay telephones within the public right-of-way shall upon the approval and issuance of a Right-of-Way Permit submit a Street Excavation/Occupancy Permit application for each location where an illegally placed pay telephone exists within the public right-of-way. Said submissions shall be made in accordance with Chapter 903 of Columbus City Code, the General Rules and Regulations associated thereto, as well as the additional Street Excavation/Occupancy Permit application requirements described within Section 3.1.2 of these rules and regulations.
These submissions shall be made within thirty (30) days of a Right-of-Way Permit having been issued in their name. Applications for the approval of illegally placed pay telephones within the public right-of-way shall be reviewed as if submitted for proposed locations. Only those locations that meet the standards for proposed pay telephone installations as described within these rules and regulations shall be approved. All others shall be denied and an order for their immediate removal issued.

Failure to comply with these requirements will result in immediate orders for the removal of your facilities from the public right-of-way, and/or the commencement of other legal action.

4. Finding of Public Nuisance: Upon receipt of a complaint concerning any public pay telephone, the Director, or their designee, shall initiate an investigation. Where said complaint alleges a nuisance due to illegal activities, the Director shall request the assistance of the Public Safety Director in this investigation. This investigation shall seek to determine whether the installation, maintenance, or use of the public pay telephone constitutes a public nuisance.

A pay telephone shall constitute a public nuisance when the Director, or his/her designee, determines that one or more of the following conditions exist:

- The pay telephone has been used in the commission of illegal drug transactions or, the soliciting, agreeing to engage in, or engaging in any act of prostitution; or, the commission of other criminal activities, or substantially contributes by its presence to the commission of illegal drug transactions or other criminal activity as evidenced by significant numbers of such crimes occurring in the vicinity of the telephone.

- The existence of the public pay telephone has resulted in the congregation of persons who have made loud noises or other disturbances which have disrupted persons residing near the telephone, or disrupted business enterprises located near the telephone.

- The existence of the public pay telephone has resulted in the congregation of persons who have interfered with pedestrian or vehicular traffic in the public right-of-way near the telephone, or have interfered with ingress to or egress from a building, parking lot, or other private property.

- Usage of the public pay telephone between the hours of 11:00 P.M. and 8:00 A.M. is significantly and repeatedly above normal usage for similarly situated public pay telephones during the same hours so as to indicate that the telephone is being used in the commission of illegal drug or other criminal activity.

- The existence of the outdoor pay telephone has substantially contributed by its presence to the congregation of persons consuming alcoholic beverages, or consuming illegal or controlled substances;

- The pay telephone has been used to abuse the 911 system.
The owner of the public pay telephone has failed to keep the phone and its appurtenances clean, free of graffiti, and in good repair.

The pay telephone and/or its users restrict available sidewalk width to a dimension of less than seven (7) feet on arterial roadways or six (6) feet on all others.

The pay telephone was illegally placed within the public right-of-way.

Upon a determination by the Director that a particular pay telephone within the public right-of-way constitutes a public nuisance, the Director shall issue orders to the pay telephone service provider advising them of the situation and stipulating the actions deemed necessary to eliminate said nuisance. Said required actions could include any one, or combination of, the following:

- Remove said pay telephone
- Install and/or initiate specific special telephone service features
- Clean, remove graffiti, stickers, and/or advertising, and/or repair said pay telephone

Nothing in these rules and regulations shall preclude the Director from ordering the removal of a telephone without first requiring the implementation of special features.

5. **Director’s Orders:** Upon receipt of an order by the Director to remove a pay telephone, to install and/or implement special telephone service features to a pay telephone, or to clean, repair, remove graffiti or advertising, etc. from a pay telephone, the pay telephone provider shall remove said outdoor pay telephone, implement such special features, or perform said maintenance at the earliest moment possible, but in no case more than fourteen (14) days from their receipt of such notice.

Orders to remove, to install and/or implement special telephone service features, or perform necessary maintenance and cleaning shall be issued to the pay telephone service provider’s single point of contact, as designated within their Right-of-Way Permit, by way of certified mail.

5.1 **Pay Telephone Removal and/or Maintenance by the City:** Pay telephones that are not removed, or modified with special telephone service features, in accordance with Director’s Orders within the designated fourteen (14) day compliance period shall be subject to immediate removal by the City of Columbus at the owner’s expense.

Pay telephones that are not cleaned in accordance with Director’s Orders requiring that they be cleaned and free of graffiti, stickers or advertising within the designated fourteen (14) day compliance period shall be subject to being cleaned or removed by the City at the service provider’s expense. Failure to reimburse the City for cleaning a pay telephone that the service provider failed to maintain in a clean condition, within thirty (30) days of invoice by the City, shall subject that pay telephone to immediate removal by the City at the owner’s expense.
Any pay telephone removed by the city pursuant to this section may be reclaimed by its owner within thirty (30) days after its removal upon payment to the City of all removal costs associated with said pay telephone. In addition to the City’s actual costs for removing said pay telephone, such costs shall also include the cost of removing any installation ancillary to the pay telephone and the cost of restoring the property to its original condition. Requests to reclaim confiscated facilities shall be made to Transportation Division.

Outdoor pay telephones not re-claimed after thirty (30) days shall be deemed forfeited to the City of Columbus. The City may dispose of all forfeited pay telephones as it sees fit and keep any money found within them.

6. Appeal Procedures:

6.1 Denied Right-of-Way Permits: Unsuccessful applicants for a Right-of-way Permit may appeal said decision in accordance with Section 910.04 of Columbus City Code and the General Rules and Regulations for Chapter 910.

6.2 Denied Street Excavation/Occupancy Permits: Unsuccessful applicants for a Street Excavation/Occupancy Permit to place a pay telephone within the public right-of-way may appeal the Transportation Division Administrator’s decision by submitting a written request for appeal to the Director. Said submission shall include a letter of explanation detailing the reasons provided by the Transportation Division Administrator for denying said permit and an explanation as to the applicant’s reasons for believing said permit should be issued.

The Director shall then review the matter and after affording the applicant an opportunity to be heard either in person or in writing render a final determination within thirty (30) days of the filing of the appeal, unless such period is waived by the applicant. Except to the extent otherwise appealable by law, the Director’s decision shall be considered final.

6.3 Removal Orders/Orders to Install Special Telephone Service Features: Pay telephone service providers who receive a Director’s Order to remove a pay telephone, or to initiate or install special telephone service features on pay telephones within the public right-of-way may appeal said decision by filing a written appeal with the City’s Right-of-Way Board during their fourteen (14) day compliance period for making such changes.

The subject pay telephone service provider shall then have an opportunity to present their objections at the next regularly scheduled meeting of the Right-of-way Board. Except to the extent otherwise appealable by law, the Right-of-Way Board’s decision shall be considered final.

Should the Right-of-Way Board uphold the Director’s Order, the pay telephone service provider shall from the date of notice have seven (7) days to remove, or make the service changes requested to, the pay telephone in question.
If the pay telephone service provider fails to correct the violations within the prescribed seven (7) day compliance period following an unsuccessful appeal, the pay telephone shall be subject to immediate removal by the City of Columbus at the owner's expense.

6.4 Appeal Determinations: All appeal decisions shall be issued to the pay telephone service provider's single point of contact, as designated within their Right-of-Way Permit, by way of certified mail.

7. Penalties: Whoever violates any provision of these rules and regulations shall be subject to the penalties described within Section 910.99 of Columbus City Code.

APPROVED

[Signature]
TRANSPORTATION ADMINISTRATOR

[Signature]
PUBLIC SERVICE DIRECTOR

11/13/05
DATE

11/18/05
DATE