

GENERAL POLICY AND PROCEDURE

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF INFRASTRUCTURE MANAGEMENT
CITY OF COLUMBUS, OHIO

SUBJECT: Basement Vaults in the Right-of-Way

EFFECTIVE DATE: March 13, 2023

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BY: Jennifer Gallagher, Director

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- I. **PURPOSE:** The purpose of this policy is to establish requirements and procedures for existing Basement Vaults and projects involving a Basement Vault.
- II. **APPLICABILITY:** "Basement Vaults" or "Vaults" are defined as: the underground portion of a building that extends into the public right-of-way, typically beneath the sidewalk and/or street. The provisions of this policy shall apply to all areas of public right-of-way, but shall not apply to Public Utility facilities maintained in public right-of-way pursuant to City of Columbus Streets, Parks, and Public Services Code set forth in Title 9. Basement Vaults are considered part of the building or structure and, therefore, must comply with all City of Columbus Building Codes set forth in Title 41.

All ownership and maintenance responsibility for Basement Vaults and responsibility for any property within the Basement Vault belongs to the Owner of the building. The City retains the right to revoke the right to use and occupy any Basement Vault in the right-of-way at any time for any reason, per Ordinance 21.592 (see 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."

- III. **BACKGROUND:** In the early 20th century, per Ordinance 21.592 passed February 8, 1904, the City allowed the practice of placing underground space in the right-of-way for private use. Today these spaces may contain utilities, storage, or other private use such as offices, cafeterias, and restroom facilities, while others are forgotten and left to deteriorate. It has become necessary for the City to document the locations of all Basement Vaults for the following reasons: aging and deteriorating basement vaults pose a threat to the safety of pedestrian and vehicular traffic; as previously designed, some basement vaults may not have the capacity to carry modern vehicular loads including delivery and food trucks that may park on the sidewalk and edge of roadway; discovering a Basement Vault during construction of a City sidewalk or streetscape project due to a lack of proper documentation often leads to issues including major project delays, extraordinary

unplanned costs of vault repairs for its Owner, and restricted access to business entrances located near the sidewalk or street covering the Basement Vault. Regardless of how an undocumented Basement Vault is discovered, it is the Owner's responsibility to ensure compliance with the requirements of this document.

- IV. **SUMMARY:** It is the responsibility of all Basement Vault Owners and Project Owners to:
1. Determine whether their building or their project has a Basement Vault.
 2. Alert the City of the existence of said Basement Vault.
 3. Follow the procedures described in Section V of this document corresponding with the Vault Owner's intention for their Basement Vault and provide the City with correct documentation. Project Owners and Basement Vault Owners must move through these 4 steps in an appropriate amount of time, as determined by the City.
 4. If the Basement Vault is to be maintained in its current state, Owner must comply with Inspecting and Reporting as described in Section VIII.

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

V. **GENERAL PROCEDURES FOR BASEMENT VAULTS:**

The City regards filling Basement Vaults as the preferred action. However, there may be cases where the City will allow the Basement Vault, or portions of it, to remain based on the hardship of removing it, such as an extraordinary cost in relocating utilities. The following sets forth the proper steps and procedures Owners must take depending on the desired course of action.

A. If the entirety of the Basement Vault under the right-of-way is to be filled, Owner shall:

1. Obtain a 903 Excavation Permit from the Department of Public Service.
2. Submit construction drawings to fill the Basement Vault for approval by the Department of Public Service Permit Office.
3. Append the E-plan that may relate in any way to other corresponding work. Otherwise an E-plan is not necessary if the entirety of the Basement Vault in the right-of-way is being filled.

B. If a portion of the Basement Vault is to remain in use by the Owner under the right-of-way without any structural repairs necessary:

1. The Owner must apply for permission from the Department of Public Service to allow the Basement Vault to remain in use. The application must include the following documents in order to be considered:
 - a. A hardship letter that would document why the Owner/applicant is requesting the Basement Vault remain in use.
 - b. A structural letter and/or a structural plan as applicable, signed and sealed by a Professional Engineer registered in the State of Ohio, stating the following:
 - i. The Basement Vault to remain and its ceiling are safe as-is and will be after any other proposed work.
 - ii. Confirmation that the vault is at a minimum designed for HL-93 loading (see Exhibit D for sample plan sheets).
 - c. If a portion of the Basement Vault is being filled, construction drawings for filling that portion, with the portion of the Basement Vault remaining in use

distinctly marked in the drawings.

2. After Step 1 is complete, the Property Owner must obtain, and make payment for, an encroachment easement (see example Exhibit B) for the portion of the Basement Vault remaining in use under the right-of-way.
3. After Step 2 is completed, follow Inspection and Reporting guidelines set forth in Section VIII of this document.

C. If a portion of the Basement Vault is to remain in use by Owner under the right-of-way with any structural repairs necessary to meet the design requirements

1. The Owner must apply for permission with the Department of Public Service to allow the Basement Vault to remain in use. The application must include the following documents in order to be considered.
 - a. A hardship letter that would document why the Owner/applicant is requesting the Basement Vault remain in use.
 - b. An E-Plan describing the structural work being done to the portion of the Basement Vault remaining in use under the right-of-way, including a title sheet, structural plan, reviewing signatures, and any other sheets deemed necessary (see Exhibit D for sample plan sheets).
 - c. A structural letter and/or structural plan as applicable, signed and sealed by a Professional Engineer registered in the State of Ohio, stating the following:
 - i. The vault and its ceiling are safe after structural repairs and any other proposed work is complete.
 - ii. Confirmation that the Basement Vault with the repairs described in the E-Plan is at a minimum designed for HL-93 loading.
 - d. If a portion of the Basement Vault is being filled, this must be reflected in the E-plan.
2. After Step 1 is complete, the Owner must obtain, and make payment for, an encroachment easement (see Exhibit B).
3. After Step 2 is complete, Owner must follow Inspection and Reporting guidelines set forth in Section VIII of this document.

VI. GUIDELINES FOR BASEMENT VAULTS ENCOUNTERED DURING A PRIVATE PROJECT: The following guidelines for Basement Vaults encountered during a private project will supplement the Procedures for Basement Vaults described in Section V above.

- A.** The Project Owner shall be responsible for identifying and/or personally verifying the existence of Basement Vaults within the project limits.
- B.** The Developer or Project Owner must coordinate with the Basement Vault Owner to ensure all corresponding requirements in Section V are being met.
- C.** The City encourages Basement Vault Owners to take advantage of any opportunity, such as a building renovation or sidewalk improvement project, to fill in any portion of the vault under the right-of-way.
- D.** If a Basement Vault exists within the project limits of a private project, construction may not begin until the proper procedures described in Section V have been followed and corresponding requirements met.

- E.** If all or a portion of the Basement Vault is to be filled in, and any work in the scope of the private project triggers an E-plan, work to fill in the Basement Vault must be documented as part of the E-plan.
- F.** If the project requires a Final Site Compliance Plan (FSCP), the City will notify the applicant and hold the FSCP Approval until the proper procedures regarding the Basement Vault have been followed.
- G.** 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 way to an alleged deficiency with the vault. (See Exhibit C).
- H.** New or upgraded private utilities shall be outside of the right-of-way and not in the Basement Vault.
- I.** The Basement Vault must be properly shown in all plans submitted to the City for review.
- J.** Ultimately, the City retains the right to run utilities through and/or remove the Basement Vault anytime the City deems it necessary.

VII. GUIDELINES FOR BASEMENT VAULTS ENCOUNTERED DURING A CITY OF COLUMBUS CIP: These following guidelines for Basement Vaults encountered during a capital improvement project will supplement the general procedures for Basement Vaults described in Section V above.

- A.** During survey, the City's Design Consultant (Consultant) shall be responsible for identifying and/or personally verifying the existence of Basement Vaults that appear to be in conflict with the project. This will be accomplished through building basement access and property research which includes review of the City of Columbus' GIS data.
- B.** The Consultant shall not accept the word of anyone other than the Property Owner, or their authorized representative, as to the non-existence of a Basement Vault. Where this confirmation cannot be made, access to the building's basement should be sought for the Consultant's verification and survey purposes. Where access is denied, immediate written notification shall be provided to the City's Design Project Manager (DPM). The City will issue a notice to the Property Owner regarding the discovery of the Vault. The Consultant shall keep a record of building addresses, Basement Vault Owners spoken with, results, and physical verification relating to Vaults. The Consultant shall provide a list of discovered Vaults to the City.
- C.** If the Consultant determines that a conflict exists between the proposed CIP design and an existing Basement Vault, the Consultant shall provide immediate written notice to the DPM. The DPM shall then notify the Owner that a conflict exists and of the City's intent to determine an acceptable solution. The design consultant shall implement the proposed design resolution in the project plans.

VIII. INSPECTION AND REPORTING

- A.** Per Ordinance 21.592 (Exhibit A) Basement Vaults may be inspected at any time upon

request by the City. Basement Vaults may also be subject to inspection requirements associated with an Encroachment Easement.

- B.** Basement Vaults fall under City Code Sections §4109.073, §4109.075, §4109.077 and other applicable codes. An inspection report must be provided to the City as part of the Building and Zoning Services Critical Observation Reports. Additionally a record of this inspection and report must be provided upon request to the City of Columbus Department of Public Service.

IX. NOTICE OF VIOLATIONS

- A.** In the event a Basement Vault becomes unsafe to the general public or causes damage to the public right-of-way, the Property Owner needs to take immediate remedial action to restore the Basement Vault and public property to safe condition, adhering to the procedures described in this document
- B.** If a Basement Vault Owner does not take action to immediately restore the public right-of-way upon damage caused by a Basement Vault, the City of Columbus Department of Building and Zoning Services or the Department of Public Service may issue an Order requiring the Property Owner to fix the Basement Vault, which would also include fixing the sidewalk or other items associated with such repairs.

X. EXHIBITS (attachments):

- A.** Ordinance No. 21.592
- B.** SAMPLE Encroachment Easement
- C.** SAMPLE Letter of Indemnification
- D.** Sample Plan

APPROVED BY



Director

Date: 3-13-23